

**MGS 4320
LEGAL ENVIRONMENT OF HRM
FALL 2007**

Instructor:	Dr. Kay Bunch	Schedule:	Thursday 7:15-9:45
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COURSE DESCRIPTION

This course examines the legal environment that directly affects the human resource management functions of organizations. Federal, state and local legislation and important court and administrative decisions are highlighted, especially recent developments, for their impact upon managerial decision making. In addition to anyone interested in a career in HRM, this is an essential course for any manager who wants to understand the legal implications, including personal liability and imprisonment, of poorly designed and implemented HRM policies and programs.

CTW DESIGNATION

This course is a designated Critical Thinking through Writing (CTW) course. It is designed as the senior-level “second” course for students majoring in Managerial Sciences with a concentration in Human Resource Management. Students matriculating to Georgia State on or after Fall Semester 2009 must satisfy the CTW requirements as set out in the Undergraduate Catalog.

uLearn

The class website includes the syllabus and topic outlines with learning objectives and links to **required** readings highlighted **in yellow**. To login to uLearn (formerly WebCT/Vista), use your Georgia State University email user name. To obtain your university email user information, go to [Student Computing Services](#). Then go to [uLearn \(WebCT-Vista\)](#) to access this course. If you are new to uLearn, visit the [Getting Started](#) page.

LEARNING OBJECTIVES

Recognize the legal implications and potential risks of poorly designed and implemented HRM policies and programs.

Examine the development of legislation, case law, regulation, and research in the human resource legal environment.

Learn specific techniques for analyzing situations, diagnosing problems, and developing solutions.

Develop better writing and critical thinking skills.

COURSE REQUIREMENTS AND GRADING

2 exams @ 25% each		50%
9 quizzes @ 5% each, drop 2 CT 'rewrites'		35%
Two on-line assignments @ 7.5% each		15%
89 – 93.999 = A-	94 – 100 = A	
79 – 82.999 = B-	83 – 85.999 = B	86 – 88.999 = B+
69 – 72.999 = C-	73 – 75.999 = C	76 – 78.999 = C+
60 – 68.999 = D		
0-59.999 = F		

There will be 9 short case/discussion quizzes designed to test your ability to identify, analyze, and discuss “real world” HR legal issues, 2 online writing assignments, and 2 multiple-choice exams. These exercises will also be evaluated for your critical thinking ability. Critical thinking skills are a key part of effective legal reasoning. Your ability to think critically about the situations in the short cases/discussions will have a significant impact on your resulting grade. Therefore, in addition to grades on your knowledge of the relevant cases, laws and regulations and the impact of these on the participants, you will receive feedback on how well you are using critical thinking processes you illustrate through the writing of your answer. In two of these cases you will be given a “re-write” opportunity where you have a poor score. A higher quality re-write will remove this score from your final grade calculation.

Email

I check my email everyday. **Please** send a reminder if I fail to respond within 24 hours.

Special Needs

Georgia State University complies with Section 504 of the Rehabilitation Act and the Americans with Disabilities Act. Students with disabilities who seek academic accommodations must first take appropriate documentation to the [Office of Disability Services](#) located in Suite 230 of the Student Center. Students with special needs should then make an appointment with me during the first week of class to discuss any accommodations that need to be made.

Academic Honesty

Behavior consistent with College and University policies on academic honesty and treatment of members of the University community is expected of all. Cheating, plagiarizing, submitting the same material for credit in more than one class, and other deceptive conduct with respect to a student’s work output will be dealt with according to the University Policy on Academic Honesty, as set out in the Undergraduate Bulletin and on the GSU and RCB websites. Transgressions will be handled in accordance with College and University procedures.

Plagiarism and misrepresentation of work are serious offences, which can lead to expulsion and a grade of “F” for the course. Plagiarism includes, but is not limited to, taking material from any source written by another and presenting it as your own by failing to indicate full and accurate attribution to the correct author/creator. This includes marginally altering material taken from another source and calling it your own creation. Plagiarism includes material taken from internet sources. Proper citation requires quote marks or other distinctive set off for the material, followed directly by a reference to the source. The source details may be in the footnotes/endnotes/reference section, but only listing a reference without proper indication in the text is not proper attribution and can be considered plagiarism. Misrepresentation of work includes, but is not limited to, presenting material that was prepared for another class or outside work as an original work product that was produced for this class. All work turned in for this class is represented by the student(s) to be original material prepared in fulfillment of this course’s requirements.

