

In addition to the online courses, the Online Master of Jurisprudence in Labor and Employment Law program at Tulane University includes a one-time on-campus Education Immersion Weekend and a master's capstone requirement. Students are required to come to Tulane's New Orleans campus once during the program for a multi-day Education Immersion Weekend.

The Online MJ-LEL program requires students to complete a total of 30 credits, allowing students to graduate in as few as two years. The curriculum is organized as follows:

SEMESTER 1

Students must take both of these required courses:

Legal Analysis I (2 credits)

Legal Analysis I is taught by Professor Jennifer Cooper. This foundational course introduces students to sources and functions of law in our society relating to labor and employment law. The course begins with an overview of the American legal system and sources of law and introduces students to statutory interpretation and plain language analysis. In Legal Analysis I, students will learn to read and interpret statutory law and regulations, read and brief cases, and develop basic legal writing and analysis skills. Students will also learn to find and research legal information through multiple short research assignments focusing on labor and employment law issues. Through multiple short writing assignments such as a case brief, an IRAC essay analyzing a statutory issue, and an e-memo interpreting statutory and regulatory law relating to a labor and employment law topic, students learn to apply statutes and regulations to analyze legal issues relating to labor and employment law.

Introduction To Employment Discrimination Law Principles and Strategies (3 credits)

This course is created and taught by the program director, professor Joel Wm. Friedman, a nationally renowned expert in the field of labor and employment law. It is designed to provide the students with a thorough understanding of all of the legal rules and concepts created by federal and state laws prohibiting discrimination on the bases of race, sex, age, disability, religion, sexual orientation and national origin in a very practical way. The materials will be presented in a manner dedicated to enhancing the ability of present or future human resources professionals to deal with specific problems that continually arise in the workplace. Instruction will be directed towards providing advice on how to deal with and avoid problems in areas, including racial and sexual harassment, religious accommodation, pregnancy and family leave, LGBT concerns, handling EEOC investigations, drafting personnel manuals, avoiding retaliation claims, mandatory and voluntary retirement, disability-based accommodation, and drug testing.

SEMESTER 2

Students must take both of these required courses:

Legal Analysis II (2 credits)

This course builds on Legal Analysis I to introduce students to the relationship between enacted and administrative law and common law. The course continues instruction on legal research methods in finding and analyzing cases and common law. Students learn to read and synthesize multiple cases and learn analogical and policy-based reasoning. Through multiple short writing assignments, such as an e-memo analyzing a statutory issue with case law and a client letter, students learn to apply statutes, regulations, administrative materials, and case law to analyze complex legal issues relating to labor and employment law.

Introduction to Labor Law Principles and Strategies (3 credits)

This course is created and taught by the program director, professor Joel Wm. Friedman, a nationally renowned expert in the field of labor and employment law. It is designed to provide the students with a thorough understanding of the federal and state laws and regulations governing the relationship between the employer, employee and labor union. The material will be presented in a very practical way designed to focus on specific problems and issues that human resources professionals experience in dealing with organized and unorganized workforces and offer very specific and detailed instruction on the proper way to deal with these issues. The topics that will be examined include approaches toward a union-organizing campaign or a union's request for voluntary recognition; creation of joint employer/employee advisory committees; the role of the NLRB and how to avoid and deal with unfair labor practice charges; proper and improper bases for discipline and discharge; lawful and unlawful responses to strikes, picketing, and sickouts; scope and approaches towards the duty to engage in collective bargaining with a union; methods of enforcing or modifying the terms of a collective bargaining agreement; impact of state right-to-work laws; union security agreements; and the use of arbitration and/or mediation as alternative methods of resolving contractual and statutory disputes.

SEMESTER 3

Students must take both of these required courses:

Employment Law (2 credits)

This course will provide students with an understanding of the legal underpinnings of the employer-employee relationship, including the employment-at-will doctrine which is the default setting for the relationship. The course will discuss the limits of the employment-at-will doctrine as well as common legal claims brought in the employment context. It will also explore issues such as privacy expectations of employees and the enforceability of covenants not to compete as well as laws impacting employee compensation and leave.

