EMPLOYMENT LAW

Fall 2013
Course No. 37-575-315-80
Thursdays 6:00 p.m. – 8:40 p.m.
Professor Joyce M. Klein
Phone: (732) 775-5677
Office Hours Available Upon Request
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Objectives: Analysis of major issues in employment law, including laws protecting employees from race, sex, religion, disability, and age discrimination, as well as wage and hour laws and laws covering employee privacy, workers compensation, unemployment insurance, immigration and safety and health.

This course will help students to understand the basic framework of employment law in the United States and to develop the ability to think critically and to read, analyze and evaluate legal statutes and decisions. Students will learn to identify, understand, and explain conflicting views on legal and policy arguments.

Text: Labor and Employment Law: Text and Cases (15th Ed.) by David P. Twomey. (“Twomey”). NOTE: This textbook is also available from CENGAGE.com as an eBook or eChapters may be purchased individually. Readings are from Chapters 11 through 18 only.

Supplemental Readings will be distributed and/or available on SAKAI throughout the semester. Additional readings may be added during the course of the semester as the law evolves.

Attendance and Grading Policies: Students are expected to attend all classes and to actively participate in all exercises and discussions. 20% of the final grade will be based upon attendance and participation. Participation includes contribution to discussions in class and full participation in classroom exercises.

Attendance will be taken for each class. I expect that all reading assigned for each class will be completed BEFORE class. Any student who must miss a class for illness or other emergency is expected to contact me via e-mail or telephone prior to class explaining the reason for the absence. All cellphones, beepers, PDA’s, and other electronic devices (except for laptop computers, or other devices, used to take notes) shall be turned off and put away during class.
HOMEWORK: Each student is required to submit electronically through SAKAI before class begins, a case brief for one major case included in the reading each week for eight weeks of class. (See handout). There are ten weeks of class that include case readings where homework is due. Each student is free to skip two case briefs, and is required to turn in the assigned case brief for each of the remaining eight weeks. Students may select which case is briefed each week, so long as it is either a case provided on Sakai or is a case with the case caption in bold face in the text. Failure to turn in the case briefs ON TIME will result in a loss of credit for the homework grade for that class. THERE WILL BE NO EXTENSIONS FOR HOMEWORK ASSIGNMENTS. Homework will count for 10% of the final grade.

Assignments and Examinations: There will be two written assignments during the course of the semester. These assignments will be 2-3 typed pages and will be similar in style and content to exam questions. These two assignments will account for 20% of the final grade.

Students will complete midterm examination on October 31, 2013, which will account for 25% of the final grade.

Students will complete a final examination on December 12, 2013, which will account for 25% of the final grade.

September 5  INTRODUCTORY CLASS

Reading to be completed for class on September 12:
Twomey pp. 597-610, 616-619 (in chapter 16)

The Courts and Administrative Agencies

September 12  Employment at Will; Exceptions to Employment at Will;
Contract Theories

How to read a case
Case reading exercise
Employment at Will; Exceptions to Employment at Will

Reading to be completed for class on September 19:
Twomey pp. 597-610, 616-619 (in chapter 16)

September 19  Exceptions to Employment at Will
Contract & Tort Theories

Reading to be completed for class on September 26:
Twomey pp. 616-628 (In Chapter 16)

SAKAI:
September 26  Whistleblower Protection (SOX, CEPA)  
(FIRST ASSIGNMENT DISTRIBUTED)  

Reading to be completed for class on October 3:  
Twomey 610-616 (In Chapter 16)  

SAKAI:  
Hernandez v. Montville Board of Education  
D’Annunzio v. Prudential Insurance Co. of America  

October 3  Employee Privacy/Drug Testing  
(FIRST ASSIGNMENT DUE)  

Reading to be completed for class on October 10:  
Twomey 633-647; 652-662 (In Chapter 17)  

October 10  Employee Privacy/Electronic Privacy  

Reading to be completed for class on October 17:  
Twomey 647-651 (In Chapter 17)  

SAKAI:  
Social Media History Becomes a New Job Hurdle, New York Times, July 20, 2011  
Even If It Enrages Your Boss, Social Net Speech is Protected, New York Times, January 22, 2013  
Ontario, California v. Quon, __ U.S. __ (June 17, 2010)  
NJ Social Media Employment Law  

October 17  Discrimination Laws  
(Race, Religion, Sex, Sexual Orientation)  

Reading to be completed for class on October 24:  
Twomey 395-409; 411-432 (In chapter 12)  

October 24  Discrimination Laws continued/Sexual Harassment/National Origin/Age  

SAKAI  
Vance v. Ball State, 570 U.S. __ (June 24, 2013)  

Reading to be completed for class on November 7:  
Twomey 432-456; 534-549 In Chapters 12 & 14)
October 31  MIDTERM

November 7  Americans With Disability Act/Rehabilitation Act

Reading to be completed for class on November 14:
Twomey  553-574 (In Chapter 15)

SAKAI:
(Questions and Answers on the Final Rule Implementing the ADA Amendments Act of 2008).

November 14  Workers Compensation; Occupational Safety & Health
(SECOND ASSIGNMENT DISTRIBUTED)

Reading to be completed for class on November 21:
Twomey 575-589 (In Chapter 15)
Twomey 361-390 (In Chapter 11)

SAKAI:
N.J.S.A. 34:15.1-3

November 21  Unemployment Insurance/Wage & Hour Laws
(SECOND ASSIGNMENT DUE)

Reading to be completed for class on December 5
Twomey 677-689; 693-697 (In Chapter 18)

SAKAI:
Westerkamp Handout

December 5  Immigration; USEERA

Reading to be completed for class on April 25
Twomey 697-707; 589-593 (In Chapters 17 & 18)

SAKAI:
U.S. Department of Labor VETS USERRA Fact Sheet 3
A Non-technical Resource Guide to USERRA

December 16  FINAL EXAMINATION DUE (TAKE HOME)