Students in the Robinson College of Business should anticipate and expect that any and all cases of fraud, plagiarism, misrepresentation of work, or any action that violates the University Policy of Academic Honesty or other University policies, will result in disciplinary proceedings being against the student(s) involved. Group members should be mindful that by placing your name on a group project you are representing ALL of the material included.

Other Notes of Importance

The instructor will use the students’ GSU e-mail addresses (as shown in GoSOLAR) as the primary means of communication. Students should therefore check their GSU e-mail accounts at least on a daily basis.

Beepers, cell phones and similar devices should be turned off (not down) or put in vibration mode at the beginning of the class. E-communication devices should not be used during class.

A refreshing beverage can be brought to the class, however, the eating of food during class time is not allowed.

All students are to conduct themselves consistent with University policies concerning behavior in the classroom and toward others in the University community. Students should consult their student handbook, "On Campus", for details on these policies.

There will be a ten minute break during most classes. It will occur at about the mid-point, but may vary based on the flow of the material.

SCHEDULE

THE SYLLABUS PROVIDES A GENERAL PLAN FOR THE COURSE; DEVIATIONS MAY BE NECESSARY

8/23	Employee or Independent Contractor
8/30	Torts Employment at Will
9/6	Employee Rights
9/13	Safety Workers' Compensation
9/20	Labor
9/27	Compensation
10/4	EXAM Make-up will be available only on 12/13 – NO EXCEPTIONS!
10/11	Title VII of the Civil Rights Act of 1964 Harassment
10/18	Discrimination Based on Sex Discrimination Based on Race
10/25	Discrimination Based on Religion Discrimination Based on National Origin
11/1	Discrimination Based on Age Discrimination Based on Disability
11/8	Email analysis by 11/12 @ 7:00 PM
11/15	Recruiting & Affirmative Action Selection
11/22	THANKSGIVING
11/29	Performance Appraisal Training
12/6	EXAM Make-up will be available <u>only</u> on 12/13 Email analysis by 12/12 @ 7:00 PM
12/13	MAKE-UP EXAM

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Examples of Short Assignments
(To be written at the start of classes nine times during the semester)

1. Henry Blackfox, Cherokee Native American and GSU graduate with a degree in finance, applied for the job of branch manager at a local bank in Atlanta. His parents and grandparents were born and raised in north Georgia so he was very excited about working near his family. Although he was the most qualified, the bank said that the job was his only if he agreed to change his current hair style (decorative braids traditionally worn by his ancestors) to one more "conservative." He refused and filed suit charging the bank with illegal discrimination based on race, sex, and national origin discrimination.

? Under what circumstances does he have a case? Why?

2. While fighting a fire, a Gwinnett county firefighter suffered a serious fall when a floor gave way. He developed epilepsy because of trauma to the brain. He became despondent upon learning that he could never again work as a firefighter. As his seizures and terrible headaches became more frequent and nearly six months after the accident he attempted suicide. His suicide attempt triggered a stroke which caused substantial paralysis on his left side.

Is it likely that his stroke is covered by workers compensation? Explain.

3. A video camera aimed at the loading dock of Packages R Us (PRU), where packages are loaded onto trucks for delivery, records Phillip Murray, a line employee, stealing laptop computers being shipped from the computer manufacturer to customers. Based on the tape, factory officials searched Murray's locker and found two stolen laptops. Murray was fired immediately.

Does Murray have grounds for a lawsuit, especially since employees were not told of the cameras? Explain.

4. Jeff Ryan, a software engineer, worked for Lockheed Missiles and Space Company in Sunnyvale, California. Ryan received "Excellent" ratings for 10 years. In 2001, he got a new manager, Albert Parisi, who against the advice of Human Resources, changed Ryan's job duties and re-ranked Ryan from second best from the top to second worst among 49 employees. Lockheed used a relative rating system that required managers rank subordinates from best to worst based on ratings determined by the graphic rating scale shown below. Ryan received "Poor" ratings in every category. The new manager also re-ranked other African-American employees lower. Eventually, Ryan and other African-Americans sued Lockheed for race discrimination.

Explain why the current system led to Lockheed's legal troubles. Explain the weaknesses of the current system.

