



Legal Protection for the Individual Employee (American Casebook Series)

Kenneth Dau-Schmidt, Matthew Finkin, Robert Covington

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This book is intended for courses on the individual rights of workers in the employment relationship, independent of courses on the law governing collective bargaining or employment discrimination. It can be used for one three credit survey course on employment law, or for two related courses on employment law and employee benefits, each of two credits. The book covers the full range of employment law subjects from the nature of the employment relationship, the definition of "employee", pre-employment screening, individual employment contracts, the employment at-will doctrine, exceptions to the employment at-will doctrine, obligations of employees, monitoring and control of employees, the regulation of pay and hours of work (FLSA), state and federal regulation of workers compensation, unemployment compensation, the regulation of occupational safety and health (OSHA), state and federal regulation of unemployment compensation, and the regulation of employee benefits (ERISA).

The book has been substantially updated from the last issue to facilitate teaching and to include such topics as: a separate chapter on the definition of "employee", the Genetic Information Non-discrimination Act (GINA), employee privacy issues in the new information technology, the new restatement of employment law, and the Affordable Care Act (ACA). Where appropriate, the book presents interdisciplinary discussions of employment law problems from historical, sociological and economic perspectives. Efforts were also made to include relevant empirical evidence on important employment law questions. A recurring theme in the book, especially in the introductory chapter and the chapters on individual employment contracts and privacy, is the historical tension in the United States between legal ideologies of "free labor," i.e., of the law as supporting a notion of labor that is "free" to contract for any employer imposed restraints or of the law as supporting a notion of labor that is "free" even from some unreasonable employer demands, with an eye towards equality and fairness. Another recurring theme in the book is when and how is it desirable to intervene in the labor market to address market failures to promote greater income equality, workplace health and safety, unemployment insurance, healthcare insurance and retirement income security.

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