RUTGERS
School of Management
and Labor Relations

Syllabus
Employment Law

38:533:566
Spring 2012

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Course Description

This course provides an overview of U.S. employment law at both the federal and state level. It reviews employment at will and wrongful discharge, employment torts, privacy, discrimination law, worker's compensation, occupational safety and health, unemployment, federal compensation laws, and the law of noncompetition and trade secrets. It is designed for individuals preparing for careers in human resource management, labor relations, or dispute resolution.

Course Objectives

This course is designed to provide a basic understanding of U.S. employment regulation for individuals working in business organizations, labor unions, nonprofit organizations, or dispute resolution.

- To acquaint students with how employment is regulated in the U.S.
- To provide students with a basic understanding of the role of the legislature and the courts in employment regulation.
- To familiarize students with the basics of legal reasoning.
- To help students focus on prevention of legal problems as well as good professional practice

Course Policies and Procedures

This course uses a hybrid or blended format. There will be 15 weeks of class. Ten classes will be held in person in the Levin Building classroom. Five classes will be conducted online. Students will be expected to participate actively in both in-person and online formats.

Attendance Policy

Students are expected to attend all classes; if you expect to miss a class, please use the University absence reporting website https://sims.rutgers.edu/ssra/ to indicate the date and reason for your absence. An email is automatically sent to me.

Please note: My policy for missed classes is to give a zero for class participation on that day; written assignments must be submitted on time unless the student has received permission to submit the assignment late. Points will be deducted from late written assignments.

Students with Disabilities

Students with documented disabilities who require academic accommodations should confer with staff of the Office of Disability Services for Students (http://disabilityservices.rutgers.edu/) or call (848) 932-2848; fax (848) 932-2849. That office will determine the appropriate accommodations and will advise the instructor accordingly.

Grading Policy

Because this course focuses on the law, the primary issues involved are how various areas of the law apply to employment decisions. Therefore, students must be familiar with the legal principles discussed in each reading assignment, and be able to apply those principles to particular employment decisions, such as recruitment, hiring, performance management, discipline, and discharge. Students will be evaluated on their mastery of the legal concepts and their ability to apply these concepts to the particular employment decision at issue in each of the assessments.

Grading Scale

A final grade is based upon the point system below.

460 – 500 points = A	420 – 459 points = B+
380– 419 points = B	340 -- 379 points = C+
300--339 points = C	Less than 300 points = F

The number of points for each course assessment activity is detailed in the following chart:

Points	Assignments
120	Forum discussions (6 total)
300	Responses to essay tests (3 tests)
80	In-class participation

Forums

There are six forums. Forums are asynchronous threaded discussions on topics related to course topics and assignments. Students **MUST** participate in Forums for required number of times to receive full points, and must give clear evidence in his/her postings that the assigned material has been read and is being used in the Forum posting. Please read "Forum Guidelines," available on the course website, for information on grading criteria for Forums.

Responses to essay tests

You will be required to submit answers to three essay tests. Responses must refer to the reading assignments and legal principles involved; total words for each of the three essay tests must not exceed 1,000 words.

Course Assignments

All reading assignments must be completed *before* class so that each student can participate fully in class discussion.

Required texts

Richard A. Bales, Jeffrey M. Hirsch, and Paul M. Secunda. *Understanding Employment Law*. LEXIS-NEXIS Publishing Co., 2007. ISBN 0-8205-7053-2. (referred to as "Bales").

Thomas R. Haggard. *Understanding Employment Discrimination*. 2d ed. LEXIS-NEXIS Publishing Co., 2008. ISBN 978-1422422649 (referred to as "Haggard").

Recommended text

E. Allan Farnsworth. *Introduction to the Legal System of the United States*. Oxford University Press, 1999. ISBN: 978-0379213737

Note: With the exception of the Bales and Haggard texts, which must be purchased, all additional readings are on the course website.

January 17, 2012 – in class

<u>Unit One: Introduction to the Legal System and the Regulation of Employment</u>

Required reading:

http://public.findlaw.com/library/legal-system/court-systems.html
Bales, pp. 1-4; 23-34
Guidelines for Reading Cases
Key Concepts in Employment Law

Recommended reading:

E. Allan Farnsworth. *Introduction to the Legal System of the United States*. Oxford University Press, 1999.

January 24, 2012—in class

<u>Unit Two: At-Will Employment and Its Exceptions</u>

Required reading:

http://Smallbusiness.findlaw.com/business-forms-contracts/business-forms-contracts-overview.html (review "Contract Basics")
Bales, pp. 35-61
Chiodo v. General Waterworks
Grouse v. Group Health
Schoff v. Combined Insurance Company
Pugh v. See's Candies
Woolley v. Hoffmann LaRoche
Shebar v. Sanyo

