

**Argosy University**  
**COURSE SYLLABUS**  
*PA6012*  
**Law and the Public Sector**

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**Faculty Information**

**Faculty Name:**

**Campus:**

**Contact Information:**

**Office Hours:**

**Short Faculty Bio:**

**Course description:**

This course provides the legal framework for public managers. Students explore legal concepts arising from the United States Constitution and federal, state, and local laws and [regulations] decisions, including Constitutional Law, Administrative Law, Contract Law, and Employment Law. Practical implications for decision making are analyzed.

**Course Pre-requisites:** PA6010 Government, Citizenship, and Society

**Required Textbook/Readings:**

DeLeo. (2009). *Administrative law*. Cengage Learning. eText ISBN-10: 1-4354-0963-9; eText ISBN-13: 978-1-4354-0963-7; Print ISBN-10: 1-4018-5877-5; Print ISBN-13: 978-1-4018-5877-3

**Course length:** 7.5 Weeks

**Contact Hours:** 45 Hours

**Credit Value:** 3.0



### **Program Outcomes:**

1. Communication:
  - a. Communicate the roles and limitations of government at any level (federal, state, local) in specific circumstances. (direct measures)
  - b. Deliver oral, visual, or written presentations to educate or promote projects to diverse audiences. (direct measures)
2. Analytical problem solving: Gather information, discern gaps, develop, and evaluate possible solutions and alternatives regarding political, social, and financial costs and benefits of public sector initiatives. (direct measures)
3. Leadership and motivation:
  - a. Generate shared goals and lead internal and external stakeholders toward those goals. (indirect measures)
  - b. Motivate employees and other stakeholders to perform consistent with the mission of the relevant work unit. (indirect measures)
4. Tactical Management: Execute duties and responsibilities such as: evaluate and supervise employees, reinforce organizational mission, and manage unit budgets. (indirect measures)
5. Interpersonal Effectiveness:
  - a. Establish, build, and sustain effective working relationships with relevant parties to achieve organizational goals. (direct measures)
  - b. Exemplify and teach ethical values and behavior (direct measures)



### **Course Objectives:**

1. Identify and analyze key federal, state, and local laws and regulations that govern specific initiatives. (Program Outcome 2)
2. Communicate the challenges in implementing policies that have conflicting or ambiguous statutes and rules. (Program Outcomes 1, 2)
3. Delineate viable policy options to the primary stakeholders based on relevant law and regulation. (Program Outcomes 1, 2, 3, 4, 5)
4. Communicate legal direction to stakeholders, including seeking expert opinion where appropriate. (Program Outcomes 1, 2, 4, 5)


## Assignment Table

Unit	Topics	Academic Resources/Learning Assessment System Assignments(LASA)/Weekly Assignments
1	Introduction to the Law and Legal Reasoning	<ul style="list-style-type: none"> <li>• <b>Reading Resources</b></li> <li>• <b>Lecturette</b> (<i>Click on Document Link Below</i>) <ul style="list-style-type: none"> <li></li> <li>M1 Lecturette.doc</li> </ul> </li> <li>• <b>Participation Assignment</b> <ul style="list-style-type: none"> <li>○ You work for a city council. One of your city council members is interested in understanding zoning law better. Being an independent sort, she is uninterested in a summary from you: instead, she wants a "one page memo identifying where I should look to find out more about the zoning law that affects our city." Write the memo. [Faculty Note -- outcome expected: at minimum, a reference to city comprehensive zoning ordinances, state law governing municipal zoning, and any relevant case law interpreting the statutes or ordinances. A particularly perceptive student might identify a law review article or legal treatise describing the zoning law in the particular state.]</li> </ul> </li> </ul>
2	Constitutional Law Principles for Public Managers	<ul style="list-style-type: none"> <li>• <b>Reading Resources</b></li> <li>• <b>Lecturette</b> (<i>Click on Document Link Below</i>) <ul style="list-style-type: none"> <li></li> <li>M2 Lecturette.doc</li> </ul> </li> <li>• <b>Participation Assignment:</b> <ul style="list-style-type: none"> <li>○ You work for the state legislature. The House chamber is located on the third floor of the state capitol, one level up from the rotunda, a large open space on the second floor. Lobbyists, citizens, and interest groups have been gathering in front of the House chambers. Sometimes, they get quite loud while the House is in session. They have been know to accost legislators as they enter and leave the chambers, thrusting graphic pictures into their hands and sometimes screaming at them or blocking their way. Mini-demonstrations and vigils have been held, which wholly or partially block the legislator's ability to enter and exit the chambers. The Speaker of the House asks you to prepare a legislative rule banning anyone except registered lobbyists from the front of the House chambers. You tell him that you believe that there might be First Amendment free speech issues with that course of action. He then asks you to prepare a memo describing his options (from most extreme -- a</li> </ul> </li> </ul>

