ANTE UP: USING CUSTOM PLANING CARDS TO TEACH EMPLOYMENT LAW HISTORY

Jennifer Lynn Schultz and **Antar Salim**
St. Mary's University of Minnesota

Debra R. Comer
Hofstra University

ABSTRACT

Even experienced university instructors can find it challenging to interest human resource management (HRM) students in the dry historical facts of employment law. This manuscript presents a visual, high-impact, interactive card game that helps undergraduate students understand the history of employment law, cases, and executive orders in the United States.

Keywords: classroom exercise, co-creation of knowledge, collaborative learning, management history, student engagement, labor relations, occupational safety and health

Teaching highly detailed or technical information can be challenging. This article presents a customized playing card game that teaches United States employment laws, legal cases, and executive orders. This competitive classroom game enables learners to understand the evolution of historical events and social movements within employment law in the United States, with the intention of an understanding of current workplace policies, practices, and procedures contexts.

As the educational paradigm has evolved from *sage on the stage* to *guide on the side* (Kolb & Kolb, 2009), management instructors have turned to innovative teaching techniques to engage students (Kolb & Kolb, 2005). We will explore the benefits associated with team-based gamification strategies and introduce a card game activity that enhances undergraduate Introduction to Human Resource Management (HRM) students' learning of employment law.

Teaching with Games (Theoretical Foundation)

According to Experiential Learning Theory (ELT), knowledge comes from experience (Kolb & Kolb, 2009). The learning cycle (Kolb, 1984) involves four stages: (a) concrete learning, (b) reflective observation, (c) abstract conceptualization, and (d) active experimentation. Effective learning occurs when the learner progresses through the cycle. Experiential learning allows students to blend concrete experience and abstract conceptualization while encouraging

reflective observation and active experimentation. Kolb and Kolb (2005) assert this educational recipe may result in tension among learning phases. This formula allows learners to leverage multiple learning styles in a robust and holistic manner. It places students at the center of the learning process (McCollum & Barber, 2017). Thus, learning does not occur in a linear manner, but in a productive and circuitous process to aid students in the utilization of knowledge.

Beattie and Collins (2000), likewise, argue that engagement promotes learning. Instead of relying (exclusively) on lectures, instructors can use team-based learning methods to engage students and propel them to the center of the learning ecosystem. McMahon (2018) buttresses the importance of making the student a starring role in the learning process, through a constructivist learning model where the student is active in constructing their new knowledge. Games promote learning from multiple perspectives and support cooperative learning, where students work in deliberate learning groups to complete tasks collectively leveraging each other's skills (Johnson & Johnson, 1990). ELT, along with cooperative learning, supports the use of games in teaching. The authors of this paper have concluded that when a game was introduced to historically monotonous course content, students' feedback was favorable as it pertained to improved learning outcomes. Although lectures are not without value, educators would do well to encourage learning by including student-centered activities that engage students.

Games and Gamification as Pedagogical Tools in the College Classroom

Gamification has been defined as the use of game-style features in non-game contexts (Deterding et al., 2011). Gamification can be applied in a variety of environments and has been used with success in management and business courses. Board and card games are advantageous because they are easier to understand versus computer-based games (Zagal, Rick, & Hsi, 2006). The addition of games to uninteresting course content can encourage student participation and enjoyment toward learning. Gamifying in the classroom usually includes rules, objectives, goals, challenges, collaboration, cooperation, and competition, like gaming in non-class contexts. Using games can be a compelling teaching technique that supports higher-order thinking and complex problem-solving skills. Games can also be rather social and encourage collaborative and cooperative learning among students (Kumar & Lightner, 2007).

Research shows that gamification increases student engagement, motivation, performance, and learning satisfaction (Subhash & Cudney, 2018). Sousa and Rocha (2019) found group benefits to gameplay such as team cohesion, leadership skills, and team performance improvement. Games introduce competition into the standard classroom environment (Sánchez-Martín et al., 2017), thereby potentially increasing student social contact, mastery, acceptance, curiosity, cooperation, and healthy rivalry between students (Fisher, Beedle, & Rouse, 2014). In short, class-based games can engage students (Zagal, Rick, & Hsi, 2006) and enhance their learning (Sharma, 2015).

