

EMPLOYMENT DISCRIMINATION LAW
(Spring 2023)

James M. Cooney, Esq.
Rutgers University, Labor Studies & Employment Relations Department, SMLR
Course #37:575:316 (3 Credits)
Mondays, 10:20 AM – 1:20 PM
Location: Beck Hall, Room 111 (Livingston Campus)
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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: At the end of the class, students will be 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 timely and regular basis. Please note that excessive unexcused absences will lower your grade. Unexcused absences in excess of three (3) classes may result in a failing grade. Students arriving late to class, or departing class early, must sign-in/out with a TA and will receive pro-rated attendance credit.

Course Materials: Course reading materials are found on the Canvas course website. I reserve 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 two (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:

JAN. 23: Course Overview

NO READINGS

JAN. 30: -Federal & State Court Systems
-Anatomy of an Employment Discrimination Lawsuit
-Remedies
-Disability/Handicap Discrimination (Overview)

READINGS:

"Court Role & Structure"
"Remedies for Employment Discrimination"
"Disability Discrimination"

FEB: 6: -Disability/Handicap Discrimination (continued)

READINGS:

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

FEB. 13: **NO IN-PERSON CLASS THIS WEEK – CLASS IS ASYNCHRONOUS**
-Movie: “Philadelphia” (on your own)
-Essay assignment

NO READINGS

FEB. 20: -Title VII
-Sex & LGBT Discrimination

READINGS:

Price Waterhouse v. Hopkins
Jespersen v. Harrah’s Operating Co., Inc.
“Protection for LGBT Employees Under Title VII”

FEB. 27: -Hair/Tattoos

READINGS:

“The CROWN Act”
EEOC v. Catastrophe Mgmt.
“Rejecting the Tattooed Applicant”

MARCH 6: MIDTERM EXAMINATION

MAR. 13: NO CLASS (Spring Break)

MAR. 20: -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

MAR. 27: -National Origin Discrimination
-Citizenship Requirements
-Religious Discrimination

READINGS:

EEOC v. Sephora USA, LLC.

Espinoza v. Farah Mfg. Co.
TWA v. Hardison

APRIL 3: -Reconstruction Civil Rights Act (Sections 1981 & 1983)

READINGS:

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

APRIL 10: -Equal Pay Act (“EPA”)
-Age Discrimination in Employment Act (“ADEA”)

READINGS:

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

APRIL 17: -Pregnancy Discrimination Act (“PDA”)
-Retaliation
-Height & weight restrictions

READINGS:

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

APRIL 24: -Waivers & Forced Arbitration

READINGS:

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

MAY 1: FINAL EXAM (not cumulative)

(Dated: 12/19/2022)