Employment Law

Instructor: Lisa Schur
Contact: schur@work.rutgers.edu
Course Number: 37:575:315:92
Semester: Fall 2014

Course Overview
Description
This course covers fundamental and developing issues of American employment law. Topics will include employment at will and its exceptions, privacy, wage and hour laws, family and medical leave, and discrimination, among others.

LSER Learning Objectives
Employment Law addresses the following LSER Department learning outcomes:
1) Understand basic issues and developing topics in Employment Law in the U.S and the impact they have on workers;
2) Develop the ability to read, understand, and evaluate legal decisions.

To Get Help
Employment Law is a fully online course. Students requiring technical assistance should contact the following support systems.

- Pearson Learning Studio platform help desk
  Toll free hotline - 24 hours a day, 7 days a week: 877-7RUTGER (877-778-8437)

- Local helpdesk: Rutgers Center for Online and Hybrid Learning and Instructional Technologies (COHLIT) Email: help@ecollege.rutgers.edu
  Call: M – F: 9:00 am – 6:00 pm 848-932-4702

Course Requirements
Reading
Students read textbook chapters, court decisions, and internet based resources. Required textbook:

Additional required readings are already uploaded into the course shell or a link to external material is available.

Audio/Video
Students are required to watch instructor generated and other video presentations. Most video material is provided through links within the course shell; students must download or rent the movie North Country to fulfill a required audio/visual assignment week 9.
Writing Assignments
Two writing assignments require students to reflect on course material, engage in online
searches to connect employment law concepts with current events, and develop and clearly
state opinions.

Writing Assignment #1: Internet research on state laws prohibiting employers from asking
employees for passwords to social media accounts. Instructions for developing the assignment
are available in the course shell.

Writing Assignment #2: Students choose a topic for their second writing assignment early in
the semester. The topic chosen is one that we address during the semester.

Half of the students will submit their writing assignment for discussion week 10 (referred to as
writing assignment #2A); the second half will submit their assignment week 13 (referred to as
writing assignment #2B) The writing assignment is to be organized into three sections:
overview, reflection, resources. Instructions for developing the assignment are available in the
course shell.

Peer Review and Comment on Writing Assignments
Students read and reflect on the content of each other’s writing assignments. Students exhibit
their knowledge of employment law and critical thinking skills when defending their opinions
shared within their comments.

Students must develop at least 4 separate comments on 4 different writing assignments for
both writing assignment 2A and 2B (total of 8 comments.)

Forums
A forum will be held during both weeks 8 and 9. Students are required to make three
substantive comments in each forum. The forums will be based on topics of particular interest
in the field of employment law (Forum #1: religious, national origin discrimination; Forum #2
sexual harassment and discrimination.)

Exam and Quizzes
There are 3 quizzes (weeks 4, 7, 12) and a comprehensive final exam (week 14.)

Grading
A final grade is based on a 1000 point system. Each assignment is worth a specific number of
points. Total points accumulated determines final course grade.

Writing Assignment #1: 130 points
Writing Assignment #2 (A or B): 250 points
Writing Assignment Comments:
Eight comments 160 points
(4 comments on both 2A and 2B; 80 points per set of comments)
Forums: Two forums  
(3 comments each forum; 45 points per forum)  

<table>
<thead>
<tr>
<th>Quizzes:</th>
<th>150 points</th>
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<tr>
<td>(3 quizzes; 50 points per quiz)</td>
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<table>
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<tr>
<th>Exam</th>
<th>220 points</th>
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<tbody>
<tr>
<td>Total Points:</td>
<td>1000 points</td>
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Point Equivalent to Final Grade

- Outstanding 1000 - 900 Points = A
- Good 899 – 860 Points = B+
- 859 – 800 Points = B
- Satisfactory 799 – 760 Points = C+
- 759 – 700 Points = C
- Poor 699 - 600 Points = D
- 599 and below = F

Policies and Procedures

Class Sessions

- Students are expected to enter the course for the first time the first day of the semester.
- The course week begins on Thursdays. A weekly message will be sent to each student as well as uploaded into the course weekly messages file in document sharing by 10 am Thursday. Information about content or assignment procedure is available within the weekly message.
- Each week is 7 days in length. Students may enter the course and engage in coursework at any time 24 hours a day, 7 days a week.