The use, acceptance, and influence of games and game-based learning are growing (Subhash & Cudney, 2018). Board and card games have become increasingly popular (Booth, 2020) and trendy in the management classroom (Gazdula, & Farr, 2019). Games such as Monopoly®, Bingo, puzzles, and Pandemic® have been used to teach risk and probability (Gazdula & Farr, 2019), professional ethics (Haywood, McMullen, & Wygal, 2004) and

organizational structure (McMahon, 2017), self-organizing (McCollum & Barber, 2017) and leadership skills (Souza, 2019), and management (van Esch & Wiggen, 2020), respectively.

Exercise Instructions

This in-class exercise helps students develop an understanding of the history and sequence of legislative actions related to human resource management. The exercise is based on the card game *Timeline*. Students work in groups of two to eight players. Each group has a deck of cards that identify human resource management legal elements (laws, acts, executive orders, court cases, etc.). The year in which the event occurred is on the back of the card. Students create a chronology/timeline of events. This activity is scalable and can be played in classes of 10-100 students.

Activity Preparation

The objective of the card game is to be the first group to correctly sequence employment law events. This activity works best in a classroom with movable chairs and desks, so that students can sit around one table and see each other, the cards in play, and simultaneously interact with their group. Fixed seating lecture halls do not work as well because some students need to stand during the game and usually there is not 360-degree seating. Faculty should practice playing the game themselves so that they are prepared to answer student questions and understand how to initiate the activity. In class, prior to the activity, the instructor should advise students to prepare by reading the textbook chapter related to employment law.

The number of card decks needed for this activity is heavily dependent upon how the groups are structured. If you have students working in teams (where they collaborate as a small group before paying their card) then plan for one deck for each six to eight students. If students are playing individually (each student has their own set of cards) you will need one deck for every four to six students. For example, a class with 50 students would require about eight decks for team play and 12 decks for individual play. This learning activity is intended for use in an undergraduate Introduction to Human Resources class, but it also would work for graduate students or classes focused on legal issues in business.

Learning Objectives

Given United States employment laws, cases, and executive orders, at the end of the activity, learners will be able to:

- Place legislative events in a correct sequence.
- Debate and explain the relationship of time and social movements within employment law in the United States.
- Effectively communicate the application of employment law history in relation to current work policies, practices, and procedures.

How to Play

Students should first read the employment law textbook chapter. The first person/team to correctly determine where each of your event cards goes in the timeline wins. No outside resources (i.e., cell phones, laptops, textbook, etc.) are permitted. Each player is dealt a starting hand of cards as indicated below.

Setup:
2-3 players/teams = 6 cards each
4-5 players/teams = 4 cards each
6-8 players/teams = 3 cards each

On each double-sided card is an employment law event. One side, the blue side, contains just the name and a description of the event. The other side, the green side, has the same information but also contains the year that the event occurred noted at the bottom. Deal the cards so players don't see the year the event happened—blue side up.

One card is then turned over in the center of the table so that the year (green side) is shown. The groups should us rock, paper, scissors to decide the person who plays first. In turn, players select a card from their hand and choose where they think it should go in the timeline, then they flip it over to show the year. Students should not look at dates until the card has been played. Once they take their hand off the card, it must stay in place. If they are correct, the card it added to the timeline and the next player takes a turn. If the card is in the wrong place, it is discarded, and the player takes another card from the draw stack to add to their hand.

During the game, it is possible that a player will play a card with the same date as a card that has already been played. In this case, the player must play the two cards adjacent to one another. The order of these two cards does not matter.