		<p>complete ban -- to least extreme -- impose no regulation on the conduct.) He specifically asks you to evaluate his idea of only allowing registered lobbyists in front of the chamber and banning everyone else. He also asks you to identify the legal exposure (how likely it may be that the regulation would be struck down on constitutional grounds) for each option. He mentions that persons wishing to see legislators have been gathering in front of the House chambers for years, but that lately, it has gotten ridiculous.</p> <ul style="list-style-type: none"> <li>▪ Evaluate the constitutional and political issues raised by the speaker's proposal via a one page bulleted paper or one page narrative.</li> </ul>
<p><b>3</b></p>	<p><b>Constitutional Law Principles for Public Managers</b></p>	<ul style="list-style-type: none"> <li>• <b>Reading Resources</b></li> <li>• <b>LASA 1: (CO1, 2, &amp; 3 @ 25%)</b> <ul style="list-style-type: none"> <li>○ Using the scenario presented in Module 2, write a memo identifying at least five options for the speaker, including the pros and cons of each (policy, legal, political) and your estimate of the legal exposure for each. [Faculty Notes -- Options could include: no regulation (status quo); regulate only based upon noise level (e.g. post a decibel meter); allow gathering but no signs, particularly with sticks; allow gathering but no demonstrations; establish area off to the side of the entrance for persons to wait; prohibit anyone (including lobbyists) from handing anything directly to a legislator; allow only registered lobbyists to be outside the chambers (restrict everyone else to the rotunda -- a traditional public forum.</li> </ul> </li> </ul>

4	<b>Administrative Law</b>	<ul style="list-style-type: none"> <li>• <b>Reading Resources</b> <ul style="list-style-type: none"> <li>○ DeLeo. <i>Administrative Law</i>. <ul style="list-style-type: none"> <li>▪ Chapter 1. Introduction to Administrative Law pp.1-35</li> <li>▪ Chapter 2. Rulemaking -- Legislative Power of Agencies pp. 50-66</li> <li>▪ Chapter 3. Adjudication -- Judicial Power of Agencies pp.104-131.</li> <li>▪ Utah Administrative Procedures Act -- Utah Code Sections 63G-3101 through 63G-3-702 accessible at <a href="http://www.le.utah.gov">www.le.utah.gov</a> under Utah Code/Constitution</li> </ul> </li> <li>○ Utah Administrative Procedures Act -- Utah Code Sections 63G-3101 through 63G-3-702 accessible at <a href="http://www.le.utah.gov">www.le.utah.gov</a> under Utah Code/Constitution</li> </ul> </li> <li>• <b>Lecturette</b> (<i>Click on Document Link Below</i>) <ul style="list-style-type: none"> <li></li> <li>M4 Lecturette.doc</li> </ul> </li> <li>• <b>LASA 2 (15%):</b> <ul style="list-style-type: none"> <li>○ You staff the Utah Legislature's Administrative Rules Review Committee.  Due to retirements and a change in legislative leadership, you have an entirely new committee with no knowledge of Utah's administrative rules process. Your chair has asked that you prepare a PowerPoint or other computer oriented presentation briefing the committee on the administrative rulemaking process in Utah. (She has not asked you for a briefing on the agency adjudication process.) She also wants the presentation to provide the committee with a brief overview of administrative law and the roles that state agencies play in it. Prepare the presentation.  <i>[Faculty notes -- the presentation should provide a brief overview of admin law, emphasizing agency rulemaking, agency adjudication, enforcement, and procedural due process. The presentation should logically explain the Utah rulemaking process from start to finish. (The statute is fairly straightforward.) More perceptive students might discuss emergency rulemaking and the unique legislative review and rules reauthorization process. It is acceptable to allow students to select a state other than Utah; however, please note that Utah was specifically identified due to its relative simplicity.]</i> </li> </ul> </li> </ul>
5	<b>Contract and Procurement Law</b>	<ul style="list-style-type: none"> <li>• <b>Lecturette</b> (<i>Click on Document Link Below</i>) <ul style="list-style-type: none"> <li></li> <li>M5 Lecturette.doc</li> </ul> </li> </ul>

