EMPLOYMENT LAW

Fall 2014
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
E-mail: JoyceMKlein@gmail.com

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. Readings posted on SAKAI may be found under “Resources.”

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.

LAPTOP/RECORDING POLICY: Students are permitted to bring and use laptop computers or tablets in class, for viewing class readings. Students are NOT permitted to use laptops or tablets to take notes, e-mail, or engage in other 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. All other electronic devices including cell phones, beepers, PDA’s, shall be silent and put away during class.

**ACADEMIC INTEGRITY:** The conduct of all students is governed by the Rutgers University Academic Integrity Policy: 

**HOMEWORK:** Each student is required to submit electronically through SAKAI before class begins (before 6:00 p.m.), a case brief for one major case included in the reading each week for ten weeks of class. (See handout posted on SAKAI). There are eleven weeks of class that include case readings where homework is due. Each student is free to skip one case brief, 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 **20%** 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 mid term examination on **October 30, 2014**, which will account for **30%** of the final grade.

Students will complete a final examination by **December 11, 2014**, which will account for **30%** of the final grade.

**September 4**
**INTRODUCTORY CLASS**

The Courts and Administrative Agencies
Case Briefing Exercise

Reading to be completed for class on September 11:
Twomey pp. 597-610, 616-619  (in chapter 16)

**September 11**
Employment at Will; Exceptions to Employment at Will;
Contract & Tort Theories

Reading to be completed for class on September 18:
Twomey pp. 597-604, 607-608, 616-619  (in chapter 16)

**SAKAI:**
Exception to Employment at Will
Contract & Tort Theories Continued

Reading to be completed for class on October 2:
Twomey pp. 605-605, 609-16, 620-628 (In Chapter 16)

SAKAI:
Lane v. Franks, __ U.S. __ (June 19, 2014)

September 25 NO CLASS—ROSH HASHANAH

October 2 Whistleblower Protection (SOX, CEPA)

Reading to be completed for class on October 9:
Twomey 633-647; (In Chapter 17)

October 9 Employee Privacy (Drug Testing, Defamation)

Reading to be completed in class on October 16:
Twomey 652-662, 668-671 (In Chapter 17)

October 16 Employee Privacy (continued)

Reading to be completed for class on October 23:
Twomey 647-651 (In Chapter 17)

SAKAI:
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 23 Employee Privacy/Electronic Privacy

Reading to be completed for class on November 6:
Twomey 411-424 (In Chapter 12)

October 30 MIDTERM

November 6 Discrimination Laws
(Race, Religion)

Reading to be completed for class on November 13:
Twomey 432-446; 534-540 (In Chapters 12 & 14)
November 13  Discrimination Laws (continued)  
(Age)  
Reading to be completed for class on November 20:  
Twomey 575-589 (In Chapter 15)  
Twomey 361-390 (In Chapter 11)  

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

November 20  Workers Compensation; Occupational Safety & Health  
Reading to be completed for class on November 25:  
Twomey 677-689; 693-697 (In Chapter 18)  

**SAKAI:**  
Westerkamp Handout  
The Federal Minimum Wage: In Brief  
By David Bradley (Congressional Research Services)  
The Future of Fair Labor by Jefferson Cowie  
*New York Times*, June 24, 2013

November 25  Unemployment Insurance/Wage & Hour Laws  
Reading to be completed for class on December 4:  
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  
“A Verification System for New Hires Backfires”,  
*Businessweek*, (November 2011)

December 4  Immigration; USEERA  

December 11  **FINAL EXAMINATION**