The winner is the first player to get rid of all their cards by placing them correctly in order. If multiple players go out in the same round, then everyone else is eliminated from play and each of those players is dealt one more card for another round of play. If only one player has no cards after this bonus round, he or she wins; otherwise, play continues until a single player goes out alone.

Instructors who are concerned about time or are using larger teams can use a timer, as in chess, to limit the amount of time a player/team has to take a turn. Cards can be made using the list of events in Appendix C and printing on cardstock or they can be purchased from a card making website. The cards used for this activity were created at makeplayingcards.com. Purchasing cards at this site are at cost. The creator does not receive any payment. For deck-specific details see https://www.makeplayingcards.com/sell/ManagementCardGames

Estimated Activity Time: 60 minutes

Debriefing Details

As a group, students should discuss the following questions:

1. How did you choose which event card to play and where to put it in the timeline?
2. What did you find the most challenging? Why?
3. What event or date surprised you most? Why?
4. What was the main takeaway from your experience playing this game?
5. What are two ways that you will use your knowledge of employment law history in future HR classes, preparing and taking professional exams, or as an HR practitioner?

CONCLUSION

One of the most important aspects of using this game is on emphasizing employment law to aspiring HR practitioners. Both the SHRM and HRCI certification exams contain extensive employment law content. Playing the employment law timeline game can help students better grasp detailed, yet important legal events to prepare students for certification exams and professional responsibilities. Students often do not know the history and background behind important Human Resource Management laws, cases, and executive orders.

Again, debriefing is an important part of learning and it can be used to assist the faculty member in making adjustments to the game for future classes. Using a game can check existing knowledge and reinforce new learning. However, the design and implementation can impact student success. Instructors should be clear about the pre-work (reading the textbook chapter on employment law) for the game and the foundational knowledge needed. Students who have completed the pre-reading find this game appropriately challenging and fun. In contrast, playing this game with no prior knowledge of employment law can be frustrating and defeating for learners.

_____

Jennifer Lynn Schultz is an associate professor of business administration. She received her Ph.D. from the University of Minnesota and an MBA from Our Lady of the Lake University, and a M.Ed. from the University of Georgia. She has an active research and writing agenda focused on formal workplace social networks, classroom research on student attitudes and perceptions of pedagogy, and the application of barrier-free teaching practices across the curriculum. Dr. Schultz has also served as both Program Chair and President for the Midwest Academy of Management. Contact: jlschult@smumn.edu.

Antar Salim is an associate professor of business administration. He has a DBA from Argosy University and an MBA from Southern Illinois University. His scholarly and creative interests are emotional intelligence and its impact on leadership, behavioral finance, and behavioral economics. He teaches courses in critical thinking, leadership, social responsibility and ethics, and quantitative research methods. Contact: asalim@smumn.edu.

Debra Comer is the Mel Weitz Distinguished Professor in Business and a professor of management and entrepreneurship. She received an M.A., an M.Phil., and a Ph.D. in organizational behavior from Yale University. Before coming to Hofstra, Dr. Comer worked as an internal consultant in human resources research and organizational development at The Port Authority of New York and New Jersey, where she designed and delivered materials to promote individual and group effectiveness. Her current research interests include managerial character development, ethical behavior in organizations, and neurodiversity in the workplace. Contact: Debra.R.Comer@hofstra.edu.

REFERENCES

Beattie, V., & Collins, B. (2000). Teaching quality assessment in accounting: the Scottish experience. *Accounting Education*, *9*(1), 1-22. https://doi.org/10.1080/096392800413627

Booth, P. (2020, December 24). What's old is new: Board games can be a lifeline in lockdown. *U.S. News & World Report*. https://www.usnews.com/

Deterding, S., Khaled, R., Nacke, L., & Dixon, D. (2011) Gamification: Toward a definition. forthcoming in gamification workshop, *Proceedings of the 15th International Academic MindTrek Conference*, Chicago, IL. https://doi.org/10.1145/2181037.2181040

Fink, L. D. (2013). *Creating significant learning experiences: An integrated approach to designing college courses*. Jossey-Bass.