		<ul style="list-style-type: none"><li>• <b>LASA3 (25%)</b> You work for Tucson, Arizona. The City Council seeks to understand the different methods that the city can use to obtain goods and services. They have asked you to prepare a table identifying the different methods that the Tucson Procurement Code allows for them to use to buy goods and services. For each method, they want you to identify: the title or name of the procurement method; a brief the summary of the process that the city must follow under that method; any restrictions on the use of that method or any special requirements attributable to that method; the criteria used to determine to whom the contract is awarded; and, in brief, the advantages and disadvantages of each method. <i>[Faculty notes -- methods include request for bids, request for proposals, sole source, emergency procurement, and reverse auction. The assignment gives the desired column headings. The key here is to provide a document that will allow a non expert to readily grasp the different methods, their requirements, and their advantages/disadvantages. Tucson was selected especially for this assigned due to its procurement code is based on ABA's Model Procurement Code.]</i></li></ul>
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6	<b>Employment Law and Employment Discrimination</b>	<ul style="list-style-type: none"> <li>• <b>Reading Resources</b></li> <li>• <b>Lecturette</b> (<i>Click on Document Link Below</i>) <ul style="list-style-type: none"> <li></li> <li>M6 Lecturette.doc</li> </ul> </li> <li>• <b>Discussion Topics/Participation Assignment:</b> <ul style="list-style-type: none"> <li>○ You are the deputy director of a county information technology department. You have interviewed several applicants for a vacant position. Both are qualified, but one is 25 and one is 45. Your new boss (who is 30) directs you to hire the 25 year old because "everyone knows that no one over 40 knows anything about IT.") He also tells you that his goal is to have no one over 40 working for the department within two years. Is this a problem? How will you advise him?</li> <li>○ You receive a complaint from an applicant of Middle East extraction who was denied a job as a bus driver for a school district. She alleges that she was discriminated against because of her national origin and because she wears a burkha/hijab (a loose body covering and head veil mandated by Muslim law and religious principles). When you talk to the school bus supervisor, he tells you that he didn't hire her because "that head things would cover her vision and make it more likely that she'd get into an accident." Do you have a problem or not?</li> <li>○ You receive a written complaint from a young woman who works with two men, alleging sexual harassment and a hostile and intimidating work environment. You have cameras to monitor the woman's work area and see ample evidence of illegal conduct. When you discuss the problem with the woman's supervisor, she suggests that you should do nothing. She says that she's already advised the young woman that "boys will be boys" and that "to get ahead in this organization as a woman, you need to put up with a lot." Besides, she says, that except for their obnoxious behavior, the two men are good employees, hard workers, and a credit to the agency. Should you defer to the supervisor? What, if anything, must you do?</li> <li>○ One of your employees informs you that he has been suffering from multiple sclerosis and that it has gotten so bad that he will be confined to a wheelchair. He may also miss some work days when his disease makes it difficult for him to get out of bed. He has been a conscientious employee, but the wheel chair will be a hassle and you're leery about the time off he'll need. Can you fire him?</li> <li>○ You work the for the Finance Division and it is the end of the fiscal year. In order to complete all the work necessary to close</li> </ul> </li> </ul>
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		<p>the state's books, you inform your employees that they must work overtime -- work Saturdays with Sundays off. One of your employees comes to you privately and informs you that she is a devout Seventh-Day Adventist. Their Sabbath is on Saturday, and she asks to be excused from working overtime on that day. Must you accommodate her?</p>
7	<p><b>Employment Law and Employment Discrimination</b></p>	<ul style="list-style-type: none"> <li>• <b>Reading Resources</b></li> <li>• <b>LASA 4 (10%)</b> <ul style="list-style-type: none"> <li>○ You are the head of a County Personnel Department. Your county attorney has warned you that county department heads that have been interviewing prospective employees for jobs have been asking the applicants illegal questions. Develop, for distribution to persons interviewing applicants for county jobs, a two column list, one column identifying "legal" or "acceptable" interview questions and one column identifying "illegal" interview questions.</li> </ul> </li> </ul> <p><i>[Faculty notes -- question seeking to identify race, religion, age, pregnancy, etc. are generally illegal. Subtlety and the way the question is framed is important: it is illegal to ask a person's age but not illegal to ask a person's birth date</i></p>
8	<p><b>Course Wrap Up</b></p>	

