EMPLOYMENT LAW

Fall 2011
Course No. 37-575-315-80
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

Text: Labor and Employment Law: Text and Cases (14th Ed.) by David P. Twomey. ("Twomey").

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. **25%** of the final grade will be based upon attendance and participation and homework. Participation includes contribution to class discussions 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 prior to 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.**

HOMEWORK: Each student is required to turn in either via e-mail before class begins, or in person at the beginning of class, a case brief for one major case included in the reading each week for ten weeks of class. There are eleven weeks of class that include case readings. Each student is free to skip one week, 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.

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 **October 20, 2011**, which will account for **25%** of the final grade.

Students will complete a final examination on **December 22, 2011**, which will account for **30%** of the final grade.

September 1	Introduction The Courts and Administrative Agencies Employment at Will How to read a case Case reading exercise
September 8	NO CLASS
September 15	Employment at Will; Exceptions to Employment at Will; Contract & Tort Theories Twomey pp. 23-30; 583-591; 593-596; 600-610
September 22	Employee Privacy—Drug Testing (FIRST ASSIGNMENT DISTRIBUTED) Twomey 615-625; 635-655
September 29	Wage & Hour Laws; FMLA Twomey 661-672; 572-576 **SAKAI:** Westerkamp Handout

October 6 Whistle Blower/Employee Privacy

Twomey 591-593; 596-600

(FIRST ASSIGNMENT DUE)
SAKAI:
Hernandez v. Montville Board of Education
Beasley v. Passiac County

October 13 Employee Privacy/Electronic Privacy

Twomey 625-635
SAKAI:

Social Media History Becomes a New Job Hurdle, New York Times, July 20, 2011

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

October 20 **MIDTERM**

October 27 Discrimination Laws
(Race, Religion, Sex, Sexual Orientation, National Origin, Age)

Twomey 387-396; 400-415

November 3 Discrimination Laws continued/Sexual Harassment,
(SECOND ASSIGNMENT DISTRIBUTED)

Twomey 420-425; 524-536

November 10 Americans With Disability Act/Rehabilitation Act
(SECOND ASSIGNMENT DUE)

Twomey 543-563

SAKAI:

(Final Rule Implementing the ADA Amendments Act of 2008**).**

November 17	Workers Compensation; Unemployment Insurance Twomey 563-370; 678-682 **SAKAI:** Feds sue city over cops' pension 'shortchange', New York Post, July 10, 2010.
November 22 (Tuesday)	Immigration; USEERA Twomey 577-578; 682-690 SAKAI: U.S. Department of Labor VETS USERRA Fact Sheet 3 A Non-technical Resource Guide to USERRA
December 1	Safety & Health Twomey 353-381
December 8	To Be Determined
December 15	Reading Period
December 22	**FINAL EXAMINATION**