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.

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: [http://academicintegrity.rutgers.edu/files/documents/AI Policy 9 01 2011.pdf](http://academicintegrity.rutgers.edu/files/documents/AI Policy 9 01 2011.pdf)

**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 ten weeks of class. (See handout). There are eleven weeks of class that include case readings. Each student is free to skip one case brief, and is required to turn in the assigned case brief for each of the remaining ten 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 attendance and participation grade for that class. THERE WILL BE NO EXTENSIONS FOR HOMEWORK ASSIGNMENTS. Homework will count for **20%** of the final grade.

**Assignments and Examinations:** Students will complete a midterm examination on **October, 22, 2015** which will account for **30%** of the final grade.

Students will complete a final examination on **December 10, 2015** which will account for **30%** of the final grade.

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**September 3**

- Introduction
- The Courts and Administrative Agencies
- How to read a case
- Case reading exercise
- Employment at Will

**September 10**

- Employment at Will; Exceptions to Employment at Will; Contract Theories
- Twomey pp. 597-610, 616-619 (in chapter 16)

**SAKAI:**

**September 17**

- Exceptions to Employment at Will
- Tort Theories
- Twomey pp. 616-628 (In Chapter 16)

**SAKAI:**
September 24  Whistleblower Protection (SOX, CEPA)
Twomey 610-616 (In Chapter 16)

**SAKAI:**
Hernandez v. Montville Board of Education
Lippman v. Ethicon and Johnson & Johnson

October 1  Employee Privacy/Drug Testing
Twomey 633-647; 652-662 (In Chapter 17)

October 8  Employee Privacy/Electronic Privacy
Twomey 647-651 (In Chapter 17)

**SAKAI:**
Should Companies Monitor Their Employees' Social Media?, Wall Street Journal (October 22, 2014)
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 15  Discrimination Laws
(Race, Religion, Sex, Sexual Orientation)
Twomey 395-409; 411-432 (In chapter 12)

October 22  MIDTERM

October 29  Discrimination Laws continued/Sexual Harassment/National Origin/Age
Twomey 432-456; 534-549 In Chapters 12 & 14)

November 5  Workers Compensation; FMLA
Twomey 575-589 (In Chapter 15)

**SAKAI:**
N.J.S.A. 34:15.1-3
The Demolition of Workers’ Compensation (ProPublica)
(March 4, 2015)
November 12  Unemployment Insurance/Wage & Hour Laws

Twomey 677-689; 693-697 (In Chapter 18)

**SAKAI:**
Integrity Staffing Solutions, Inc. v. Busk et. al., 574 U.S. ___ (2014)
Fact Sheet: Proposed Rulemaking to Update the Regulations Defining and Delimiting the Exemptions for “White Collar” Employees - US Department of Labor, Wage & Hour Division
Overtime – Whiteboard Explainer – Youtube Video
https://www.youtube.com/watch?v=Kf1Ns8Fr9c8&feature=youtu.be

November 19  Immigration; USEERA

Twomey 697-707; 589-593 (In Chapters 17 & 18)

**SAKAI:**
Pink Slips at Disney. But First, Training Foreign Replacements, The New York Times (June 3, 2105)
U.S. Department of Labor VETS USERRA Fact Sheet 3
A Non-technical Resource Guide to USERRA

December 3  Occupational Safety & Health

Twomey 361-390 (In Chapter 11)

**December 10**  **FINAL EXAMINATION**