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On-Line Scenario Write-up Example

Nidds, a 59-year-old white male, had been a gaming dealer at a Las Vegas casino for 35 years. In 1989, he was diagnosed with rheumatoid arthritis in his knees and feet. Nidds' physician prescribed various anti-inflammatory drugs. However, over the past five years, he found it increasingly difficult to stand during dealing shifts. In January 2003, he requested one of the following accommodations:

Sit while dealing

Deal at the table for disabled players, where dealers sit.

Take a lower stress shift (the day shift was not as busy as Nidds' current evening shift)

His supervisor refused his request, stating that Nidds was just "burned out after 35 years on the job." Over the next six months, Nidds was unable to complete his shift on four occasions because of severe pain in his knees and feet. On July 18, 2002, Nidds was fired for poor performance. Nidds has sued the casino for discrimination based on age, sex, and disability and has charged the company with violating the Family and Medical Leave Act.

Facts:

The casino has 500 employees.

Nidds received excellent performance ratings until 2003.

Based on the assumption that standing looks more "professional and energetic," the casino requires that all dealers stand.

Because many dealers want to sit. The casino said granting Nidds' request would "set a bad precedent" and require that everyone be allowed to sit.

The casino reserved the day shift for less experienced dealers because the pace was slower.

Many dealers asked to work the day shift, especially women with young children. The casino said that making an exception for Nidds, a very experienced dealer, would "create an uproar among the women."

The average age of the casino's dealers is 32 years.

Nidds is the oldest dealer in the company.

Gaming supervisors oversee the gaming operations and personnel in an assigned area. They circulate among the tables and observe the operations to ensure that all of the stations and games are covered for each shift. It also is not uncommon for gaming supervisors to explain and interpret the operating rules of the house to the patrons who may have difficulty understanding the rules. Gaming supervisors also may plan and organize activities to create a friendly atmosphere for the guests staying in their hotels or casino hotels; and, periodically, they address and adjust service complaints.

Gaming dealers operate table games such as craps, blackjack, and roulette. Standing or sitting behind the table, dealers provide dice, dispense cards to players, or run the equipment. Some dealers also monitor the patrons for infractions of casino rules. Gaming dealers must be skilled in customer service and in executing their game. Dealers determine winners, calculate and pay winning bets, and collect losing bets. Because of the fast-paced work environment, most gaming dealers are competent in at least two games, usually blackjack and craps.

Does Nidds have grounds for a lawsuit based on the information provided? In answering this question be sure to identify the critical facts, the laws and regulations that should be used in deciding whether a case could exist, and how, based on the analysis of those items, you reached your conclusion.

This is to be prepared in a Business Memo format of three pages.

Rubric for Human Resource Law Scenario Cases

Criteria	Absent 1	Not Yet Competent 2	Competent 3	Sophisticated 4	Score
Identify Relevant Facts	Fails to distinguish relevant from trivial facts. No use of critical thinking shown in analysis	Does not identify many relevant facts and /or has no or little CT support for choices made.	Identifies many relevant facts with some proper CT logic supporting the choices made	Identifies most relevant facts with clear CT logic that supports the choices made.	
Specify Legal Issues	Does not specify the legal issues.	Hints at some the legal issues.	Specifies most of the legal issues.	Specifies all legal issues.	
Discuss Legal Principles	Ignores or inaccurately discusses all or almost all relevant cases, statutes, and regulations relevant to the scenario.	Superficially discusses most relevant cases, statutes, and regulations, relevant to the scenario with little or no logical use of these in the conclusions.	Systematically discusses many relevant cases, statutes, and regulations, and shows the basis of their relevance to the scenario.	Systematically discusses most relevant cases, statutes, and regulations, shows the basis of their relevance to the scenario, and identifies the resulting impacts on employees and employers, the burden of proof, and employer defenses.	
Draw Reasonable Conclusions	Conclusions based on misconceptions of legal and HRM principles or on personal opinion.	Few conclusions supported by relevant legal and HRM principles.	Most conclusions supported by relevant legal and HRM principles.	All or nearly all conclusions supported by relevant legal and HRM principles.	
Clarity and Organization	Writing incoherent and ideas illogically arranged.	Few ideas logically arranged. Writing often unclear.	Most ideas logically arranged. Writing generally clear.	Ideas logically arranged. Writing clear and precise.	