Fisher, D. J., Beedle, J., & Rouse, S. E. (2014). Gamification: A study of business teacher educators' knowledge of, attitudes toward, and experiences with the gamification of activities in the classroom. *Journal of Research in Business Education*, *56*(1), 1–16.

Gazdula, J., & Farr, R. (2019). Teaching risk and probability: Building the Monopoly® board game into a probability simulator. *Management Teaching Review*, *5*(2), 133-143. https://doi.org/10.1177/2379298119845090

Haywood, M. E., McMullen, D. A., & Wygal, D. A. (2004). Using games to enhance student understanding of professional and ethical responsibilities. *Issues in Accounting Education*, *19*, 85-99. https://doi.org/10.2308/iace.2004.19.1.85

Johnson, D. W., & Johnson, R. T. (1990). *Cooperative learning and achievement.* In S. Sharan (Ed.), *Cooperative learning: Theory and research* (p. 23–37). Praeger Publishers.

Kolb, D. A. (1984). *Experiential learning: Experience as the source of learning and development* (Vol. 1). Prentice-Hall.

Kolb, A. Y., & Kolb, D. A. (2009). The learning way: Meta-cognitive aspects of experiential learning. *Simulation & Gaming*, *40*(3), 297–327. https://doi.org/10.1177/1046878108325713

Kolb, A. Y., & Kolb, D.A. (2005). Learning styles and learning spaces: Enhancing experiential learning in higher education. *Academy of Management Learning & Education*, *4*(2), 193-212. https://doi.org/10.5465/AMLE.2005.17268566

Kumar, R., & Lightner, R. (2007). Games as an interactive classroom technique: Perceptions of corporate trainers, college instructors and students. *International Journal of Teaching and Learning in Higher Education*, *19*(1), 53-63.

McCollum, J., & Barber, C. R. (2017). It's a puzzle: A self-organizing activity. *Management Teaching Review*, *2*(3), 166–178. https://doi.org/10.1177/2379298117713012

McMahon, J. M. (2017). An organizational structure game (and BINGO! Is its name-o). *Management Teaching Review*, *3*(1), 62–70. https://doi.org/10.1177/2379298117716418

Sánchez-Martín, J., Cañada-Cañada, F., & Dávila-Acedo, M. A. (2017). Just a game? Gamifying a general science class at university: Collaborative and competitive work implications. *Thinking Skills and Creativity*, *26*, 51–59. https://doi.org/10.1016/j.tsc.2017.05.003

Sharma, S. (2015). Teaching probability: A socio-constructivist perspective. *Teaching Statistics Trust*, *37*(3), 78-84. https://doi.org/10.1111/test.12075

Sousa, M. J., & Rocha, A. (2019). Leadership styles and skills developed through game-based learning. *Journal of Business Research*, *94*, 360-366. https://doi.org/10.1016/j.jbusres.2018.01.057

Subhash, S., & Cudney, E. A. (2018). Gamified learning in higher education: A systematic review of the literature. *Computers in Human Behavior*, *87*, 192–206. https://doi.org/10.1016/j.chb.2018.05.028

van Esch, C., & Wiggen, T. (2020). Can your students save the world? Utilizing Pandemic ®, a cooperative board game, to teach management. *Management Teaching Review*, *5*(3), 275. https://doi.org/10.1177/2379298120933626

Zagal, J. P., Rick, J., & Hsi, I. (2006). Collaborative games: Lessons learned from board games. *Simulation & Gaming*, *37*(1), 24-40. https://doi.org/10.1177/1046878105282279

SUPPLEMENTAL MATERIALS

Appendix A

Sample Card

Front   Back

Figure A1. The deck includes 54 cards that measure 1.61" x 2.48" (41mm x 63mm). There are 49 printed and 5 blank cards. They are printed on 300gsm (smooth) paper.