IP Issues in the Employment Context (3 credits)

Intellectual property issues arise in the employment context from the moment an employee is hired, whether a full-time employee or an independent contractor. If employees create works—websites, inventions, newsletters, etc.—within their jobs, additional issues will arise, both in terms of who owns the creations, but also what materials the employee is using to create those works. Copyrights, trademarks, trade secrets, patents and right of publicity are implicated in the hiring and employing of both individuals and other companies. IP policies related to social media also are important to establish, both for the company in general, and individuals within the company, which should be communicated to employees in an effective way. Finally, situations come up where employees are using equipment at work to create after-hours creations or are creating commercially viable creations at home. Human resources, in administering hiring documents both for employees and independent contractors, should be aware of the legal issues that arise, as well as the policy behind the choices.

SEMESTER 4

Students must take both of these required courses:

Negotiating Skills (2 credits)

Negotiation is a skill. This course sharpens those skills. It focuses on such matters as negotiation styles, emphasis on interests rather than positions, and psychological biases that hinder effective negotiations. Students will be instructed on the use of the negotiation tools and asked to complete negotiation exercises and then called upon to reflect on their experience. These exercises require the students to negotiate with each other. All of the students in the classroom sessions will discuss their experiences and receive input from the instructor.

Employee Medical Leaves of Absence (3 credits)

An employee comes to you with a doctor's note asking for time off from work. Sounds simple, right? Not really. That request could be covered by the Family and Medical Leave Act, the Americans with Disabilities Act, your state's workers' compensation law, your policies, and more. In this class, you will learn how to navigate the often-overlapping legal requirements for medical leave and reinstatement issues. You will also learn how to discuss and document key decisions about the leave in a way that minimizes the risk of litigation.

SEMESTER 5

Students must choose two of the following electives:

EEOC Compliance (3 credits)

This course will build on the knowledge students have acquired in the first semester's Introduction to Employment Discrimination course. One of the most critical jobs of an HR professional is to comply with the mountain of recordkeeping required by the federal EEOC to ensure that employers are complying with the various requirements of Title VII, the Age Discrimination in Employment Act, the Americans with Disabilities Act, and the Equal Pay Act. This course will provide detailed guidance on how to comply with all federal and state reporting and disclosure requirements in order to minimize the chance that the employer will face administrative inquiry or to enhance the opportunity to prevail if an employee ultimately chooses to file a discrimination suit against the company.

Dispute Resolution Skills: Mediating and Arbitrating Contractual and Labor Issues (3 credits)

This course will provide students with a detailed explanation of the legal rules surrounding labor contract enforcement and a practice-oriented exposure to the private processes of contract enforcement—mediation and arbitration. Since many collectively and non-collectively bargained employment agreements contain mediation and/or arbitration clauses, this course will also focus on developing the skills necessary to participate in and prepare for mediation and arbitration of contractual and statutory disputes. Particular emphasis will be on providing instruction on how HR managers should maintain personnel records in a way to minimize contractual disputes and to succeed when disputes arise and are sent to either mediation or arbitration.

Management Training and Skills (3 credits)

One of the essential components of an effective HR department is a training program that offers instruction and training to employees that the company hopes to promote into management positions. This course will offer practical hands-on instruction on how to create and operate a successful management training program. Students will be offered expert training on developing their own management skills and on how to help nurture and develop that skill in their co-employees and future management peers.

Advanced Mediation Skill Training (2 credits)

This course will build on the skills introduced in the course on Dispute Resolution Skills. The students will be offered advanced training by expert mediators on such issues as how to break an impasse; how to construct useful and innovative solutions; how to deal with intransigent employees and their union representatives or attorneys; and how to best represent the company's interest against unrepresented workers without being charged with undue influence.

