

EMPLOYMENT LAW

Spring 2012

Course No. 37:575:315:04

Mondays 6:40 p.m. – 9:30 p.m.

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

Class Action: The Story of Lois Jenson and the Landmark Case That Changed Sexual Harassment Law

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%). 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. There will be an optional assignment of a book review of Class Action to supplement your participation grade.
- 3) Final examination/paper. (40%).

CLASS CALENDAR

- January 23
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 30
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.
Pierce v. Ortho Pharmaceutical Co.
- February 6:
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 13:
Discrimination Laws: Sexual Harassment, Grooming, Dress

Twomey: pp. 412-437

SAKAI:
Price Waterhouse
EEOC v. Sage Realty
Eatman v. UPS

- February 20: Review for Mid Term examination.
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.
- February 27: Mid term examination.
- March 5: Class Action, part 1
- March 12: Spring Break
- March 19: Finish Class Action
- 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 26: (Optional Book Review of Class Action due)
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 2: Disability Discrimination
Twomey: 543-582; 748-765
SAKAI
Davidson v. Atlantic City Police Dep't
Clowes v. Termanix International
Wallace v. Veterans Administration
- April 9: Employee Privacy Topics and First Amendment Rights for Public Employees
Twomey: pp. 615-659
SAKAI
TBA (Readings on Public Employees and First Amendment)
- April 16: Wage and Hour Laws
Twomey: pp. 661-691
SAKAI:
Various excerpts on Fair Labor Standards Act to be determined and distributed
- April 23: 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 30: Review for final examination.