Due Dates

- Writing assignments must be completed by 11:59 pm Eastern Time. Deadlines are listed on the course calendar that is available in the course shell.

- Writing assignment late penalties:
  - up to 24 hours late (12 midnight – 11:59 pm Fridays) - 10% of the worth of the assignment;
  - up to 48 hours late (12 midnight – 11:59 pm Saturdays) - 20% of the worth of the assignment.
  - Writing assignments will not be accepted after the 48 hour late period.

- Exams and quizzes must be completed within the 3 day open period. As students are given a three day period to complete the assessments, no extensions are available.

Checking Email

Instructor's Email Checking Policy: Unless you receive advance notification, I will check my email by 5 p.m. Eastern Time every workday. If you send a comment or question, you will receive a response within 24 hours.
Students’ Email Checking Policy: It is the responsibility of the student to check for incoming course related messages at least 2 times a week. The weekly message is sent Thursday mornings. Students are advised to open and read the message on Thursdays.

**Course Schedule**

**Weeks 1 and 2**

**Topic 1: Course Overview**

Reading:
- Syllabus, Calendar, Grading
- Using course tools
- “Laws Affecting Employee Rights in the United States”

Video:
- Instructor Welcome and Course Overview

**Topic 2: Understanding the Court System**

Reading:
- "Understanding the Federal Courts"
  (http://www.uscourts.gov/FederalCourts.aspx)
- "Welcome to the New Jersey Court System"
  (http://www.judiciary.state.nj.us/process.htm)

**Topic 3: How to read and brief cases**

Reading:
- Example of a case brief

**Topic 4: Anatomy of an Employment Lawsuit**

Reading:
- Sample Complaint filed in NJ Superior Court
- "Civil Cases"

Video:
- Anatomy of a lawsuit, Prof. James Cooney

**Week 3**

**Topic 1: Remedies**

Reading:
- Nutshell, pp. 531-553

Video:
- Typical remedies in employment cases, Prof. James Cooney

**Topic 2: Employment at Will & Exceptions**

Reading:
- Nutshell, pp. 37-77
- *Adams v. Uno Restaurants* (public policy exception, whistleblowing)
- *Nike v. McCarthy* (non-competition agreement)
June 8, 2014
“Persons of The Year 2002: The Whistleblowers,” Time magazine, Dec. 20,
2002

Video:
Employment at Will and Exceptions - Professors Schur and Cipparulo

Week 4
Topic: Employee versus independent contractor
Reading:
Nutshell, pp. 21-30
Twomey pp. 619-628
Studebaker v. Nettie’s Flower Garden (employee vs. indep. contractor)
Bryant v. Livigni (negligent retention)

Topic: Using Rutgers libraries to access on-line legal material
PowerPoints: Julie Moscinski, SMLR Librarian
Librarian Introduction
Accessing On-line Information on State Laws and Legal Decisions

Assignment: Quiz #1

Week 5
Topic: Privacy
Reading:
Nutshell pp. 151-157, 185-190, 198-212
"Can Bosses Do That?"
Deal v. Spears (monitoring telephone conversations)
Jakubowicz v. Dittemore (drug testing)
Employees Union v. Von Raab (drug testing)

Writing Assignment #1 due: Internet research on state laws prohibiting employers from asking
employees for passwords to social media accounts

Week 6
Topic: — Fair Labor Standards Act, Minimum Wage and Overtime
Readings:
Nutshell pp. 374-383
Singh v. Jutla and C.D. and R’s Oil Inc. (FLSA coverage of undocumented
workers)
Dinges v. Sacred Heart St. Mary’s Hospitals (FLSA “working time”)

