

EMPLOYMENT DISCRIMINATION LAW
(Fall 2019-Wednesday Class)

Prof. James M. Cooney, Esq.
Rutgers University, Labor Studies & Employment Relations Department, SMLR
Course #37:575:316 (3 Credits)
Wednesdays, 12:00-3:00 PM
Class Location: Tillett Hall, Room 258, Livingston Campus
Tel: 848-932-8560; E-mail: jacoooney@rutgers.edu
Office Hours: Before & after class or by appointment

Course Description: This course will survey the various laws that protect workers from discrimination based on protected categories including race, color, sex, religion, national origin, age, and disability. The course will also introduce students to the court system and to forums and procedures for litigating employment discrimination claims.

Learning Objectives: The student is able to:

Labor Studies & Employment Relations Department:

-Apply employment relations legal concepts, and substantive institutional knowledge, to understanding contemporary developments related to work. (Goal 2)

School of Management & Labor Relations:

-Demonstrate an understanding of how to apply knowledge necessary for effective work performance. (Goal VI)

Additional Course Objective(s) from the Instructor:

- Demonstrate basic knowledge of employment discrimination laws and policies.
- Demonstrate ability to comprehend court decisions on employment discrimination law issues.
- Apply employment discrimination law concepts to a given fact pattern.

Grading Criteria:*

(1) Mid-term Exam (50%)

(2) Final Exam (50%)

(*Credit is also earned for attendance and in-class contributions)

Attendance: Students are expected to attend class on a regular basis. Please note that excessive unexcused absences will lower your grade. Unexcused absences in excess of 3 classes may result in a failing grade. Students arriving late to class, or departing class early, must sign-in/out with a TA.

Course Materials: Course reading materials are found in the Sakai Resources and Announcements section. The Instructor reserves the right to supplement, substitute, and/or modify the listed reading selections.

Academic Records Retention: Exams, papers, and any other items submitted by students for grading are retained for 2 years before shredding and disposal. Any student wishing to review any such item must make a request prior to that time.

Academic Integrity: The conduct of all students is governed by the Rutgers University Academic Integrity Policy.

Laptops/Cell Phones: Students are permitted to bring and use laptop computers in class, for taking notes and viewing class readings. However, please do not engage in laptop-related activities that may distract other students. Students should refrain from texting while in class. Points may be deducted from the grades of students who consistently violate the foregoing policy.

Recording: Students are not permitted to videotape or otherwise record any classroom lecture or activity, absent prior express consent and authorization by the Instructor.

Students With Disabilities: 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>

CLASS SCHEDULE:

SEPT. 4: Course Overview

NO READINGS

SEPT. 11: -Federal & State Court Systems
-Anatomy of an Employment Discrimination Lawsuit
-Remedies

READINGS:

"Court Role & Structure"

"Remedies for Employment Discrimination"

SEPT. 18: -Title VII of the Civil Rights Act of 1964 ("Title VII")
-Equal Employment Opportunity Commission ("EEOC")
-Sex Discrimination

READINGS:

Price Waterhouse v. Hopkins
Jespersen v. Harrah's Operating Co., Inc.

- SEPT. 25: -Sexual Harassment
 -Race & Color Discrimination

READINGS:

"Facts About Sexual Harassment"
Meritor Savings Bank v. Vinson
"Facts About Race/Color Discrimination"
Chaney v. Plainfield Healthcare Center

- OCT. 2: -Disability/Handicap Discrimination
 -Rehabilitation Act of 1973
 -Americans with Disabilities Act ("ADA")

READINGS:

Arline v. School Board
Chevron v. Echazabal
Viscik v. Fowler Equipment Co.

- OCT. 9: -Movie: "Philadelphia"
 -Review for Mid-Term Exam

NO READINGS

- OCT. 16: MIDTERM EXAMINATION

NO READINGS

- OCT. 23: -National Origin Discrimination
 -Citizenship Requirements
 -Religious Discrimination

READINGS:

EEOC v. Sephora USA, LLC.
Espinoza v. Farah Mfg. Co.
TWA v. Hardison

- OCT. 30: -Reconstruction Civil Rights Act (Sections 1981 & 1983)

READINGS:

Saint Francis College v. Al-Khazraji
Patterson v. McLean Credit Union

NOV. 6: -Equal Pay Act (“EPA”)
 -Age Discrimination in Employment Act (“ADEA”)

READINGS:

Ledbetter v. Goodyear
O’Connor v. Consolidated Coin Caterers Corp.