January 31, 2012 – in class

<u>Unit Three: Tort (public policy) Exceptions and Whistleblowing</u>

Required reading:

www.wisegeek.com/what-is-tort-law.htm
Bales, pp. 63-75
Johnson v. Del Mar Distributing Co.
Pierce v. Ortho Pharmaceutical
Adams v. Cochran
Nees v. Hocks

Collins v. Beazer Homes USA
Whistleblower laws (NJ Conscientious Employee Protection Act)
D'Annunzio v. Prudential

Begin participating in forum 1, which opens 2/1/12

February 7, 2012-- online

Participate in forum 1
Forum 1 responses must be completed by 2/9/12

February 14, 2012—in class

<u>Unit 4: Privacy and Workplace Torts</u>

Required reading:

Bales, pp. 93-110, 111-118
The Fourth Amendment: http://en.wikipedia.org/wiki/Search_and_seizure#United_States
K-Mart v. Trotti
Rulon-Miller v. IBM
Soroka v. Dayton Hudson Corp
Hennessey v. Coastal Eagle Point
Sigal v. Stanbury
Subbe-Hirt v. Baccigalupi
Bodewig v. K-Mart
Randi W. v. Muroc Joint Unified School Dist.

Recommended reading:

Jennifer L. Nevins, "Measuring the Mind: A Comparison of Personality Testing to Polygraph Testing in the Hiring Process," 109 *Penn State Law Review* 857 (2005).

Connie Swemba, "To Tell the Truth, the Whole Truth, and Nothing but the Truth: Employment References and Tort Liability." 33 *University of Toledo Law Review* (2002)

Begin participating in Forum 2, which opens on 2/15/12

February 21, 2012-- online

Participate in forum 2, submit answers to Essay Test #1
Forum 2 responses must be completed by 2/23/12
Answers to Essay Test #1 are due by 2/24/12

February 28, 2012 – in class

<u>Unit Five: Duty of Loyalty and Noncompete Agreements</u>

Bales, pp. 119-136
Michael J. Garrison and John T. Wendt. "The Evolving Law of Employee Noncompete Agreements: Recent Trends and an Alternative Policy Approach." 45 *American Business Law Journal* 107 (2008).
Jet Courier v. Mulei
Scanwell Freight Express v. Chan
CTI, Inc. v. Software Artisans, Inc.
Hopper v. All Pet Animal Clinic
Ingersoll Rand v. Ciavatta

Begin participating in Forum 3, which opens on 3/1/12

March 6, 2012 – online

Participate in forum 3
Forum 3 responses must be completed by 3/8/12

March 13, 2012 **Spring Break—no class**

March 20, 2012 – in class

<u>Unit Six: Nondiscrimination</u>

Required reading:

Haggard, pp. 3-7, 40-53, 68-79, 95-101, 113-153, 159-167, 301-318
Introduction to Federal Discrimination Law
http://www.introlaw.com/ed/articles/edlawtoc.html
McDonnell-Douglas v. Green
Griggs v. Duke Power Co.
Riser v. Target
Aungst v. Westinghouse
Deane v. Pocono Medical Center
EEOC v. Alamo
Lehmann v. Toys 'R' Us
Crawford v. Metropolitan Government of Nashville and Davidson County

Begin participating in forum 4, which opens on 3/21/12

March 27, 2012 – online

Participate in forum 4, submit answers to Essay Test #1
Forum 4 responses must be completed by 3/29/12
Answers to Essay Test #2 are due by 3/20/12

April 3, 2012—in class

<u>Unit Seven: Worker Safety and Health</u>

Required reading:

Bales, pp. 233-254
OSHA Basics
Whirlpool v. Marshall
National Realty v. OSHRC
Worker's Compensation Primer (pp. 2-5)
Worker's Compensation Basics
Millison v. DuPont
Melvin v. Car Freshener
Clodgo v. Industry Rentavision
Chicago Board of Education v. Industrial Commission

Begin participating in forum 5, which opens on 4/4/12

April 10, 2012 – online

Participate in forum 5
Forum 5 responses must be completed by 4/12/12

April 17, 2012 – in class

<u>Unit Eight: Compensating the Employee During and After Employment</u>

Required reading:

Bales, pp. 137-193
FLSA Exemptions and Definitions
Davis v. Mountaire (FLSA)
FMLA Fact Sheet
Wisbey v. City of Lincoln (FMLA)
Unemployment Insurance Basics

NJ Unemployment Insurance Employer Handbook pp. 37-44 (use page numbers at bottom of page)
Rolka v. Board of Review

Begin participating in forum 6, which opens 4/18/12

April 24, 2012 – online

Participate in forum 6, submit answers to Essay Test #3
Forum 6 responses must be completed by 4/26/12
Answers to Essay Test #3 are due by 4/27/12

May 1, 2012 – in class

Final class activity, TBA