



# Contemporary Employment Law (Aspen College)

*C. Kerry Fields, Henry R. Cheeseman*

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Designed for a one-semester course that covers the major aspects of law, the highly teachable

**Contemporary Employment Law** explores the legal essentials of managing a modern workforce. The text identifies the differences between employees and independent contractors, then proceeds through the phases of hiring, promotion, and termination of employment. Modern employment issues covered include selecting employees; whistleblowing; immigration and nationality; covenants not to compete; confidentiality and trade secret agreements; current laws and regulations on pay, disability, and age discrimination; work-family conflicts; privacy; wage and hour laws; worker safety; and global employment. Each chapter features learning objectives, well-edited landmark cases followed by questions, abundant examples, management applications, "Focus on Ethics," Human Resource forms, and more. Students will learn to frame the issues that managers must identify in the workplace. The companion website offers online student support with resources, forms, quizzes, additional assignments, and extracts of pertinent statutes.

The presentation has been streamlined, to make the **Second Edition** even more readable and accessible, thoroughly explaining basic concepts before moving to more complex material. More short cases and practice forms help students learn. New U.S. Supreme Court cases are briefed, including: *AT&T Mobility LLC v. Concepcion* (effect of the Federal Arbitration Act preemption of state laws restricting arbitration of employment claims), *Wal-Mart Stores, Inc. v. Dukes* (class action certification denied), *Thompson v. North American Stainless, LP* (third party retaliation claims against employers), *Staub v. Proctor Hosp.* (employer liable if non-decision maker with discriminatory bias influenced actions of unbiased decision maker), *Duryea v. Guarnieri* (employees right to exercise First Amendment rights), *Kasten v. Saint-Gobain Performance Plastics Corp.* (employee's oral complaint about FLSA violation has filed a claim), *Christopher v. SmithKline Beecham* (whether pharmaceutical salespeople are exempt under the FLSA), and *Perich v. Hosanna* (rights of ministers against their churches). More than twenty new state and federal cases are covered, including *Rainey v. Domino's Pizza* (franchisor's liability for accident caused by franchisee's delivery person), *Does I-XI, Workers in China, Bangladesh, etc. v. Wal-mart Stores, Inc.* (foreign workers not intended beneficiaries of contracts with foreign suppliers over wages, hours, working conditions, and discrimination), *Neessen v. Arona Corp.* (Pregnancy Discrimination Act protects against refusal to hire women who are recently pregnant), *Kuebel v. Black & Decker, Inc.* ( ??? ), *Hispanics United of Buffalo, Inc. v. Carlos Ortiz* (Facebook postings related to workplace conditions as a protected activity), *Tides v. Boeing* (Sarbanes-Oxley whistleblower protection does not extend to communications to the media), *Nixon-Tinkelman v. New York City Dep't of Health and Mental Hygiene* (expansion of duty of reasonable accommodation regarding transfer from a distant to a near work site), and *Nichols v. Dancer* (interests in workplace efficiency may outweigh employee's First Amendment rights). New statutes and regulations enacted since the first edition was published are explored, including Dodd-Frank Wall Street Reform and Act of 2010, Health Care Reform Act of 2010 and its regulations, employers duty to notify employees of their rights under the National Labor Relations Act (NLRA) through a notice mandated by the National Labor Relations Board, and the implementation of Genetic Information Nondiscrimination Act of 2008.

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