NOV. 13: - Pregnancy Discrimination Act (“PDA”)
 -Retaliation
 -Height & weight restrictions

READINGS:

International Unions v. Johnson Controls, Inc.
Thompson v. North American Stainless, LP
Dothard v. Rawlinson

NOV. 20: -Waiver & arbitration of discrimination claims

READINGS:

Rodriguez v. Raymours Furniture Co., Inc.
14 Penn Plaza LLC v. Pyett

NOV. 28: NO CLASS (Thanksgiving Week Schedule)

DEC. 4 CLASS & FINAL EXAM DATE TO BE DETERMINED

(Dated: 08/28/2019)

EMPLOYMENT DISCRIMINATION LAW (Links to Readings)

NOTE:

-Please check the Syllabus for dates on when each specific reading should be completed.

-You only need to read the Majority Opinion for the court cases (not required to read Dissenting or Concurring Opinions, unless I indicate otherwise).

-If any link to a reading no longer works, please let me know.

COURSE READINGS:

"Court Role & Structure" (only need to read the one page directly connected to the link below)

<http://www.uscourts.gov/about-federal-courts/court-role-and-structure>

"Remedies for Employment Discrimination" (only need to read the one page directly connected to the link below)

<http://www.eeoc.gov/employees/remedies.cfm>

Saint Francis College v. Al-Khazraji (Sec. 1981/"race")

<http://caselaw.lp.findlaw.com/cgi-bin/getcase.pl?court=us&vol=481&invol=604>

Patterson v. McLean Credit Union: (Sec. 1981/Congress later amended)

http://www.law.cornell.edu/supremecourt/text/491/164#writing-USSC_CR_0491_0164_ZX

Price Waterhouse v. Hopkins (gender stereotyping)

<http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=US&vol=490&invol=228>

Jespersen v. Harrah (gender stereotyping/grooming policies)

<http://caselaw.findlaw.com/us-9th-circuit/1438457.html>

"Facts About Sexual Harassment" (EEOC Website)

<http://www.eeoc.gov/eeoc/publications/fs-sex.cfm>

Meritor Savings v. Vinson (sexual harassment)

<http://caselaw.lp.findlaw.com/cgi-bin/getcase.pl?court=us&vol=477&invol=57>

“Facts About Race/Color Discrimination” (EEOC Website)

<http://www.eeoc.gov/facts/fs-race.html>

Chaney v. Plainfield Healthcare Center (race discrimination/patient preference)

<http://caselaw.findlaw.com/us-7th-circuit/1532314.html>

EEOC v. Sephora USA, LLC (national origin/English-only rule)

http://scholar.google.com/scholar_case?case=16809935253778480020&hl=en&as_sdt=2&as_vis=1&oi=scholar

Espinoza v. Farah Mfg. Co. (citizenship requirements)

http://scholar.google.com/scholar_case?case=7440931621586016112&hl=en&as_sdt=2&as_vis=1&oi=scholar

TWA v. Hardison (religious discrimination/reasonable accommodation conflict w/CBA)

http://scholar.google.com/scholar_case?case=15783181943891982721&hl=en&as_sdt=2&as_vis=1&oi=scholar

Arline v. School Board (Rehab Act)

<http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=us&vol=480&invol=273>

Chevron v. Echazabal (ADA/EEOC “self-threat” regulation)

<http://www.law.cornell.edu/supct/html/00-1406.ZO.html>

Viscik v. FowlerEquipt. Co. (obesity)

<http://caselaw.findlaw.com/nj-supreme-court/1204544.html>

Ledbetter v. Goodyear (EPA)(Congress later amended)

<http://www.supremecourt.gov/opinions/06pdf/05-1074.pdf>

O’Connor v. Consolidated Coin Caterers Corp. (ADEA)

<http://www.law.cornell.edu/supct/html/95-354.ZO.html>

International Unions v. Johnson Controls (PDA)

<http://caselaw.lp.findlaw.com/cgi-bin/getcase.pl?court=us&vol=499&invol=187>

Thompson v. North American Stainless, LP (retaliation/Title VII)

<http://www.supremecourt.gov/opinions/10pdf/09-291.pdf>

Dothard v. Rawlinson (height/weight)

<http://caselaw.lp.findlaw.com/scripts/getcase.pl?navby=case&court=us&vol=433&invol=321>

Rodriguez v. Raymours Furniture Company (waiver of statute of limitations by employment agreement)

http://www.civiljusticenj.org/wp-content/uploads/2016/06/16June_SCONJ_RodriguezVRaymours.pdf

14 Penn Plaza LLC v. Pyett (compulsory arbitration of age discrimination claims under CBA)

https://scholar.google.com/scholar_case?case=7700553479416257970&hl=en&as_sdt=6&as_vis=1&oi=scholar

El v. Southeastern PA Transit (criminal convictions)

<http://www.ca3.uscourts.gov/opinarch/053857p.pdf>

Raytheon v. Hernandez (drug use/ADA)

<http://www.law.cornell.edu/supct/html/02-749.ZO.html>