Appendix B

Game Instructions

An Employment Law Card Game

This activity is based on the card game *Timeline*. Students work in groups of 2-8 players with a deck of cards that identifies Human Resource Management legal elements (laws, acts, executive orders, court cases, etc.). The year in which the event occurred is on the back of the card. Students create a chronology/timeline of events. This activity is scalable and can be played in classes of 10-100 students. It is an in-class activity.

2 - 8

8 +

15 min

How to play:
Be the first person/team to correctly determine where each of your event cards goes in the timeline and you win. No outside resources (i.e., cell phones, laptops, textbook, etc.) are permitted.

Discard empty cards. Each player is dealt a starting hand of cards. See "Setup" for the number of cards. On each double-sided card is an employment law event. One side, the blue side, contains just the name and a description of the event. The other side, the green side, has the same information but also contains the year that the event occurred noted at the bottom. Deal the cards so players don't see the year the event happened—blue side up.

Setup:
2-3 players/teams = 6 cards each
4-5 players/teams = 4 cards each
6-8 players/teams = 3 cards each

One card is then turned over in the center of the table so that the year (green side) is shown. The youngest person plays first. In turn, players select a card from their hand and choses where they think it should go in the timeline, then they flip it over to show the year. Student should not look at dates until the card has been played. Once they take their hand off the card it must stay in place. If they are correct, the card it added to the timeline and the next player takes a turn. If the card is in the wrong place, it's discarded and the player takes another card from the draw stack to add to his/her hand.

During the game, it is possible that a player will play a card with the same date as a card that has already been played. In this case, he/she must play the two cards adjacent to one another. The order of these two cards does not matter.

The first player to get rid of all their cards by placing them correctly in order wins. If multiple players go out in the same round, then everyone else is eliminated from play and each of those players are dealt one more card for another round of play. If only one player has no cards after a bonus round, they win; otherwise play continues until a single player goes out.

If you are concerned about time or are using larger teams, you could use a timer, as in chess and limit the amount of time a player/team has to play their turn.

Figure B1. This is the 1-page instruction sheet that accompanies the decks of cards.

Appendix C

List of Events Used to Make the Playing Cards

Year	Event	Description
1865	13th Amendment and Freedom of Contract	Abolished slavery and involuntary servitude
1911	Workers' Compensation	Enactment the first state-based law
1916	The Keating-Owen Child Labor Act	Also known as Wick's Bill, was a short-lived statute enacted by the U.S. Congress which sought to address child labor
1931	Davis-Bacon Act	Requires the payment of minimum wages to nonfederal employees
1932	Norris-Laguardia Act	Protects the rights of unions to organize, and prohibits employers from forcing job applicants to promise not to join a union in exchange for employment
1935	Social Security Act	Established a variety of systems to assist the aging, the disabled, and children
1935	Federal Insurance Contributions Act (FICA)	Federal payroll contribution directed towards funding Social Security and Medicare
1935	Unemployment Insurance	Tax-offset method was incorporated in the unemployment compensation provisions of the economic security bill
1935	Harris v. Forklift Systems, Inc.	Clarified the definition of a "hostile" or "abusive" work environment under Title VII of the Civil Rights Act of 1964 requiring consideration of all relevant circumstances
1935	National Labor Relations Act	Prevents employees who engage in union activity from being fired
1936	Walsh-Healy Public Contracts Act	Ensured federal government contractors fair compensation
1938	Fair Labor Standards Act	Established minimum wage and overtime rates
1941	Executive Order 8802	Outlawed discrimination based on race, color, creed, and national origin in the federal government and defense industries
1947	Taft-Hartley Act	Restrict the activities and power of labor unions
1959	Landrum-Griffin Act Labor-Management Reporting and Disclosure Act (LMRDA)	Grants certain rights to union members and protects their interests within labor organizations
1961	Executive Order No. 10925	Provision that government contractors take affirmative action to ensure that applicants and employees are treated during employment, without regard to their race, creed, color, or national origin
1963	Equal Pay Act	Forbids wage or salary discrimination based on gender
1964	Title VII of the Civil Rights Act	Prohibits discrimination on the basis of race, color, religion, sex or national origin
1965	Executive Order 11246	Established requirements for non-discriminatory practices in hiring and employment on the part of U.S. government contractors
1965	Medicare	Federal program that provides health coverage for older or disabled people
1965	Medicaid	State and federal program that provides health coverage if you are low income
1967	Age Discrimination in Employment	Prohibits discrimination on the basis of age for employees who are over 40 years old
1970	Occupational Safety and Health Act	Established safety standards and employees' right to refuse to work in unsafe conditions
1971	Griggs v. Duke Power Co.	Aptitude tests used in hiring practices that disparately impact ethnic minorities must be reasonably related to the job
1973	Frontiero v. Richardson	Supreme court case which decided that benefits given by the United States military to the family of service members cannot be given out differently because of sex

