



**SCHOOL OF MANAGEMENT AND LABOR RELATIONS  
DEPARTMENT OF LABOR STUDIES & EMPLOYMENT RELATIONS**

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**EMPLOYMENT LAW**

**PROFESSOR VIKRANT KISHIN ADVANI  
SPRING SEMESTER – 2016**

**COURSE NUMBER: 37:575:315:01**

**LEC AUDITORIUM – LABOR CENTER WAY  
WEDNESDAYS – 10:55 A.M. TO 1:55 A.M  
vadvani@work.rutgers.edu**

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**COURSE OBJECTIVES**

- To familiarize students with the judicial legal process and reasoning;
- To examine fundamental issues of employment law, including: the employment at-will doctrine and its exceptions; the various rights, duties and responsibilities employees and employers have towards each other and the general public; and employment discrimination on the basis of race, color, sex, national origin, religion, disability and age. Additional issues may, time willing, include worker protections such as the Family Medical Leave Act, the Fair Labor Standards Act, and Worker's Compensation.
- To provide students with the tools for further study of employment regulation.

**COURSE REQUIREMENTS**

- This is an introductory undergraduate course in employment law. However, it 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. Attendance is a must, and failure to attend class will result in a poor "Class Attendance & Participation" grade.

## **GRADE CRITERION**

Class Attendance and Participation (15%)  
In Class Mid-term Exam (40%)  
In Class Final Exam (45%)

## **COURSE MATERIALS**

- *Principles of Employment Law*, Smith, Hodges, Stabile, and Gely, Concise Hornbooks, ISBN: 978-0-314-16877-1
- In addition, course reading materials are only available on Sakai. **Please be sure to print them out.** The reading selections are mostly cases, but may also consist of self-explanatory handouts, which have been selected by me from several internet websites.

## **CLASS SCHEDULE**

**CLASS 1:** Course Overview  
**1/22/16** The U.S. Court System  
Anatomy of a case  
How to Read Cases

### **READINGS**

Handout: *U.S. Court System (Diagram)*  
Handout: *New Jersey Court Structure (Diagram)*  
Handout: *Supreme Court of New Jersey (Photo)*  
Handout: *Current U.S. Supreme Court Justices (2 pages)*  
Handout: *How does our Court System Work? (3 pages)*

**CLASS 2:** Employment at Will, Just Cause & the Contract Exception  
**1/29/16**

### **READINGS:**

Pages 20-38 (Read up to § 2.5.4)  
Handout: *What is Just Cause?(1 page)*  
Handout: *Contracts, generally. (1 page)*

**CLASS 3:** Employment at Will, Just Cause & the Contract Exception, cont'd  
**2/5/16**

## **READINGS**

Handout: *Woolley v. Hoffman-LaRoche, Inc.*, 99 N.J. 284 (1985) (18pages)

Handout: *Savarese v. Pyrene*, 9 N.J. 595 (1952) (6 pages)

**CLASS 4:** Employment at Will & the Tort Exception  
**2/12/16**

### **READINGS:**

Pages 40-54 (Read from § 2.6.1 to § § 2.6.1.5)

Handout: *Pierce v. Ortho*, 84 N.J. 58 (1990) (18 pages)

**CLASS 5:** **QUIZ 1 (will cover Classes 1-4).**  
**2/19/16**

**CLASS 6:** Employment at Will & the Tort Exception, cont'd  
**2/26/16** The Whistleblower Statutory Exception  
Legislative Efforts to Erode the At-Will doctrine: Montana

### **READINGS:**

Pages 40-54 (Read from § 2.6.1 to § § 2.6.1.5)

Handout: *New Jersey Whistleblower Claims (3 pages)*

Pages 66-68 (Read from § 2.7 to 2.7.2)

**CLASS 7:** Intentional Infliction of Emotional Distress  
**3/4/16** Intentional Interference with Contractual Relations

### **READINGS:**

Pages 60-63 (Read from § 2.6.2 to § § 2.6.3)

Handout: *Intentional Infliction of Emotional Distress (1 page)*

Pages 63-66 (Read from § 2.6.3 to § 2.7)

**CLASS 8:** The New Jersey Law Against Discrimination  
**3/11/16** Title VII of the Civil Rights Act of 1964, ADA, ADEA

### **READINGS:**

Handout: Discrimination Laws & Disparate Treatment (4 pages).  
*McDonnell Douglas Corp. v. Green*, 411 U.S. 792 (1973)

**CLASS 9:** Equal Employment Opportunity Commission (“EEOC”)  
**3/25/16** The New Jersey Division on Civil Rights (“NJDCR”)  
National Origin Discrimination  
English only” cases

**READINGS:**

Handout: Equal Employment Opportunity Commission & The New Jersey Division On Civil Rights – Procedures & Filing Issues (2 pages)  
*Garcia v. Spun Steak Company*, 998 F.2d 1480 (1993)  
*EEOC v. Premier*, 113 F.Supp. 1066 (N.D.Texas 2000)

**CLASS 10:** **QUIZ 2 (Will Cover Classes 6 – 10)**  
**4/1/16**

**CLASS 11:** Sex Discrimination and Harassment  
**4/8/16**

**READINGS:**

Handout: Sexual Harassment (2 pages)  
*Lehmann v. Toys ‘R’ Us, Inc.*, 132 N.J. 587 (1993)

**CLASS 12:** Family Medical Leave Act (“FMLA”)  
**4/15/16** NJ Family Leave Act (“FLA”)

**READINGS:**

Handout: Navigating the Waters of Leaves of Absence Laws (2 pages)  
Handout: The Family & Medical Leave Act (3 pages)  
Pages 177 - 184 (§ 5.2.1 to § 5.3)

**CLASS 13:** Fair Labor Standards Act  
**4/22/16** Rights of Undocumented Workers

**READINGS:**

Pages 154 - 157 (§ 5.1.2.2.2 to § 5.1.2.3.1)

Pages 160 - 166 (§ 5.1.2.3.3 to § 5.1.2.4.2)

Handout: *Courts continue rejecting Defendants' Post-Hoffmann Inquiries into Plaintiff's Immigration status (2 pages)*

Handout: *Illegal Immigrants Deserve Protection of American Labor Law (2 pages)*

Handout: *Do Undocumented Workers have Rights to Unpaid Overtime Compensation (3 pages)*

**CLASS 14:  
4/29/15**

Unemployment Compensation

Workers Compensation

OSHA

**READINGS:**

Pages 215 - 229 (§ 5.4 to § 5.5)

Pages 235 - 254 (§ 6.1 to § 6.2)

Handout: *New Jersey Unemployment Law (4 pages)*

Pages 254 - 269 (§ 6.2 to end of chapter)

***FINAL DATE: DATE AND LOCATION TO BE DETERMINED  
IN CLASS CLOSED BOOK FINAL  
(MULTIPLE CHOICE AND SHORT ANSWER)  
(45%) OF FINAL GRADE***