

2025SP - EMPLOYMENT LAW 38:533:566:01  
**RUTGERS UNIVERSITY**  
**School of Management and Labor Relations**  
Professor: Vikrant Kishin Advani  
Course #38:533:566:01  
Synchronous "Live" In Person Classes: Wednesdays, 4:30 to 7:10 PM  
(From 1/22/25 through 5/7/25)  
Janice Levin Building Room 004  
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### **COURSE OBJECTIVES**

- To acquaint students with the state and Federal framework of employment relations regulation (with the exception of collective bargaining);
- To familiarize students with the legal process, both judicial and administrative;
- To familiarize students with legal reasoning and methods of statutory interpretation;
- To instill in students an approach to employment relations which emphasizes good professional practice and preventive law;
- To provide students with the tools for further study of employment regulation.

### **SYNCHRONOUS LIVE IN- PERSON CLASS DESCRIPTION**

Our class will be conducted live and in person. In the event that we are required to go back to virtual instruction, I will pivot back to live "virtual" Webex sessions.

I reserve the right to end class early or late depending on our workload. I also reserve the right to schedule virtual sessions in the event of poor weather, or any family/medical issues that I may face during the semester.

### **MASKING**

There is no masking requirement. However, if desired, student may wear masks on campus and in buildings in non-private enclosed settings (e.g., common workspaces, workstations, meeting rooms, classrooms, etc.). Masks may be worn during class meetings and CDC guidelines suggest that said masks should completely cover the nose and mouth: <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/about-face-coverings.html>Links to an external site.

## COURSE REQUIREMENTS

This is an introductory graduate course in employment law, and it heavily emphasizes student participation and group discussion. Students will be held responsible for reading and understanding all assigned materials, as well as participating fully in all class discussions.

## GRADE CRITERION

Course grading is based on two examinations and class participation. The breakdown is as follows:

1. **Midterm:** 40% of your overall final grade
2. **Final:** 45% of your overall final grade
3. **Class Participation:** 15% of your overall final grade

The specific format of the examinations will be discussed at the appropriate time but I generally give a take home Fact Pattern and Definitions-styled Midterm and Final.

## ATTENDANCE CRITERION

**Vigorous Attendance & Class Participation Policy:** I am requiring each student to **vigorously** participate in every in-person class, virtual or otherwise.

**First**, this means that you must attend every class in a timely manner. The below policy applies to excused absences.

Unexcused absences are highly discouraged. If you have two (2) unexcused absences, you will be docked a full grade (ex. B instead of an A). If you have three (3) unexcused absences, you will receive a failing grade for Class Participation. If you have four (4) or more unexcused absences, you will receive a failing grade for the class.

**Second, you will not only be required to timely attend every class but you will be required to participate at least once in every class by engaging in substantive discussion about the discussed topic.** It need not be scholarly and/or profound – However, it will require you to know your assigned materials.

Although I will be actively monitoring class attendance and participation, I will not be prompting you to participate – This is a graduate level class and your class participation grade, which accounts for 15% of your overall grade, should be motivation enough. Also, just to be clear, “I don’t understand Concept X” does not qualify as substantive discussion.

**Leniency Policy:** Finally, the COVID pandemic and resulting health concerns are causing havoc in our personal and professional lives. If you have any personal/health-related reasons for skipping class, kindly advise me immediately so I can excuse your absence and arrange for you to view recorded lectures and/or request a student to provide you with notes. You will find me sympathetic and reasonable.

However, if you fail to or refuse to communicate with me in a timely manner regarding your health/personal issues, I will not be as accommodating after the fact. The key is communication. Kindly communicate so I can be reasonable in accommodating you.

### **ELECTRONIC DEVICE CRITERION & NO-RECORD POLICY**

There are no electronic devices allowed in class other than to facilitate your learning. This includes computers, cell phones, laptops, or tablets. You are not to check social media, email and/or text during our class. Although I prefer you take notes by pen/pencil, electronic note taking is allowed.

- I reserve the right to penalize any student (including removal, expulsion with a failing grade) who refuses to comply with this simple request for mutual respect.
- Textbooks will need to be purchased; If electronic copies of textbooks are purchased or rented, they can be viewed on your electronic device.
- You are **NOT** authorized to record the lectures on your own end – I ask that you respect my privacy as I respect yours – Willful Failure to comply with this policy will be heavily penalized. To restate – you do not have permission to record me and/or my images and/or my lectures, and I reserve **all** rights permitted under law to prosecute any such violations. Please be advised that I will attempt (but will not commit) to record all lectures or any virtual sessions and place those recordings on Canvas.

