

EMPLOYMENT LAW
37:575:315:03
Fall 2015
Thursdays, 7:40 p.m. – 10:30 p.m.

Instructor: Laurette Asante, Esq.
Rutgers University, Labor Studies & Employment Relations Department, SMLR
Course Number: 37:575:315:03 (3 Credits)
Email: lasante@work.rutgers.edu
Office Hours: By appointment
Class Location: Murray Hall, Rm. 212, College Ave. Campus

This course provides an overview of employment law, including employment-at-will and its exceptions; employment discrimination on the basis of race, color, sex, national origin, religion, disability and age; Family Medical Leave Act; drug testing; and workers' compensation.

Course Requirements:

This is an introductory course in employment law. Students will be held responsible for reading for each class and be prepared to discuss it during class. Class discussion will be based on a close reading of legal materials, so it is necessary for students to bring the assigned reading material to class.

There will be an in-class mid-term exam (50%) and an in-class second (final) exam (50%). Grades will be based on performance on the two exams and on class participation/attendance. Please note that excessive unexcused absences will lower your grade.

Course Materials: Course reading materials are available in the Sakai "Resources" and "Announcements" sections. **Please be sure to print them out.** The Instructor reserves the right to supplement, substitute, and/or modify the listed reading selections.

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

Class Schedule:

SEP. 3: -Course Overview

NO READINGS

SEP. 10: -The U.S. Court System
-How to read and brief cases
-Anatomy of an Employment Lawsuit
-Remedies

READINGS:

“Understanding the Federal Courts”
(www.uscourts.gov/FederalCourts.aspx)
“Welcome to the NJ Court System”
(www.judiciary.state.nj.us/process.htm)
Current U.S. Supreme Court Justices

SEP. 17: -Employment at Will, Just Cause & Exceptions

READINGS:

Pierce v. Ortho Pharmaceutical, 417 A.2d 505 (1980)
Woolley v. Hoffman-LaRoche, Inc., 99 N.J. 284 (1985)
What is Just Cause?

SEP. 24: Movie: “North Country”

NO READINGS

OCT. 1: -Title VII of the Civil Rights Act of 1964
-Equal Employment Opportunity Commission (“EEOC”)
-Sex Discrimination and Harassment

READINGS:

EEOC web page: <http://www.eeoc.gov/eeoc/publications/fs-sex.cfm>
Lehmann v. Toys ‘R’ Us, Inc., 132 N.J. 587 (1993)

OCT. 8: -Race & Color Discrimination
- Religious Discrimination

READINGS:

McDonnell Douglas Corp. v. Green, 411 U.S. 792 (1973)
Griggs v. Duke Power, 401 U.S. 424 (1971)
Estate of Thornton v. Caldor, 472 U.S. 703 (1985)

OCT. 15: MID-TERM EXAMINATION

OCT. 22: -Family & Medical Leave (FMLA and NJFLA)

READINGS:

Gerety v. Hilton Casino Resort, 184 N.J. 391 (2005)

Cruz v. Publix Super Markets, Inc., 428 F.3d 1379 (11th Cir. 2005)

OCT. 29: -Constitutional Issues

READINGS:

Pickering v. Board of Education, 391 U.S. 563 (1968)

City of Ontario v. Quon, U.S. No. 08-1332 (06/17/2010)

NOV. 5: -Polygraphs & Psychological Testing

-Workers' Compensation

READINGS:

Polkey v. Transtecs Corp., 404 F.3rd 1264 (11th Cir. 2005)

Karraker v. Rent Center Inc., No. 04-2881 (7th Cir. 2005)

Guyton, Gregory P. "A Brief History of Workers' Compensation"
(*Iowa Orthop. J.* 1999, 19:106-110)

NOV. 12: -Privacy Issues at the Workplace

READINGS:

Smyth v. Pillsbury Co., D.E.Pa. No. 95-5712 (1/23/1996)

O'Connor v. Ortega, 480 U.S. 709 (1987)

NOV. 19: -Non-Compete & Confidentiality Agreements

-Drug Testing

READINGS:

Nike, Inc. v. McCarthy, 379 F.3d 576 (9th Cir. 2004)

Treasury Employees v. Von Raab, 489 U.S. 656 (1989)

NOV. 26: NO CLASS (THANKSGIVING RECESS)

DEC. 3: -Whistleblower Protection

-Employment-related Torts

READINGS:

Abbamont v. Piscataway Twp., 269 N.J.Super. 11 (App.Div. 1993)

Taylor v. Metzger, 152 N.J. 490 (1998)

DEC 10: FINAL EXAM (not cumulative)