Advanced Issues in Disability Law (3 credits)

This course will build on that portion of the first semester's course in Introduction to Employment Discrimination Law Principles by focusing more deeply on some of the more difficult issues employers face with respect to their disabled individuals. Students will be offered practical instruction on such matters as how to fulfill the statutory duty to make reasonable accommodation; how to fulfill the company's obligation not to discriminate against a nondisabled employee who is associated with a disabled individual; how to create lawful pre- and post-employment medical testing policies and procedures; creating insurance and nonoccupational disability plans that meet all federal and state requirements; and how to deal with employees who make use of mitigating devices such as glasses, hearing aids, and prosthetic devices. Particular attention will be given to recent statutory amendments that have significantly broadened the employer's obligation in many of these areas.

Social Media Issues in the Workplace (3 credits)

This course will look at legal issues arising out of social media, branding and advertising in the workplace. This includes the use of social media platforms by companies, the relationship between social media and employees, fan and gripe sites, and other issues arising from the use of social media. The course will examine key issues arising in the protection of a company's name, reputation and goodwill. This portion builds off of the introductory materials in the IP survey to think through practical and policy questions that arise within the workplace and, in particular, what HR may encounter. The course will also look at the National Labor Relations Board, social media and hiring practices. The course covers social networking as well, including email and monitoring computer and internet activities. The course looks at First Amendment issues related to social media, both by employees as well as the public. The course also looks at the issue of the right to be forgotten and the impact of this concept with regard to employees and former employees. The course explores questions of advertising, including puffery, verifiable facts, surveys, advertisements for employees, contests and other issues that arise within the workplace.

Promoting Diversity in the Workplace (2 credits)

This course will explore in detail the various federal and state statutory and constitutional issues raised by efforts to promote diversity in the workplace. The course will begin by offering students a solid grounding in the legal rules governing the voluntary and mandatory use of affirmative action and other techniques designed to promote diversity in the workplace. Students will then be offered practical instruction on how to create affirmative action policies that comport with legal requirements and how to develop other facially neutral employment strategies to enhance the ability to attract and retain workers that will add diversity to the workforce.

Contemporary Sex and Gender Issues in the Workplace (2 credits)

This course will build on the employment discrimination course by delving into the particularities of human resources law as it relates to sex discrimination. The course will combine in-depth lectures and examinations of contemporary current events in this area with practical exercises and projects designed to prepare HR professionals for the complexities that may emerge for their employers under sex discrimination law. The course will cover pregnancy discrimination and accommodations in the workplace, personal appearance policies, sexual harassment, transgender persons in the workplace, and affirmative action/diversity in hiring. Each substantive module will be accompanied by a graded project designed to prepare students to aid in employer compliance and ensure positive employee relations. Prerequisite: Introduction to Employment Discrimination Law Principles and Strategies.

Semester 6

Students must take the required capstone course:

Capstone (5 credits)

This course is designed to build upon the doctrinal, practical and strategic knowledge and skills students have acquired during their first five semesters. Students will be assigned to groups of three or four so that they can gain experience in team building, group dynamics and collegial decision-making. Each team will be required to negotiate a collective bargaining agreement with the course instructor who will provide the basic underlying materials and will represent the interests of the fictional labor union. Once that agreement has been executed, each student will be responsible for drafting each of the four additional projects: (a) a grievance and arbitration policy and procedure; (b) a personnel policy; (c) a sexual harassment policy and enforcement mechanism; and (d) a drug-testing policy and enforcement mechanism.

EDUCATION IMMERSION WEEKEND

Students will need to attend at least one Education Immersion Weekend during their time in the program. There will be an opportunity to attend every summer, so students can plan to attend at the beginning of their program or close to the end. It is both a social and academic opportunity for students to meet their classmates, professors, students who are at other points in the program and professionals working in the area of labor and employment law. The occasion will include a keynote speaker, lectures and workshops from industry experts, and a variety of social activities.