

# SCHOOL OF MANAGEMENT AND LABOR RELATIONS DEPARTMENT OF HUMAN RESOURCE MANAGEMENT

# LAW OF EMPLOYMENT RELATIONS

PROFESSOR VIKRANT KISHIN ADVANI COURSE NUMBER: 38:533:566 SPRING 2013 – WEDNESDAYS 7:20-10:00 P.M.

JANICE LEVIN BUILDING

# **COURSE OBJECTIVES**

- To acquaint students with the state and Federal framework of employment relations regulation (with the exception of collective bargaining);
- To familiarize students with the legal process, both judicial and administrative:
- To familiarize students with legal reasoning and methods of statutory interpretation;
- To instill in students an approach to employment relations which emphasizes good professional practice and preventive law;
- To provide students with the tools for further study of employment regulation.

# **COURSE REQUIREMENTS**

Although this is an introductory graduate course in employment law, it emphasizes student participation and group discussion. Students will be held responsible for reading and understanding all assigned materials, as well as participating fully in all class discussions.

# **COURSE GRADING**

Course grading is based on two examinations and class participation. The breakdown is as follows:

Midterm: 40% of your overall final grade
 Final: 45% of your overall final grade
 Class Participation: 15% of your overall final grade

The specific format of the examinations will be discussed at the appropriate time but I generally give a Fact Pattern and Definitions-styled Midterm and Final.

Please be advised that I require my students to vigorously participate in class discussions - This means that students must read their assigned materials and must be ready to discuss any of those cases. Very simply, 15% of your final grade is determined by whether you show up to class AND whether you participate in class discussions AND know your materials when I call on you.

# **COURSE MATERIALS**

The required text is the 5<sup>th</sup> Edition of the Wilborn, Schwab, Burton & Lester's *Employment Law: Cases & Materials*. Please do not get the 4<sup>th</sup> edition – there are new cases and it will just annoy you and me.

Also, we will be using *SAKAI* for handouts – I highly recommend that you print out ALL handouts at once. If you do not know what *SAKAI* is, please contact Joanne Mangels or speak with a classmate.

# Class 1 (1/23/13)

#### General Introductions/Opening Remarks

Introduction to the Legal System

Introduction to Regulation of Employment Relations

Handout: How to Brief a Case

Handout: Definitions of some widely used legal terms

The Employment At Will Doctrine - A General Introduction & Discussion

# Class 2 - (1/30/13)

The Contract Exception to the At Will Doctrine

Pages 58-74, 83-116

Skagerberg v. Blandin

Chiodo v. General

Hetes v. Schiffman

Grouse v. Group

Veno v. Meredith

Pugh v. Sees Candies

Woolley v. Hoffman-La Roche

Demasse v. ITT

#### Class 3 - (2/6/13)

The Tort Exception to the At Will Doctrine

Pages 117- 132; 142-146

Nees v. Hocks

Wright v. Shriners

Johnston v. Del Mar

Agis v. Howard Johnson

Bodewig v. KMART

Fortune v. NCR

Murphy v. America Home Products

Handouts: Pierce v. Ortho

New Jersey Conscientious Employee Protection Act (CEPA)

# Class 4 - (2/13/13)

Employee Privacy in the Workplace

Pages 205-273; 278-282; 291-298; 305-308.

Rutan v. Republican Party

Garcetti v. Ceballos

Novosel v. Nationwide

Timekeeping Systems Inc.

Ontario v. Quon

KMART v. Trotti

Pure Power v. Warrior Fitness

Konop v. Hawaiian Airlines

Brunner v. Al Attar

Rulon Miller v. IBM

Sims v. NCI

Soroka v. Dayton Hudson

Thatcher v. Brennan

Handout: Hennessey v. Coastal Eagle

# Class 5 - (2/20/13)

Defamation, Trade Secrets, Covenants Not to Compete & Employee Inventions

Pages 311-329, 333-365; 377-392

Elbeshbeshy v. Franklin

Zinda v. Louisiana

Sigal v. Stansbury

Jet v. Mulei

Dicks v. Jensen

PepsiCo v. Redmund

REM Metals v. Logan

Karpinski v. Ingrasci

Francklyn v. Guilford

Ingersoll-Rand v. Ciavatta

# Class 6 - (2/27/13)

Status Discrimination - Disparate Treatment, BFOQ, Disparate Impact, Reasonable Accommodation; NOTE: REVIEW OF MATERIAL TESTED IN MIDTERM TO BE DONE AT THIS CLASS

Pages 395 – 416; 426-488;

McDonnell Douglas v Green Price Waterhouse v. Hopkins Desert Place v. Costa Jesperson v. Harrah Hazelwood v. U.S. Meacham v. Knolls Ricci v. DeStefano Griggs v. Duke

CLASS WILL RECEIVE A IN CLASS EXAMINATION IN THE NEXT CLASS. THE MIDTERM WILL COVER CLASSES 2 THROUGH 5.

#### Class 7 - (3/6/13)

#### IN CLASS EXAMINATION

#### Class 8 - (3/13/13)

Sexual Harassment, Affirmative Action

Pages 488 - 528, 546-554

Harris v. Forklift Systems
Oncale v. Sundowner
Lyle v. Warner Brothers
Faragher v. City of Boca Raton
Gil v. Vortex
Hoffman v. Carefirst
Johnson v. Transportation Agency
Taxman v. Board of Education

Handouts: Lehman v. Toys R'Us Taylor v. Metzger

# Class 9 - (3/27/13)

Regulation of Compensation & Unemployment Compensation, WARN, FMLA

Pages 607- 635; 655 – 676; 681- 686; 697-708

Bright v. Houston
Marshall v. Sam Dell
Dunlop v. Gray Goto
Morgan v. Family Dollar
Beckwith v. UPS
Knox v. Board
Wimberly v. Commission
MacGregor v. Appeals Board
Jones v. Review Board
McCourtney v. Imprimis
Roquet v. Arthur Andersen
Whitaker v. Bosch
Byrne v. Avon

# Class 10 - (4/3/13)

#### Workers Compensation

Pages 882 - 961

Millison v. Du Pont
Livitsanos v. Superior Court
Ezzy v. Appeals Board
Prows v. Industrial Commission
Santa Rosa College v. Appeals Board
Donahue v. Maryland
Katz v. Kadans
Hanson v. Reichelt
Nippert v. Shinn Farm
Technical Tape v. Industrial Commission
Mathews v. R.T. Allen
TISCO v. Industrial Commission
Chicago BOE v. Industrial Commission

# Class 11 - (4/10/13)

# Occupational Safety & Health Act

Pages 1003 - 1114

AFL-CIO v. Brennan

American Textile v. Donovan

AFL-CIO v. OSHA

National v. OSHRC

Marshall v. Barlow's Inc.

Stevedores v. OSHA

Whirpool v. Marshall

Secretary v. Summit

National v. OSHA

Gade v. National

People v. Chicago Magnet

# Class 12 - (4/17/13)

Employee Benefits - ERISA

Pages 726-787; 802-836

Nemeth v. Clark

Donovan v. Bierwirth

LaRue v. Dewolff

Lorenzen v. Retirement

Beach v. Commonwealth

Metropolitan v. Glenn

Pension Benefit v. LTV

Metlife v. Massachusetts

Retail v. Fielder

Corcoran v. United Healthcare

#### Class 13 - (4/24/13)

#### • REVIEW FOR FINAL EXAMINATION/CATCH-UP

# Class 14 - (5/1/13)

• IN CLASS EXAM