## **EMPLOYMENT LAW**

Spring 2013 Course No. 37-575-315-5 (New Brunswick) Course No. 37-575-315-81 (Atlantic City/Mays Landing) 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

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.

Text:

**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 **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 **March 14, 2013**, which will account for **25%** of the final grade.

Students will complete a final examination on **May 9, 2013**, which will account for **25%** of the final grade.

January 24 Introduction

The Courts and Administrative Agencies

How to read a case Case reading exercise Employment at Will

January 31 Employment at Will; Exceptions to Employment at Will;

**Contract Theories** 

Reading to be completed for class on January 31: Twomey pp. 597-610, 616-619 (in chapter 16)

February 7 Exceptions to Employment at Will

**Tort Theories** 

Reading to be completed for class on February 7:

Twomey pp. 616-628 (In Chapter 16)

SAKAI:

Carter v. Reynolds, 175 N.J. 402 (2003)

February 14 Whistleblower Protection (SOX, CEPA)

(FIRST ASSIGNMENT DISTRIBUTED)

Reading to be completed for class on February 14:

Twomey 610-616 (In Chapter 16)

SAKAI:

Hernandez v. Montville Board of Education

D'Annunzio v. Prudential Insurance Co. of America

February 21 Employee Privacy/Drug Testing

(FIRST ASSIGNMENT DUE)

Reading to be completed for class on Februay 21:

Twomey 633-647; 652-662 (In Chapter 17)

February 28 Employee Privacy/Electronic Privacy

Reading to be completed for class on February 28:

Twomey 647-651 (In Chapter 17)

**SAKAI**:

Social Media History Becomes a New Job Hurdle, New York

Times, July 20, 2011

Ontario, California v. Quon, \_\_ U.S. \_\_ (June 17, 2010)

NJ Social Media Employment Law

March 7 Discrimination Laws

(Race, Religion, Sex, Sexual Orientation)

Reading to be completed for class on March 7:

Twomey 395-409; 411-432 (In chapter 12)

March 14 MIDTERM

March 28 Discrimination Laws continued/Sexual Harassment/National

Origin/Age

Reading to be completed for class on March 28:

Twomey 432-456; 534-549 In Chapters 12 & 14)

April 4 Americans With Disability Act/Rehabilitation Act

(SECOND ASSIGNMENT DISTRIBUTED)

Reading to be completed for class on April 4:

Twomey 553-574 (In Chapter 15)

SAKAI:

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

April 11 Workers Compensation; FMLA

(SECOND ASSIGNMENT DUE)

Reading to be completed for class on April 11:

Twomey 575-589 (In Chapter 15)

**SAKAI:** 

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

April 18 Unemployment Insurance/Wage & Hour Laws

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

**SAKAI:** 

Westerkamp Handout

April 25 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

"A Verification System for New Hires Backfires",

Businessweek, (November 2011)

May 2 Occupational Safety & Health

Reading to be completed for class on May 2:

Twomey 361-390 (In Chapter 11)

May 9 FINAL EXAMINATION