



SCHOOL OF MANAGEMENT AND LABOR RELATIONS
DEPARTMENT OF LABOR STUDIES & EMPLOYMENT RELATIONS

EMPLOYMENT LAW

PROFESSOR VIKRANT KISHIN ADVANI

FALL SEMESTER - 2019

37:575:315:02 --- INDEX # 06893

TUESDAY 1:40 PM - 4:40 PM

TILLET HALL - 242 LIVINGSTON CAMPUS

VKADVANI@SMLR.RUTGERS.EDU

COURSE OBJECTIVES

- To familiarize students with the judicial legal process and reasoning;
- To examine fundamental issues of employment law, including: the employment at-will doctrine and its exceptions; the various rights, duties and responsibilities employees and employers have towards each other and the general public; and employment discrimination on the basis of race, color, sex, national origin, religion, disability and age. Additional issues may, time willing, include worker protections such as the Family Medical Leave Act, the Fair Labor Standards Act, and Worker's Compensation
- To provide students with the tools for further study of employment law.

SCHOOL AND DEPARTMENT
LEARNING OBJECTIVES

Labor Studies and Employment Relations Department: The student will be able to:

- Demonstrate an understanding of the perspectives, theories and concepts in the field of labor and employment relations.
- Apply those concepts, and substantive institutional knowledge, to understanding contemporary developments related to work.

School of Management and Labor Relations: The student will be able to:

- Demonstrate an understanding of relevant theories and apply them given the background context of a particular work situation.
- Demonstrate an understanding of how to apply knowledge necessary for effective work performance.

COURSE REQUIREMENTS

This is an introductory undergraduate course in employment law. However, it emphasizes student participation and group discussion. Students will be held responsible for reading and understanding all assigned materials, as well as participating fully in all class discussions.

GRADE CRITERION

Class Attendance and Participation (15%)
In Class First Exam (40%)
In Class Second Exam (45%)

NO ELECTRONIC DEVICE CRITERION

- **There are no electronic devices allowed in class. This includes computers, cell phones, laptops, tablets or tape-recording devices.**
- **Textbooks will need to be purchased; If electronic copies of textbooks are purchased or rented, they will need to be printed out for class. No exceptions.**
- **Yes, this means that you will have to take notes by pen/pencil on paper in class and pay attention. All of your electronic devices must be turned off and/or removed from the lecture room.**
- **Failure to comply with this requirement will result in your immediate removal from class; repeated failure will result in your expulsion from the class with a failing grade.**
- **This policy is not negotiable: If you find this to be onerous, feel free to choose another class that better fits your lifestyle.**

ATTENDANCE CRITERION

- **Attendance is a must**, and failure to attend class will result in a poor “Class Attendance & Participation” grade (15% of overall course grade) and potentially a failing or incomplete overall course grade.
To be clear, if you have more than 2 unexcused absences you will receive a full grade deduction (or a B); If you have more than 3 unexcused absences you will receive a full 2 grade deduction (or a C);

VERY IMPORTANT: If you have more than 4 unexcused absences you will receive a full 3 grade deduction (or a D), **and I will most likely assess you an incomplete grade in my class regardless of performance on exams.**

- **Coming Late and Leaving Class Early:** I have noticed that students like to arrive late and leave class early just to sign and generally establish that they were in class – This is unacceptable. If you leave class early and you have not been cleared to do so, you will be subject to the above deduction rules. If you come to class late, you must approach the TA after class and advise when you entered class and I will decide whether you will credit for attendance on said date.
- **Attendance Policy is Not Negotiable:** While I am generally lenient with students facing family or work related concerns and emergencies, I am no longer going to negotiate the attendance policy with students on an individual basis. Every student must be held accountable to the same standard. If my attendance policy is too onerous to your lifestyle, feel free to choose another class that better fits same.

ACADEMIC INTEGRITY POLICY

The conduct of all students is governed by the Rutgers University Academic Integrity Policy:
http://academicintegrity.rutgers.edu/files/documents/AI_Policy_9_01_2011.pdf
Please be so advised.

STUDENT ACCOMMODATION POLICY

Rutgers University welcomes students with disabilities into all of the University's educational programs. In order to receive consideration for reasonable accommodations, a student with a disability must contact the appropriate disability services office at the campus where you are officially enrolled, participate in an intake interview, and provide documentation:
<https://ods.rutgers.edu/students/documentation-guidelines>

If the documentation supports your request for reasonable accommodations, your campus's disability services office will provide you with a Letter of Accommodations. Please share this letter with your instructors and discuss the accommodations with them as early in your courses as possible. To begin this process, please complete the Registration form on the ODS web site at:
<https://ods.rutgers.edu/students/registration-form>

COURSE MATERIALS

- *Principles of Employment Law*, Smith, Hodges, Stabile, and Gely, ***Second Edition***, Concise Hornbooks, ISBN: 978-1-68328-359-1
- **In addition, course reading materials are only available on Sakai. Please be sure to print them out because you are not to use your laptops on class.**

- The reading selections are mostly cases, but may also consist of self-explanatory handouts, which have been selected by me from several websites.

