

TABLE OF CONTENTS

PREFACE.....	V
ACKNOWLEDGMENTS.....	VII
Chapter One. Introduction to Law Practice	1
I. Introduction.....	1
A. Billing Time.....	1
B. Researching Employment Law	3
II. Establishing the Client Relationship	6
Exercise 1: Interviewing New Clients.....	7
Information for Jan Landry’s Counsel.....	7
Information for Daisy Depot’s Counsel.....	8
Chapter Two. Employment Discrimination	9
I. An Overview of the Lawyer’s Role	9
A. Researching Employment Law	10
Exercise 2: Arrest and Conviction Records	13
Exercise 3: Age Discrimination	17
II. The Administrative Process at the EEOC.....	18
A. Introduction to the Administrative Process at the EEOC.....	18
B. The Charge of Discrimination	20
Exercise 4: The Relationship Between the Charge and the Complaint	21
Charge of Discrimination.....	22
Complaint	23
Exercise 5: Identifying Claims	27
Information for Jan Landry’s Counsel.....	27
Information for Daisy Depot’s Counsel.....	29
Charge of Discrimination.....	31
C. Mediation.....	32
Example of Mediation Opening Statement	34
Exercise 6: Preparing for Mediation	37
Information for Jan Landry’s Counsel.....	37
Information for Daisy Depot’s Counsel.....	39
Charge of Discrimination.....	41
Confidentiality Agreement	42
Mediation Settlement Agreement	43
Exercise 7: Calculating Damages.....	45
D. Settling Claims.....	46
Exercise 8: Settling Claims	47
E. The Position Statement	48
Exercise 9: The Position Statement	49
Position Statement.....	50
F. Exhaustion of Administrative Remedies	56
Exercise 10: Exhaustion of Administrative Remedies.....	57
Chapter Three. Wages, Hours, and Conditions of Work.....	61
I. Introduction to Wages, Hours and Conditions of Work.....	61
A. Researching Wage and Hour Law.....	61
Exercise 11: What Can I Find on the U.S. Department of Labor Website?	63

Exercise 12: Meal Breaks and Rest Periods	65
Exercise 13: Terminating the Employment Relationship/Deductions from Wages.....	67
B. Child Labor—Ages, Hours, and Occupations (Non-Agricultural).....	68
Exercise 14: Child Labor—Ages, Hours, and Occupations (Non-Agricultural)	71
II. Counseling Employers: The Intersection of Wage and Hour Law and the Family Medical Leave Act	72
Exercise 15: FMLA Eligibility.....	75
Exercise 16: FMLA and FLSA Compensable Time.....	77
Nirvana Documentation Regarding FMLA Time	78
Exercise 17: Wage and Hour Compliance and Return from FMLA Leave.....	91
Chapter Four. Individual Employment Rights.....	99
I. Introduction.....	99
A. Job References and Access to Personnel Files	99
Exercise 18: Job References and Access to Personnel Files	101
B. Individual Employment Rights—Privacy.....	102
Exercise 19: Privacy	103
II. Non-Competition Agreements.....	104
Exercise 20: Non-Competition Agreements.....	105
J & A Documentation Regarding Non-Competition Agreement.....	106
Chapter Five. Terminating the Employment Relationship: Group Terminations and Plant Closings	113
I. Introduction.....	113
II. Severance Agreements and the Older Workers Benefit Protection Act.....	115
Exercise 21: Severance Agreements	117
J & A Documents Regarding Its Severance Agreements	118
III. Plant Closing and Layoffs: The Importance of Notice	121
Exercise 22: Final Notice	123
J & A Notices Regarding Plant Closing.....	124