

Vermont Law & Graduate School

OHJD 2025 Residential Classes

Trends in Employment Law – Summer 2025 (1 Credit)

Course Schedule

Class 1 – Friday, June 6 – 11:00 a.m. to 1:00 p.m. (Hotel Champlain, Burlington, VT)

Class 2 – Friday, June 6 – 3:00 p.m. to 5:00 p.m. (Hotel Champlain, Burlington, VT)

Class 3 – Saturday, June 7 – 11:00 a.m. to 3:00 p.m. (VLGS Campus, So. Royalton, VT)

Class 4 – Saturday, June 7 – 3:00 p.m. to 5:00 p.m. (VLGS Campus, So. Royalton, VT)

Overview

This course examines several areas of federal and state law that regulate the employment relationship. Major topics considered include the common law and statutory basis for wrongful discharge claims, employee rights, and labor relations. We will then explore key trends and current issues in employment law, including dispute resolution, covenants not to compete, gig economy issues, and recent changes in federal labor and employment law from the current federal administration.

Instructor

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Expectations and Evaluation

Students will be evaluated on class participation and a final paper. Students are expected to read the assigned material before class, attend every class, and participate actively in class discussion. After the final class, students must complete a 6-10 page, double spaced (1,500 to 2,400 words) final paper to be submitted by Sunday, June 15, 2025, at 11:59 PM. The final paper should be uploaded through the assignment area in Canvas. A prompt for the paper will be provided at the final class.

For the final paper, outside research is not required but permitted and welcome; appropriate in-text citations and references must be used when including a discussion and analysis of any outside sources. Your paper should contain proper grammar, be free of spelling errors, and reflect critical thinking. It should be double-spaced, not including the title page and any references. The title page and references list are not included in the word count. Please use subsections when writing your final essay.

Course Materials

This course does not have a required textbook. Instead, various required and optional readings will be available on the course website or through the links listed below. You should read required readings before class.

Class 1: The Employment Relationship

- A. What Is Employment?
- B. The Common Law of Employment

Reading:

Who is an Employee vs. Independent Contractor, Vermont Dept. of Labor -
https://labor.vermont.gov/sites/labor/files/doc_library/Who%20is%20an%20Employee%20vs.%20Independent%20Contractor.pdf

The “At-Will” Employment Rule, Overview and History, Cunningham Dalman -
<https://cunninghamdalman.com/employment-law/the-at-will-employment-rule/>

Vermont House Bill H.344 -
<https://legislature.vermont.gov/Documents/2026/Docs/BILLS/H-0344/H-0344%20As%20Introduced.pdf>

Pettersen v. MSD, 2021 VT 16 -
<https://www.vermontjudiciary.org/sites/default/files/documents/op20-192.pdf>

Class 2: The Employment Relationship (Cont.)

- C. Statutory Law Governing Employment
- D. Constitutional Law

Reading:

Alphabet Soup, Kim Koratsky - <https://www.fedbar.org/wp-content/uploads/2010/01/alphabet-soup-january-2010-pdf-1.pdf>

Federal Jury Orders Dartmouth Health to Pay More Than \$1.1 Million to Windsor County doctor over her dismissal, Vermont Business Magazine,
<https://vermontbiz.com/news/2025/april/11/federal-jury-orders-dartmouth-health-pay-more-11-million-windsor-county-doctor>

Federal Court sends DH doctor's wrongful termination case to jury, New Hampshire Business Review, <https://www.nhbr.com/federal-court-sends-dh-doctors-wrongful-termination-case-to-jury/>

Optional further reading on the *Porter v. DHMC* case (the Second Circuit Opinion):

https://ww3.ca2.uscourts.gov/decisions/isysquery/1f210ddc-161a-48af-b788-bf08a432cebe/1/doc/20-3894_opn.pdf#xml=https://ww3.ca2.uscourts.gov/decisions/isysquery/1f210ddc-161a-48af-b788-bf08a432cebe/1/hilite/

Loudermill Rights for Public Employees, AFSCME - https://wfse.org/sites/default/files/2025-04/loudermill_hearings_apr_2025_0.pdf

Optional further reading – the *Loudermill* decision:
<https://supreme.justia.com/cases/federal/us/470/532/>

Freedom of Speech (or lack thereof) in the workplace, VA Employment Lawyers, <https://www.vaemploymentlawyers.com/freedom-of-speech-or-lack-thereof-in-the-workplace/>

Class 3: Labor Law

- A. Section 7 Rights
- B. Labor Organizing
- C. Collective Bargaining
- D. Labor Law Trends

Reading:

29 U.S.C. Sec. 157 - <https://www.law.cornell.edu/uscode/text/29/157>

Interfering with employee rights (Section 7 & 8(a)(1)) – National Labor Relations Board - <https://www.nlr.gov/about-nlr/rights-we-protect/the-law/interfering-with-employee-rights-section-7-8a1>

International Union of Elevator Constructors, Local 2 and KONE (Trump Tower dispute), 349 NLRB No. 112 (2007) - <https://www.nlr.gov/case/13-CD-000760> (click on the hyperlink for “Board Decision”)

Vermont Senate Passes Proposal 3, a constitutional amendment to protect the right to collectively bargain - <https://protem.vermont.gov/vermont-senate-passes-proposal-3-constitutional-amendment-protect-right-collectively-bargain>

Vermont Proposal 3 -

<https://legislature.vermont.gov/Documents/2024/Docs/BILLS/PR0003/PR0003%20As%20adopted%20by%20the%20Senate%20Official.pdf>

On May Day, House passes labor rights amendment, heads to 2026 ballot,

Vermont Business Magazine - <https://vermontbiz.com/news/2025/may/01/may-day-house-passes-labor-rights-amendment-heads-2026-ballot>

Class 4: Trends and Current Issues in Labor & Employment Law

- A. Dispute Resolution
- B. Covenants Not to Compete/Other Restrictive Covenants
- C. Gig Work Economy
- D. The First 100 Days of the Second Trump Administration

Reading:

An undeserved Bad Rap? Finding the Fairness in Mandatory Employment

Arbitration, Hon. John G. Browning & Janet Whitney, Univ. of Missouri Sch. Of Law Scholarship Repository (2024) -

<https://scholarship.law.missouri.edu/cgi/viewcontent.cgi?article=1192&context=betr>

Employment Arbitration: A Practical Assessment of Advantages and

Disadvantages, Littler - <https://www.littler.com/press/external-publication/employment-arbitration-practical-assessment-advantages-and-disadvantages>

FTC Announces Rule Banning Noncompetes, US Federal Trade Commission -

<https://www.ftc.gov/news-events/news/press-releases/2024/04/ftc-announces-rule-banning-noncompetes>

Ryan v. Chamber of Commerce of the United States of America, 3:24-CV-00986-

<https://law.justia.com/cases/federal/districtcourts/texas/txndce/3:2024cv00986/389064/211/>

Vermont House Bill H. 334 -

<https://legislature.vermont.gov/Documents/2026/Docs/BILLS/H-0334/H-0334%20As%20Introduced.pdf>

Rights of Workers in the Burgeoning Gig Economy, Matthew C. Reeber - <https://pldolaw.com/rights-of-workers-in-the-burgeoning-gig-economy/>

Vermont House Bill H.461 - <https://legislature.vermont.gov/Documents/2026/Docs/BILLS/H-0461/H-0461%20As%20passed%20by%20the%20House%20Official.pdf>

What Trump's first 100 days mean for HR compliance, Adam DeRose and Courtney Vinopal - <https://www.hr-brew.com/stories/2025/04/29/trump-executive-actions-hr-compliance>