



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

EMPLOYMENT LAW

**PROFESSOR VIKRANT KISHIN ADVANI
SPRING SEMESTER - 2016
COURSE NUMBER: 37:575:315, Section 02**

**LIVINGSTON CAMPUS, LUCY STONE HALL B269
MONDAYS & THURSDAYS – 12:00 TO 1:20 P.M.
VADVANI@WORK.RUTGERS.EDU**

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 (10%)
In Class Quiz 1 (30%)
In Class Quiz 2 (30%)
Final Exam (30%)

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 websites.

CLASS SCHEDULE

CLASS 1: Course Overview
1/21/16

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:
1/25/16 **CLASS CANCELLED**

CLASS 3: Employment at Will, Just Cause, Contract Exception: Express
1/28/16 Contracts

READINGS:

Pages 20-30 (Read up to § 2.5.2)

Handout: *Contracts, generally. (1 page)*

Handout: *What is Just Cause?(1 page)*

CLASS 4: Employment at Will, Contract Exception: Implied Contracts
2/1/16

READINGS:

Brief Review of previous class

Pages 30-37 (Read from § 2.5.2 to § 2.5.3)

Handout: *Woolley v. Hoffman-LaRoche, Inc.*, 99 N.J. 284 (1985) (6 pages)

CLASS 5: Employment at Will, Contract Exception: Implied Contracts cont'd
2/4/16 Promissory Estoppel, Covenant of Good Faith & Fair Dealing

READINGS:

Brief Review of previous class
Pages 37-40
Handout: *Savarese v. Pyrene*, 9 N.J. 595 (1952) (18 pages)

CLASS 6:
2/8/16 Employment at Will & the Tort Exception

READINGS:

Brief Review of previous class
Pages 40-46 (Read from § 2.6.1 to § § 2.6.1.3)
Handout: *Pierce v. Ortho*, 84 N.J. 58 (1990) (18 pages)

CLASS 7:
2/11/16 Employment at Will & the Tort Exception, cont'd
The Whistleblower Statutory Exception - CEPA

READINGS:

Brief Review of previous class
Pages 46-54 (Read from § 2.6.1 .3 to § 2.6.1.5)
Handout: *New Jersey Whistleblower Claims* (3 pages)

CLASS 8:
2/15/16 Intentional Torts: Intentional Infliction of Emotional Distress

READINGS:

Brief Review of previous class
Pages 60-63 (Read from § 2.6.2 to § § 2.6.3)
Handout: *Intentional Infliction of Emotional Distress* (1 page)

CLASS 9:
2/18/16 ***QUIZ 1. (MULTIPLE CHOICE, SHORT ANSWER, COVERS CLASSES 1-8)***

CLASS 10:
2/22/16 Intentional Interference with Contractual Relations

READINGS:

Brief Review of Class 8
Pages 63-66 (Read from § 2.6.3 to § 2.7)

CLASS 11:
2/25/16 Legislative Efforts to Erode At-Will Doctrine: Montana

READINGS:

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

CLASS 12: Privacy in the Workplace - Free Speech Protections
2/29/16

READINGS:

Brief Review of previous class
Pages 71-77 (Read from § 3 to 3.1.2)

CLASS 13: Privacy in the Workplace - Statutory protection - NLRA
3/3/16

READINGS:

Brief Review of previous class
Pages 80-83 (Read from § 3.1.3.1 to §3.1.3.2)

CLASS 14: Privacy in the Workplace - Background Investigations/Defamation
3/7/16

READINGS:

Brief Review of previous class
Pages 85-94 (Read from § 3.2 to §3.2.2)

CLASS 15: Privacy in the Workplace - Searches; Invasion of Privacy
3/10/16

READINGS:

Brief Review of previous class
Pages 97-101 (Read from § 3.2.2.2 to §3.2.2.3)

CLASS 16: Privacy in the Workplace - Drug Testing
3/21/16

READINGS:

Brief Review of previous class
Pages 113-117 (Read from § 3.2.5.6 to §3.2.6)

CLASS 17: ***QUIZ 2. (MULTIPLE CHOICE, SHORT ANSWER, COVERS CLASSES 9-17)***
3/24/16

CLASS 18: The New Jersey Law Against Discrimination
3/28/16 Title VII of the Civil Rights Act of 1964, ADA, ADEA

READINGS:

Brief Review of previous class

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

CLASS 19: Equal Employment Opportunity Commission (“EEOC”)
3/31/16 The New Jersey Division on Civil Rights (“NJDCR”)
National Origin Discrimination
English only” cases

READINGS:

Brief Review of previous class

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 20: Sex Discrimination and Harassment
4/4/16

READINGS:

Brief Review of previous class

Handout: *Sexual Harassment* (2 pages)

Lehmann v. Toys ‘R’ Us, Inc., 132 N.J. 587 (1993)

CLASS 21: Sex Discrimination and Harassment, Cont'd
4/7/16

READINGS:

Brief Review of previous class

Lehmann v. Toys ‘R’ Us, Inc., 132 N.J. 587 (1993)

CLASS 22: Family Medical Leave Act (“FMLA”)
4/11/16 NJ Family Leave Act (“FLA”)

READINGS:

Brief Review of previous class

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 23: Fair Labor Standards Act
4/14/16 Rights of Undocumented Workers

READINGS:

Brief Review of previous class

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 24: Unemployment Compensation
4/18/16

READINGS:

Brief Review of previous class
Pages 215 - 229 (§ 5.4 to § 5.5)
Handout: *New Jersey Unemployment Law (4 pages)*

CLASS 25: Workers Compensation
4/21/16

READINGS:

Brief Review of previous class
Pages 235 - 254 (§ 6.1 to § 6.2)

CLASS 26: Occupational Safety & Health Act
4/25/16

READINGS:

Brief Review of previous class
Pages 254 - 269 (§ 6.2 to end of chapter)

CLASS 27: Occupational Safety & Health Act
4/28/16

READINGS:

Brief Review of previous class
Pages 254 - 269 (§ 6.2 to end of chapter)

CLASS 28: REVIEW FOR FINAL (QUIZ 3)
5/2/16

FINAL DATE: ***DATE AND LOCATION TO BE DECIDED - FINAL (QUIZ 3 WILL COMPRISE OF MULTIPLE CHOICE, SHORT ANSWER QUESTIONS AND ONE ESSAY QUESTION. COVERS CLASSES 18 - 28).***