CLASS SCHEDULE

CLASS 1: Course Overview
The U.S. Court System
Anatomy of a case
How to Read Cases

READINGS

Handout: *U.S. Court System (Diagram)*
Handout: *New Jersey Court Structure (Diagram)*
Handout: *Supreme Court of New Jersey (Photo)*
Handout: *Current U.S. Supreme Court Justices (2 pages)*
Handout: *How does our Court System Work? (3 pages)*

CLASS 2: Employment at Will, Just Cause & the Contract Exception

READINGS:

Pages 20-38 (Read up to § 2.5.4)
Handout: *What is Just Cause?(1 page)*
Handout: *Contracts, generally. (1 page)*

CLASS 3: Employment at Will, Just Cause & the Contract Exception, cont'd
Promissory Estoppel
Covenant of Good Faith & Fair Dealing

READINGS

Handout: *Woolley v. Hoffman-LaRoche, Inc.*, 99 N.J. 284 (1985) (18pages)
Handout: *Savarese v. Pyrene*, 9 N.J. 595 (1952) (6 pages)
Pages 38-42 (Read from § 2.4.3 up to § 2.5)

CLASS 4: Employment at Will & the Tort Exception

READINGS:

Pages 42-54 (Read from § 2.5 to § § 2.5.1.5)
Handout: *Pierce v. Ortho*, 84 N.J. 58 (1990) (18 pages)

CLASS 5: Employment at Will & the Tort Exception, cont'd
The Whistleblower Statutory Exception
Legislative Efforts to Erode the At-Will doctrine: Montana

READINGS:

Pages 42-54 (Read from § 2.5 to § § 2.5.1.5)
Handout: *New Jersey Whistleblower Claims (3 pages)*

Pages 67-70 (Read from § 2.6.1 to 2.6.3)

CLASS 6: Intentional Infliction of Emotional Distress
Intentional Interference with Contractual Relations
Brief Review for Exam 1.

READINGS:

Pages 60-67 (Read from § 2.5.2 to § 2.6)

Handout: *Intentional Infliction of Emotional Distress* (1 page)

CLASS 7: **IN CLASS EXAM 1 – CLOSED BOOK/NOTES, COVERING CLASSES 1-6**

CLASS 8: The New Jersey Law Against Discrimination
Title VII of the Civil Rights Act of 1964, ADA, ADEA

READINGS:

Handout: *Discrimination Laws & Disparate Treatment* (4 pages).
McDonnell Douglas Corp. v. Green, 411 U.S. 792 (1973)

CLASS 9: Equal Employment Opportunity Commission (“EEOC”)
The New Jersey Division on Civil Rights (“NJDCR”)
National Origin Discrimination
English only” cases

READINGS:

Handout: *Equal Employment Opportunity Commission & The New Jersey Division On Civil Rights – Procedures & Filing Issues* (2 pages)
Garcia v. Spun Steak Company, 998 F.2d 1480 (1993)
EEOC v. Premier, 113 F.Supp. 1066 (N.D.Texas 2000)

CLASS 10: Sex Discrimination and Harassment

READINGS:

Handout: *Sexual Harassment* (2 pages)
Lehmann v. Toys ‘R’ Us, Inc., 132 N.J. 587 (1993)

CLASS 11: Family Medical Leave Act (“FMLA”)
NJ Family Leave Act (“FLA”)

READINGS:

Handout: *Navigating the Waters of Leaves of Absence Laws* (2

pages)

Handout: *The Family & Medical Leave Act (3 pages)*

Pages 210 – 220 (§ 5.2 to § 5.2.3)

CLASS 12: Fair Labor Standards Act/Equal Pay Act
Rights of Undocumented Workers

READINGS:

Pages 181 - 210 (§ 5.1.2 to § 5.2)

Handout: *Courts continue rejecting Defendants' Post-Hoffmann
Inquiries into Plaintiff's Immigration status (2 pages)*

Handout: *Illegal Immigrants Deserve Protection of American Labor Law (2
pages)*

Handout: *Do Undocumented Workers have Rights to Unpaid
Overtime Compensation (3 pages)*

CLASS 13: Unemployment Compensation
Workers Compensation
OSHA

READINGS:

Pages 257 - 273 (§ 5.4 to § 5.5)

Pages 282 - 305 (§ 6.1 to § 6.2)

Handout: *New Jersey Unemployment Law (4 pages)*

Pages 305 - 323 (§ 6.2 to end of chapter)

CLASS 14: **IN CLASS EXAM 2 – CLOSED BOOK/NOTES, COVERING
CLASSES 8-13**