Employment Law and the Future of Work (HON 3260)

INSTRUCTOR
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COURSE DESCRIPTION
Work is changing. What used to be steady, 9-5 jobs with a single employer and an expectation of longevity and promotion have been replaced for many workers with “gig” jobs, employment as independent contractors, part-time employment or temp work, and employment mediated by various online work distribution platforms. However, employment law has not kept pace. The major federal laws that govern the work relationship were passed multiple decades ago. While some legal requirements have changed around the edges, the rights and protections that cover wages and hours, discrimination, union organizing, and workplace safety have remained basically unchanged. In the words of the outgoing U.S. Secretary of Labor, Tom Perez, “The largest question for the next administration and beyond is how we embrace innovation in this dynamic economy while ensuring that the changing nature of work continues to honor the bedrock principle that workers are not in it alone in securing basic protections.” With readings drawn from a variety of disciplines, this course explores the assumptions about the structure of work that are built into employment law, the ways that work has changed over time, and the areas of mismatch where the law fails to reflect and respond to the current realities of work.

All readings will be made available on the course website. Films will be shown in class.

LEARNING OBJECTIVES
By the end of this course, students will have an understanding of:
- The main federal laws that govern the employment relationship;
- The ways in which work and employment are changing in today’s economy; and
- The implications for employment law as the structure of work and the work relationship continue to shift and change.

ASSESSMENT
Students’ course grade will consist of seven components, for a total of 525 possible points:

<table>
<thead>
<tr>
<th>Item</th>
<th>Points</th>
<th>Percentage of course grade</th>
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<tbody>
<tr>
<td>Attendance</td>
<td>100 points</td>
<td>19%</td>
</tr>
<tr>
<td>Class leadership</td>
<td>100 points [50 points each for two assigned classes]</td>
<td>19%</td>
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<tr>
<td>Final paper</td>
<td>100 points</td>
<td>19%</td>
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<tr>
<td>Paper outline</td>
<td>50 points</td>
<td>10%</td>
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<tr>
<td>Paper outline feedback</td>
<td>75 points [25 points each for feedback for Classes 11-13]</td>
<td>14%</td>
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<tr>
<td>Paper outline presentation</td>
<td>50 points</td>
<td>10%</td>
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<tr>
<td>Participation in the life of the Honors College</td>
<td>50 points</td>
<td>10%</td>
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<tr>
<td>Total:</td>
<td>525 points</td>
<td>100%</td>
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Grades will follow the scale listed below. The final course grade is calculated as a percentage of 500 total possible points, e.g. 400 points earned / 525 total possible points = 76% = C. Normal rounding rules apply.

A+ 97-100%; A 93-96%; A- 90-92%; B+ 87-89%; B 83-86%; B- 80-82%; C+ 77-79%; C 73-76%; C- 70-72%; D 60-69%; F 0-59%

Attendance and tardies (100 points): Attendance is required. All absences require documentation to be excused. The attendance grade is calculated as a percentage of the fourteen total classes attended, e.g. 12 classes attended / 14 total classes = 86% = 86 points = B. Three tardies (arrival after roll-taking is complete) constitute one unexcused absence.

Class leadership (100 points): Beginning with Class 2, assigned students will prepare discussion questions and lead part of the class discussion. Each student will be assigned two class leader days over the course of the semester (50 points each). To receive credit, class leaders must post at least one discussion question per assigned reading on the course website at least 24 hours before the start of their assigned class and be prepared to discuss the readings in class.

Final paper (100 points): The final paper must be at least 10 pages long, double-spaced, on a topic of students’ choosing that is relevant to the course. The paper will be graded on both the quality and the content of the writing. Students should pay close attention to the structure and organization of the paper, and make sure to spell-check and proofread to catch incomplete sentences, misspelled words, and missing punctuation. If the paper quotes or paraphrases anyone else’s writing, students must make proper use of quotation marks and citations. The instructor will provide additional guidance about citation style, academic honesty, and plagiarism.

Paper outline (50 points): Students must complete an outline that consists of, at minimum, their proposed thesis (not just a topic), an initial list of sources, and a substantive, “fleshed-out” outline of the argument to be made or information presented in the paper.

Paper outline feedback (75 points): All students must read all outlines scheduled for paper workshops in Classes 11-13 and post at least one point of constructive feedback on each outline on the course website. To receive credit, feedback must be posted on the scheduled paper outlines at least 24 hours before the start of Classes 11-13 (25 points per class).

Paper outline presentation (50 points): During the scheduled workshop for their paper outline, students are expected to present their paper ideas and engage in question-and-answer and discussion with their classmates. Presenters are encouraged to come to the workshop with specific questions or issues on which they need help or would like feedback.

Participation in the life of the Honors College (50 points): At any time during the semester, students are required to participate in at least one Honors College co-curricular offerings, such as Lunch and Learn, Dine and Discover, and/or the Research Essentials series. Announcements of upcoming events will be posted on the course website and disseminated by the Honors College via the weekly Honors Update email and the dedicated Honors College iCollege site. Students must write 1-2 paragraphs of reflection on this experience.

CLASSROOM COMMUNITY

Students are expected to show respect for one another and for the instructor by arriving to class on time and staying for the entire class period, by silencing and putting away mobile devices, and by listening to
and responding thoughtfully and respectfully to all views presented during class discussion. **The instructor will confiscate mobile devices during the class period if they become a distraction.** In addition, students are expected to comply with GSU’s policies on academic honesty, available at http://catalog.gsu.edu/undergraduate20132014/university-academic-regulations/. **The instructor takes issues of plagiarism and use of others’ work without proper attribution very seriously.**

**COURSE SCHEDULE** (subject to change; see course website for specific excerpts to read)

**Class 1:** Course introduction and opening discussion [August 24]

**Class 2:** Employment law primer [August 31]

What does employment law assume about the relationship between the parties? Is employment a contract? Should the law treat it that way?

a. FLSA, discrimination laws [Title VII, ADA, ADEA, GINA], FMLA, NLRA, ERISA, workers’ compensation

**Class 3:** The changing nature and structure of work [September 7]

How are the structure of work and the work relationship changing, and how does the new world of work differ from the assumptions at the heart of employment law?


**Class 4:** Fissuring and joint employment [September 14]

d. IN CLASS MOVIE: Made in L.A.

**Class 5:** Classification and misclassification [September 21]


**Class 6:** Just-in-time scheduling [September 28]


**October 5 class canceled**

**Class 7: Management by algorithm** [October 12]


**Class 8: Hours and benefits in the gig economy** [October 19]


b. Casselman, Ben, *Yes, Some Companies Are Cutting Hours in Response to ‘Obamacare’*, FiveThirtyEight (Jan. 13, 2015).


**Class 9: Unions and other forms of worker organization** [October 26]


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**October 30, 2017: Paper outlines due at 5:00 p.m.** – upload on the course website. Outlines will be scheduled for workshops during Class 11, 12, or 13 and will be available on the course website for the class to read after they are turned in on October 30.

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**Homework for Classes 10-12:** Read the outlines scheduled for each class and post at least one point of constructive feedback on each outline on the course website. To receive credit, feedback must be posted at least 24 hours before the start of each class.

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Class 10: Paper workshop I [November 2]

Class 11: Paper workshop II [November 9]

Class 12: Paper workshop III [November 16]

Class 13: Looking to the future: Insourcing, outsourcing, automation [November 30]


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December 7: Final papers and Participation in the life of the Honors College assignment due at 5:00 p.m. – upload on the course website.

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