### **STUDENT CONDUCT POLICY**

The conduct of all students is governed by the Rutgers University Academic Integrity Policy: [http://academicintegrity.rutgers.edu/files/documents/AI\\_Policy\\_9\\_01\\_2011.pdf](http://academicintegrity.rutgers.edu/files/documents/AI_Policy_9_01_2011.pdf)[Links to an external site.](#)[Open this document with ReadSpeaker docReader](#)[Links to an external site.](#)

**Please be so advised.**

### **STUDENT ACCOMMODATION POLICY**

Rutgers University welcomes students with disabilities into all of the University's educational programs. In order to receive consideration for reasonable accommodations, a student with a disability must contact the appropriate disability services office at the campus where you are officially enrolled, participate in an intake interview, and provide documentation:

<https://ods.rutgers.edu/students/documentation-guidelines>[Links to an external site.](#)

If the documentation supports your request for reasonable accommodations, your campus's disability services office will provide you with a Letter of Accommodations. Please share this letter with your instructors and discuss the accommodations with them as early in your courses as possible. To begin this process, please complete the Registration form on the ODS web site at:

<https://ods.rutgers.edu/students/registration-form>[Links to an external site.](#)

## **COURSE MATERIALS**

The required text is the 6<sup>th</sup> Edition of the Wilborn, Schwab, Burton & Lester's *Employment Law: Cases & Materials*. Please do not get the 5<sup>th</sup> edition or the 7th edition– Yes, it is expensive – No, there are no alternatives. Rent it if you must, BUT it must be the 6th edition!

Also, we will be using *Canvas* for handouts. If you do not know what *Canvas* is, please contact the appropriate staff at the Department or speak with a classmate.

- **Class 1: (1/22/25)**

### ***General Introductions/Opening Remarks***

#### ***Introduction to the Legal System***

#### ***Introduction to Regulation of Employment Relations***

#### ***The Employment At Will Doctrine - A General Introduction & Discussion***

## **HANDOUTS/VIDEO MATERIALS**

The U.S. Legal System: Helpful YouTube Link

<https://www.youtube.com/watch?v=JNVwyNgndY>*Links to an external site.*



The Federal Court System: Helpful YouTube link

[https://www.youtube.com/watch?v=i\\_mbk0YhLa0](https://www.youtube.com/watch?v=i_mbk0YhLa0)*Links to an external site.*



The State Court System: YouTube link

<https://www.youtube.com/watch?v=Oq3n8hf8EoU>*Links to an external site.*



Appealing to the U.S. Supreme Court: Helpful YouTube link

<https://www.youtube.com/watch?v=Y1bXI9Uu1SE>*Links to an external site.*



Appealing to the NJ Supreme Court: Helpful Web Link

<https://www.hnwlaw.com/additional-practice-areas/new-jersey-appeals-lawyer/filing-an-appeal-with-the-nj-supreme-court/>*Links to an external site.*

How a Federal Law is Passed: Helpful YouTube Link

<https://www.youtube.com/watch?v=jYJOBBrqZ6U>*Links to an external site.*



How a Law is Passed in NJ: Helpful YouTube Link

<https://www.youtube.com/watch?v=UkxX5O22euY>*Links to an external site.*



Sources of Employment Law: Helpful YouTube link

<https://www.youtube.com/watch?v=msrMas7fZow>*Links to an external site.*



Handout: How to Brief a Case: Writing a Student Brief

<https://www.lib.jjay.cuny.edu/how-to/brief-a-case>*Links to an external site.*

Handout: U.S. Court System (Diagram)

[http://www.columbia.edu/~mckeever/court\\_system.jpg](http://www.columbia.edu/~mckeever/court_system.jpg)*Links to an external site.*

Handout: U.S. Circuit Court Map (Diagram)

<https://www.uscourts.gov/about-federal-courts/federal-courts-public/court-website-links>*Links to an external site.*

Handout: New Jersey Court Structure (Diagram)

[Scroll Down until you see New Jersey!]

[https://staterecords.org/court/court\\_structure](https://staterecords.org/court/court_structure)*Links to an external site.*

Handout: New Jersey Vicinages (Diagram)

<https://ballotpedia.org/Vicinage>*Links to an external site.*

Handout: Supreme Court of New Jersey (Photo)

<https://www.njcourts.gov/courts/supreme/about>*Links to an external site.*

Handout: Current U.S. Supreme Court Justices (Photos & Bios)

<https://www.supremecourt.gov/about/biographies.aspx>*Links to an external site.*

Handout: Sources of Employment Law

[Virginia lawyer website, but very helpful]

[https://martinwrenlaw.com/blog/2012/sources-of-employment-law/Links to an external site.](https://martinwrenlaw.com/blog/2012/sources-of-employment-law/Links-to-an-external-site)

