EMPLOYMENT LAW

Spring 2011 Course No. 37:575:315:01 Mondays 6:40 p.m. – 9:30 p.m. Annmarie Pinarski, Esq.

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This course will identify and analyze major issues in employment law. Topics covered include federal and state laws protecting employees from discrimination based on race, national origin, sex, gender, sexual orientation, age, and disability, as well as wage and hour laws, laws covering employee privacy, workers compensation, whistleblower laws, unemployment insurance, health and safety laws, and contracts of employment.

The objectives of this course are to help students critically analyze the framework of employment laws in the United States, to gain an understanding of the historical context in which employment laws have been promulgated, and to critically evaluate statutes and legal decision pertaining to employment laws.

TEXT: <u>Labor and Employment Law: Texts and Cases</u> (14th Ed.) by David P. Twomey.

Supplemental readings will be distributed and/or available on SAKAI throughout the semester. Additional readings may be added throughout the course of the semester.

ATTENDANCE: Class attendance is mandatory. Reading assignment are expected

to be completed before class. Please turn off all cell phones,

beepers, pagers, blackberrys, IPhones, etc. during class.

GRADING: 1) Midterm examination. (30%).

2) Participation. (30%). There will be one short written assignment during the semester, which will be worth 10% of the participation component of your grade. Twenty percent (20%) of the participation component will be based on your attendance and active participate in class discussions. Active participation is important. If you do not actively participate in class, your final

grade will reflect a low score on this component of the class.

3) Final examination. (40%).

CLASS CALENDAR

January 24 Introduction

Overview of the Federal and State Courts and

Administrative Agencies.

Review of employment at will doctrines

How to read a case.

Case reading exercise (To be distributed in class).

January 31 Exceptions to Employment at Will

Contract and Tort Theories

Congress, Administrative Agencies and the Courts

Twomey: p..23-30; 583-596; 600-611

SAKAI:

Woolley v. Hoffman-LaRoche, Inc.

Gilbert v. Durand Glass Manufacturing Co, Inc.

Pierce v. Ortho Pharmaceutical Co.

February 7: Discrimination laws: Race, religion, sexual orientation

Twomey: pp. 731-747; 387-412

SAKAI:

TWA v. Hardison Shahar v. Bowers

Optional:

Enriquez v. West Jersey Health Systems

DePiano v. Atlantic City

Taylor v. Metzger

February 14: Discrimination Laws: Sexual Harassment, Grooming,

Dress

Twomey: pp. 412-437

SAKAI:

Price Waterhouse EEOC v. Sage Realty

Eatman v. UPS

February 21: Movie: North Country

Review for Mid Term examination.

Reading: SAKAI:

Excerpt from Class Action

February 28: Mid term examination.

March 7: Discrimination laws: National origin, protection against

retaliation, Title VII exceptions, burden of proof, disparate

treatment, disparate impact

Twomey: 438-478

SAKAI:

McDonnell Douglas Corp. v. Green

Examples of Workplace Anti-discrimination and reporting

policies.

March 21:

Procedures and remedies: Consent decrees, affirmative

action plans, arbitration

Twomey: 478-513

SAKAI:

Eldrege v. Carpenters

Taxman v. Board of Educ. of Township of Piscataway

March 28:

Pay Equity and Age Discrimination

Twomey: 515-542

SAKAI

Ledbetter v. Goodyear Tire and Rubber

Summary of the Lily Ledbetter Fair Pay Act of 2009 Readings on Lily Ledbetter and Paycheck Fairness Act

April 4: Disability Discrimination

Twomey: 543-582; 748-765

SAKAI

Davidson v. Atlantic City Police Dep't Clowes v. Termanix International Wallace v. Veterans Administration

Written Assignment distributed

April 11: Written assignment distributed

Employee Privacy Topics and First Amendment Rights for

Public Employees

Twomey: pp. 615-659

SAKAI

TBA (Readings on Public Employees and First

Amendment)

April 18:

Wage and Hour Law

Twomey: pp. 661-691

Written Assignment due

SAKAI:

Various excepts on Fair Labor Standards Act to be

determined and distributed

April 25: Occupational Health and Safety; Family and Medical

Leave Act

Twomey: pp. 353-385

SAKAI

Drew v. Waffle House

Excerpts from Family and Medical Leave Act, NJ Family

Leave Act, and NJ Paid Family Leave Act

May 2: Review for final examination.