## Grading Criteria

### *Grading Scale*

<b>A</b>	100 – 93 %
<b>A-</b>	92 – 90 %
<b>B+</b>	89 – 88 %
<b>B</b>	87 – 83 %
<b>B-</b>	82 – 80 %
<b>C+</b>	79 – 78 %
<b>C</b>	77 – 73 %
<b>C-</b>	72 – 70 %
<b>F</b>	69 and below

### *Grading requirements*

<i>Participation</i>	25%
<i>LASA 1</i>	25%
<i>LASA 2</i>	15%
<i>LASA 3</i>	25%
<i>LASA 4</i>	10%
	100%

## **Library**

*All resources in Argosy University's online collection are available through the Internet. The campus librarian will provide students with links, user IDs, and passwords.*

All resources in Argosy University's online collection are available through the Internet. Students can access the online collection by logging into the student portal and clicking on the library link. Library Resources: Argosy University's core online collection features over 48, 889 full-text journals and 23,000 electronic books and other content covering all academic subject areas including Business & Economics, Career & General Education, Computers, Engineering & Applied Science, Humanities, Science, Medicine & Allied Health, and Social & Behavior Sciences. Many titles are directly accessible through the Online Public Access Catalog at <http://library.argosy.edu>.

In addition to online resources, Argosy University's onsite collections contain a wealth of subject-specific research materials searchable in the Online Public Access Catalog. Catalog searching is easily limited to individual campus collections. Alternatively, students can search combined collections of all Argosy University Libraries. Students are encouraged to seek research and reference assistance from campus librarian.

## **Academic Policies**

Academic Dishonesty/Plagiarism: In an effort to foster a spirit of honesty and integrity during the learning process, Argosy University requires that the submission of all course assignments represent the original work produced by that student. All sources must be documented through normal scholarly references/citations and all work must be submitted using the current edition of the *Publication Manual of the American Psychological Association*. Students are encouraged to purchase this manual and become familiar with its content as well as consult the Argosy University catalog for further information regarding academic dishonesty and plagiarism.

Scholarly writing: The faculty at Argosy University is dedicated to providing a learning environment that supports scholarly and ethical writing, free from academic dishonesty and plagiarism. This includes the proper and appropriate referencing of all sources. You may be asked to submit your course assignments through "Turnitin," ([www.turnitin.com](http://www.turnitin.com)), an online resource established to help educators develop writing/research skills and detect potential cases of academic dishonesty. Turnitin compares submitted papers to billions of pages of content and provides a comparison report to your instructor. This comparison detects papers that share common information and duplicative language.

## **Americans with Disabilities Act Policy**

It is the policy of Argosy University to make reasonable accommodations for qualified students with disabilities, in accordance with the Americans with Disabilities Act (ADA). If a student with disabilities needs accommodations, the student must notify the Director

of Student Services. Procedures for documenting student disability and the development of reasonable accommodations will be provided to the student upon request.

Students will be notified by the Director of Student Services when each request for accommodation is approved or denied in writing via a designated form. To receive accommodation in class, it is the student's responsibility to present the form (at his or her discretion) to the instructor. In an effort to protect student privacy, the Department of Student Services will not discuss the accommodation needs of any student with instructors. Faculty may not make accommodations for individuals who have not been approved in this manner.

### **The Argosy University Statement Regarding Diversity**

Argosy University prepares students to serve populations with diverse social, ethnic, economic, and educational experiences. Both the academic and training curricula are designed to provide an environment in which students can develop the skills and attitudes essential to working with people from a wide range of backgrounds.