EMPLOYMENT LAW
RUTGERS UNIVERSITY 37:575:315:02
FALL 2011

Instructor: Carla A. Katz, Esq.
Mondays, 6:40 p.m. to 9:30 p.m. (7/8), Index #34191
Class Location: Science and Engineering Resource Center, Room 202, Busch Campus
Contact information Instructor: Email: ckatz@work.rutgers.edu or cell 908-310-4747
Office Hours before or after class or by appointment

Course Overview: This course will provide an analysis of legislation designed to protect the working and living standards of American workers and its implementation by government agencies. The course will cover major issues in employment law, including anti-discrimination laws, occupational safety and health, employee privacy and wage & hour laws. It will also examine constitutional and whistle-blower protections and the employment-at-will doctrine and exceptions.

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

Supplemental readings will be distributed in class or will be available on Rutgers SAKAI, which you may access at http://sakai.rutgers.edu. To log on, enter your Rutgers ID and password in the upper right hand corner. Click on the tab: 37:575:315:02. Click on modules on the menu on the left hand side of the page.

The syllabus, schedule and assignments are subject to change as the semester evolves.

Course Requirements

1. **Read entire syllabus** and make sure you understand it. This is your contract with the instructor.

2. **Be prepared for class**. Always read the material assigned for a class before the class. **Bring the material to class with you** in case you need to refer to it. Check your email regularly for class announcements.

3. **Be present and be on time**. Students are expected to attend all classes; if you expect to miss one or two classes, **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 attendance policy is that every student begins with an "A" for attendance. However, the grade for attendance will decline each time a student is absent, late, or leaves early. If you are late or leave early, you will be charged with ½ class absence. If you have a legitimate reason for your absence, lateness or need to leave early, it must be provided to me in writing in advance

or immediately after the occurrence. Even excused absences must be reported via the University absence reporting website indicated above.

4. **Participate in discussions and group activities**. Participation in class and in any group sessions is mandatory. Your participation in group discussions impacts your participation grade. Explain your views. Ask questions. Listen – don't monopolize the discussion or ignore other views. Do your share of the work in all in-class group activities. Texting, talking on your phone, FB and Twitter are prohibited in class (unless part of the group activity).

5. **Take careful lecture notes**. Copies of any power points will be posted on Sakai. You should obtain lecture notes from another student if you miss a class. These are not provided by the instructor or by teaching assistants.

6. **Academic Integrity:** Academic integrity requires that all academic work be the product of an identified individual or individuals. Join efforts are legitimate only when the assistance of others is explicitly acknowledged and permitted by the assignment. Ethical conduct is the obligation of every member of the university community, and breaches of academic integrity constitute serious offenses. Students must assume responsibility for maintaining honesty in all work submitted for credit and in any other work designated by the instructor of this course. Students are also expected to report incidents of academic dishonesty to the instructor or dean of the instructional unit.

Evaluation and Grading

For purposes of grading, there are three (3) components of this course:

1. **Midterm Examination (30%)**

2. **Participation and Attendance:(30%):** There will be one written assignment during the semester worth 10% of the participation component of your grade.

3. **Final Examination (40%)**

September 8: Introduction
Overview of Federal and State Courts
How to Read a Case

September 12: Early Doctrine, Congress Administrative Agencies and the Courts

Twomey: pp. 1-21; 23-31

September 19: Employment-at-Will Doctrine and Exceptions
Contract and Tort Theories

Twomey: pp. 583-590; 599-613

Woolley v. Hoffman-LaRoche, Inc., 99 N.J. 284 (1985)
Pierce v. Ortho Pharmaceutical Corp., 417 A.2d 505, 519 (N.J. 1980)

September 26: Whistleblower Protection, Employment Related Torts

Twomey: pp. 591-598
Abbamont v. Piscataway Twp. Bd. of Education, 269 N.J. Super 11 (App.Div. 1993)
Taylor v. Metzger, 152 N.J. 490 (1998)
Fleming v. Correctional Healthcare Solutions, 164 N.J. 598 (2000)
Roach v. TRW, Inc., 164 N.J. 598 (2000)
DeLisa v. County of Bergen, 165 N.J. 140 (2000)
Whistleblower Protection Act of 1989, Enhancement Act 2009
Conscientious Employee Protection Act (CEPA)

October 3: Employee Privacy in the Workplace

Twomey: pp. 615-659
Hernandez v. Montville Bd. of Education, 175 N.J. 433 (2004)
Smyth v. Pillsbury Co., 914 F. Supp. 97 (E.D. Pa., 1996)

October 10: Discrimination laws: Protected classes under Title VII and the Constitution (Race, religion, sexual orientation)

Twomey: pp. 387-412
TWA v. Hardison, 432 U.S. 63 (1977)
Shahar v. Bowers, 114 F. 3d 1097 (1997)
McDonnell Douglas Corp. v. Green, 411 U.S. 792 (1973)

October 17: Discrimination laws (Sex, Sexual Harassment, Grooming, National Origin ("English only") Constitutional Issues

Twomey: pp.412-461
Meritor Savings Bank v. Vinson, 477 U.S. 57 (1986)
Lehmann v. Toys 'R' Us, Inc., 132 N.J. 587 (1993)
EEOC v. Premier Operator Services, 113 F.Supp. 1066 (N.D. Texas 2000)

October 24: MIDTERM EXAMINATION

October 31: Age Discrimination, Disability Discrimination, Rehabilitation Act

Twomey: pp. 467-478; 524-542; 543-563
School Bd. of Nassau Co. v. Arline, 480 U.S. 273 (1987)
Moorer v. Baptist Memorial, 6th Cir. No, 03-5855 (2/11/2005)

Bergen Commercial Bank v. Sisler, 157 N.J. 188 (1999)

November 7: Procedures and Remedies, Burden of Proof, Arbitration

Twomey: pp. 463-513

November 14: Workers Compensation

Twomey: p. 563-566
Workers' Compensation Law, Title 34, Chapter 15, Art. 1-10 (excerpts)

THANKSGIVING RECESS: WED-NOVEMBER 23-SUNDAY NOVEMBER 27th

November 28: Family and Medical Leaves of Absence; Military Leaves

Twomey: p. 572-576; 577-578

Family and Medical Leave Act (FMLA) excerpts
New Jersey Family Leave Act (NJ FLA) excerpts
New Jersey Family Temporary Disability Leave (NJFTDL aka Paid Family Leave) excerpts
Drew v. Waffle House, 571 S.E.2d 89 (2002).

December 5: Wage and Hour Law

Twomey: pp. 661-691

December 12: Occupational Safety and Health

Twomey: pp. 353-385

December 19: FINAL EXAMINATION