Instructor Video: Fair Labor Standards Act
Week 7

Topic: Discrimination laws: Title VII of the Civil Rights Act of 1964

Reading:
- Nutshell, pp. 229-250
- *U.S. v. Villages of Elmwood Park and Melrose Park* (race discrimination)
- "Burden of proof in disparate treatment and disparate impact cases"
- EEOC Website, “Filing a Charge of Discrimination”
  - http://www.eeoc.gov/employees/charge.cfm

Video:
- Theories of Action Under Discrimination Laws: Disparate Treatment and Disparate Impact
- Professors Rosemarie Cipparulo and Lisa Schur

Assignment: Quiz #2

Week 8

Topic 1: Religious Discrimination

Reading:
- *Feldstein v. The Christian Science Monitor* (religion)
- *Mormon Church v. Amos* (religion)
- *TWA v. Hardison* (religion, standard of undue hardship)

Videos:
- Professor James Cooney, Esq.
- Legal Reflections:
  - Part I: Comments and Examples on Religious Discrimination in the Workplace
  - Part II: Comments and Examples on Employee
  - Part III: The Rights of the Non-Religious Employee

Topic 2: Discrimination on the basis of national origin

Reading:
- *Fragrante v. City and County of Honolulu* (national origin)

Assignment: Forum #1: Check calendar for open/close and first comment dates.
Students who chose a topic from the first part of the semester should work on writing assignment #2A

Week 9

Topic 1: Sexual Harassment and Discrimination

Reading:
- Nutshell pp. 241-243
- *Lanning v. SEPTA* (disparate impact)
- *Oncale v. Sundowner Offshore Services* (sexual harassment)
- *Burlington Industries v. Ellerth* (sexual harassment)
- Daniel Goleman, "Sexual Harassment: About Power, Not Lust"
Video:

Instructor Overview: Sexual Harassment and Discrimination

Movie “North Country”
Instructor Videos: Sexual Harassment: Background; Two Kinds of Sexual Harassment

Topic 2: Grooming and dress requirements
Reading:

EEOC v. Sage Realty
Eatman v. UPS
Jesperson v. Harah
“The Dreadlock Deadlock, Newsweek, September 10, 2001

Forum #2: Check calendar for open/close and first comment dates.

Week 10

Topic: Disability Discrimination
Reading:

Twomey pp. 553-570
Includes: Cook v. State of Rhode Island (obesity)
Horgan v. Simmons (HIV positive)
Palmer v. Circuit Court (direct threat defense)
Lyons v. Legal Aid Society (reasonable accommodations, undue hardship defense)

Twomey pp. 571-574
US Airways v. Barnett (seniority systems)
Huber v. Walmart (reasonable accommodations)

Instructor Video: Myths of Disability

Assignment: Writing assignment #2A

Week 11

Topic: Workplace Bullying
Reading:

New Jersey Healthy Workplace Act
Website – Pending Healthy Workplace Legislation May Put NJ, NY and Illinois Employers at Risk (http://www.natlawreview.com/node/2515)
Website – Proposed Legislation Stands Up To Workplace Bullies
http://www.law.com/corporatecounsel/PubArticleCC.jsp?id=1202573109680&Proposed_Legislation_Stands_Up_to_Workplace_Bullies&slreturn=20130022095250

Assignment:

Peer Comments on Writing Assignment #2A – 4 Comments by the end of course week

Week 12
Topic: Family & Medical Leave (FMLA and NJFLA)

Reading:

Assignment: Quiz #3

Week 13
- Thanksgiving Recess
- Assignment: Writing Assignment #2B

Week 14

Assignments:

Peer comments on writing assignment #2B due by 11:59 p.m. Wednesday, December 10.

Final exam open 12:01 a.m. Sunday, December 7 – 11:59 pm, Tuesday, December 9.