- **Class 2 – (1/29/25)**

***The Contract Exception to the At Will Doctrine***

**Pages 74-133**

Skagerberg v. Blandin

Chiodo v. General

Hetes v. Schiffman

Grouse v. Group

Veno v. Meredith

Pugh v. Sees Candies

Woolley v. Hoffman-La Roche

Demasse v. ITT

- **Class 3 - (2/5/25)**

***The Tort Exception to the At Will Doctrine***

**Pages 135-151; 161-167; 174-201**

Nees v. Hocks

Wright v. Shriners

Johnston v. Del Mar

Agis v. Howard Johnson

Bodewig v. KMART

Fortune v. NCR

Murphy v. AHP

**Handouts:**

Pierce v. Ortho:

<https://law.justia.com/cases/new-jersey/supreme-court/1980/84-n-j-58-0.html>Links to an external site.

New Jersey Conscientious Employee Protection Act (CEPA) – Relevant Portions

<https://law.justia.com/codes/new-jersey/2009/title-34/34-19/34-19-3/>Links to an external site.

<https://law.justia.com/codes/new-jersey/2009/title-34/34-19/34-19-13/>Links to an external site.

<https://law.justia.com/codes/new-jersey/2009/title-34/34-19/34-19-5/>Links to an external site.

ADVANCED ISSUES IN NEW JERSEY RETALIATION LAW, by Alan H.

Schorr, <https://www.schorrlaw.com/articles/Advanced%20Issues%20In%20New%20Jersey%20Retaliation%20Law%20-%20March%202006.pdf>Links to an external site.Open this document with ReadSpeaker docReaderLinks to an external site.

- **Class 4 – (2/12/25) and Class 5 - (2/19/25)**

***Employee Privacy & Speech Rights in the Workplace***

**Pages 205-298 (read only up to “B. Statutory Claims” only); 308-313.**

Enquist v. Oregon DOA

Rutan v. Republican Party

Garcetti v. Ceballos

Novosel v. Nationwide

Timekeeping Systems Inc.

3D LLC v. NLRB



Ontario v. Quon

KMART v. Trotti

Ehling v. Monmouth Ocean Hosp. Svc. Co.

Brunner v. Al Attar

Baughman v. Walmart

Soroka v. Dayton Hudson

Thatcher v. Brennan

**Handout:**

Hennessey v. Coastal Eagle

<https://law.justia.com/cases/new-jersey/supreme-court/1992/129-n-j-81-1.html>Links to an external site.

Safety-Sensitive Positions and Random Drug Testing by Private Employers in New Jersey, by Cory A. Rand, August 29, 2014

<https://www.njlawblog.com/2014/08/articles/employment/safety-sensitive-positions-and-random-drug-testing-by-private-employers-in-new-jersey/>Links to an external site.

- **Class 6 - (10/8/24) and Class 7 (10/15/24)**

***Defamation, Trade Secrets, Covenants Not to Compete & Employee Inventions***

**Pages 315-397**

Elbeshbeshy v. Franklin

Zinda v. Louisiana Pacific

Sigal v. Stansbury

Jet v. Mulei

Dicks v. Jensen

PepsiCo v. Redmund

REM Metals v. Logan

Karpinski v. Ingrasci

BDO v. Hirschberg

Francklyn v. Guilford

Ingersoll-Rand v. Ciavatta

**NOTE: REVIEW OF MATERIAL TESTED IN MIDTERM TO BE DONE AT THIS CLASS**

**CLASS WILL RECEIVE A TAKE HOME CLASS EXAMINATION VIA CANVAS, WHICH STUDENTS WILL HAVE TO TURN IN THE NEXT CLASS IN PERSON (2/26/25) BEFORE 4:30 PM. FAILURE TO DO SO WILL RESULT IN GRADE REDUCTIONS. THE MIDTERM WILL COVER CLASSES 1 THROUGH 7.**

- **Class 8 - (2/26/25) STUDENTS WILL HAVE TO TURN IN TAKE HOME EXAM BEFORE 4:30 PM. FAILURE TO DO SO WILL RESULT IN GRADE REDUCTIONS.**

***Status Discrimination - Disparate Treatment, BFOQ, Disparate Impact, Reasonable Accommodation;***

**Pages 401- 456**

McDonnell Douglas v Green

Price Waterhouse v. Hopkins

Desert Place v. Costa

Gross v. FBL Financial

Jespersion v. Harrah

Hazelwood v. U.S.

Griggs v. Duke

Meacham v. Knolls

Handout:

Civil Rights Law Protects Gay and Transgender Workers, Supreme Court Rules

<https://www.nytimes.com/2020/06/15/us/gay-transgender-workers-supreme-court.html>Links to an external site.