Year	Event	Description
1973	Rehabilitation Act	Prohibits discrimination on the basis of disability in programs conducted by federal agencies
1974	Privacy Act	Established information practices that govern the collection, maintenance, use, and dissemination of information that is maintained in systems of recors by federal agencies
1974	Employee Retirement Income Security Act	Prohibits employees from being fired to prevent them from vesting or qualifying for pension benefits
1974	Vietnam-era Veterans Readjustment Assistance Act	Prohibits discrimination against disabled veterans and Vietnam-era veterans
1978	Pregnancy Discrimination Act	Prohibits sex discrimination on the basis of pregnancy
1978	Mandatory Retirement Act	Prohibits the forced retirement of most employees before the age of 70
1984	At-will Employment Doctrine	In Tennessee, a court stated that an employer should be allowed to dismiss any worker, or any number of workers, for any reason at all
1986	Meritor Savings Bank v. Vinson	Supreme Court found that Title VII of the Civil Rights Act of 1964 protects employees from sexual harassment
1986	Immigration Reform and Control Act	Prohibits discrimination against employees on the basis of national origin or citizenship status
1986	Consolidated Omnibus Budget Reconciliation Act (COBRA)	Guarantees extension (not funding) of health insurance coverage after termination for employees and dependents
1988	Employee Polygraph Protection Act	Limits an employer's ability to use lie detector tests
1988	Drug-free Workplace Act	Requires drug-free workplaces as a precondition of receiving a contract or grant from a federal agency
1988	Worker Adjustment Retraining Notification Act	Requires employers to provide 60 days notice before a facility closing or mass layoff
1989	Price Waterhouse v. Hopkins	Protects employees from discrimination based on their nonconformity with gender norms
1990	American with Disabilites Act	Prohibits discrimination against disabled employees
1993	Family and Medical Leave Act (FMLA)	Guarantees a 12-week unpaid leave for illness, childbirth, or to care for a sick relative
1994	Uniformed Services Employment and Reemployment Rights Act	Entitles service members to return to their civilian employment upon completion of their military service
1996	Health Insurance Portability and Accountability Act	Limits exclusion from employer-sponsored coverage because of preexisting condition or medical history
2007	Ledbetter v. Goodyear Tire & Rubber Co.	Employers cannot be over race or gender pay discrimination if the claims are more than 180 old. The Court's decision was reversed by the passage of the Lilly Ledbetter Fair Pay Act
2008	The Genetic Information Nondiscrimination Act	Protects individuals from genetic discrimination in health insurance and employment
2010	PPACA (Patient Protection & Affordable Care Act)	Issued new rules and guidelines on the offering, administration, and acceptance of healthcare coverage in the United States
2014	Burwell v. Hobby Lobby	For-profit corporations that are closely held (e.g., owned by a family or family trust) can refuse, on religious grounds, to pay for legally mandated coverage of certain contraceptive drugs and devices in their employees' health insurance plans
2018	Janus v. AFSCME	"Fair share" agreements, when applied to public sector workers, violate the First Amendment protections of free association and freedom of speech