NJLAD Protected Classes: <https://www.nj.gov/oag/dcr/employ.html>Links to an external site.

- **Class 9 - (3/5/25)**

***Sexual Harassment, Disability Discrimination; Affirmative Action***

**Pages 456 - 569**

Harris v. Forklift Systems

Oncale v. Sundowner

Lyle v. Warner Brothers

Faragher v. City of Boca Raton

Jespersion v. Harah

Hively v. Ivy

Morris v. BNSF

US Airways v. Barnett

EEOC v. Picture People

Hoffman v. Carefirst

Johnson v. Transportation Agency

Taxman v. Board of Education

Handouts:

Supreme Court Holds that Sexual Orientation and Gender Identity Are Protected by Title VII

[SCOTUS: Sexual Orientation and Gender Identity Under Title VII](#)Links to an external site.

Lehman v. Toys R'Us

<https://law.justia.com/cases/new-jersey/supreme-court/1993/132-n-j-587.html>Links to an external site.

NJ Supreme Court Rules on Supervisor Liability in Hostile Work Environment Sexual Harassment Cases, Pepper Hamilton LLP

[https://casetext.com/analysis/nj-supreme-court-rules-on-supervisor-liability-in-hostile-work-environment-sexual-harassment-cases?resultsNav=false&PHONE\\_NUMBER\\_GROUP=C&sort=relevance&q=Links to an external site.](https://casetext.com/analysis/nj-supreme-court-rules-on-supervisor-liability-in-hostile-work-environment-sexual-harassment-cases?resultsNav=false&PHONE_NUMBER_GROUP=C&sort=relevance&q=Links to an external site.)

New Jersey Sexual Harassment Law: Revisiting Lehmann v. Toys 'R' Us

<https://www.newjerseyemploymentlawyersblog.com/new-jersey-sexual-harassment-law-revisiting-lehmann-v-toys-r-us/Links to an external site.>

- **Class 10 - (3/12/25)**

***FLSA; Regulation of Compensation & Unemployment Compensation, WARN, FMLA***

**Pages 577-671; 688-720**

Allen v. Chicago

Marshall v. Sam Dell's

Salinas v. Starjem

Flomo v. Firestone

Morgan v. Family Dollar

Robertson v. Opequon Motors

In re: Marriage of Suzanne Gulla

Brinker v. Superior Court

Whitaker v. Bosch

Byrne v. Avon

Serricchio v. Wachovia Securities

Knox v. Unemployment Compensation Board of Review

Wimberly v. Commission

MacGregor v. Appeals Board

Jones v. Review Board

McCourtney v. Imprimis

Roquet v. Arthur Andersen

- **Class 11 - (3/26/25)**

***Workers Compensation***

**Pages 891-958**

NY Central RR Co. v. White

Millison v. Du Pont

Prows v. Industrial Commission

Santa Rosa College v. Appeals Board

Donahue v. Maryland

Katz v. Kadans

Hanson v. Reichelt

Nippert v. Shinn Farm

- **Class 12 - (4/2/25)**

***Occupational Safety & Health Act; General Duty Clause; Enforcement; State Legislation and Federal OSHA Standards; Criminal Prosecutions of Employers under OSHA***

**Pages 991 – 1000; 1032 - 1082**

National v. OSHRC

Marshall v. Barlow's Inc.

Gade v. National

People v. Chicago Magnet

- **Class 13 - (4/9/25)**

***Employee Benefits – ERISA; Employer Provided Health Insurance/ACA;***

**Pages 731-804; 809**

Nemeth v. Clark  
Donovan v. Bierwirth  
LaRue v. Dewolff  
Lorenzen v. Retirement Plan  
Beach v. Commonwealth  
Metropolitan v. Glenn  
Pension Benefit v. LTV  
Metlife v. Massachusetts  
Golden Gate Restaurant v. San Francisco  
Corcoran v. United Healthcare  
M & G Polymers v. Tackett  
EEOC v. Orion Energy

- **Class 14 - (4/16/25)**
  - **REVIEW FOR FINAL EXAMINATION/CATCH-UP**
  - **CLASS WILL RECEIVE A TAKE HOME CLASS EXAMINATION VIA CANVAS.**
  - **FAILURE TO DO SO WILL RESULT IN GRADE REDUCTIONS. THE FINAL WILL COVER CLASSES 7 THROUGH 14.**
  - **STUDENTS WILL HAVE TO TURN IN TAKE HOME EXAM BEFORE 4:30 PM ON 4/23/25 VIA CANVAS.**
  - **FAILURE TO DO SO WILL RESULT IN GRADE REDUCTIONS.**