



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

EMPLOYMENT DISCRIMINATION LAW

PROFESSOR VIKRANT KISHIN ADVANI

FALL 2018

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EMPLOYMENT DISCRIMINATION LAW

WEDNESDAYS 12:00PM-3:00PM

LIV- TILLET HALL 258

EMAIL: VKADVANI@SMLR.RUTGERS.EDU

Office Hours: Before & After Class or by Appointment

COURSE OBJECTIVES

- To familiarize students with the structure of the federal and state court systems, and judicial legal process and reasoning;
- To study, in depth, the various state and federal laws and constitutions that protect workers from discrimination based on protected categories including race, color, sex, religion, national origin, age, and disability;
- To introduce students to various forums and procedures for litigating employment discrimination claims.
- To introduce students to alternative dispute resolution mechanisms that were often utilized to resolve employment discrimination claims.

SCHOOL AND DEPARTMENT LEARNING OBJECTIVES

Labor Studies and Employment Relations Department: The student will be able to:

- Demonstrate an understanding of discrimination law as it intersects with the perspectives, theories and concepts in the field of labor and employment relations. (Goal 1).
- Apply those concepts, and substantive institutional knowledge, to understanding contemporary developments related to work. (Goal II).

School of Management and Labor Relations: The student will be able to:

- Demonstrate an understanding of relevant theories and apply them given the background context of a particular work situation. (Goal IV)
- Demonstrate an understanding of how to apply knowledge necessary for effective work performance. (Goal VI)

COURSE REQUIREMENTS

- This is an introductory undergraduate course in business 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 First Exam (40%)
 In Class Second Exam (45%)

ATTENDANCE CRITERION

- **Attendance is a must**, and failure to attend class will result in a poor “Class Attendance & Participation” grade and potentially a failing or incomplete grade. **To be clear**, if you have more than 2 unexcused absences you will receive a full grade deduction (or a B); If you have more than 3 unexcused absences you will receive a full 2 grade deduction (or a C); **VERY IMPORTANT:** If you have more than 4 unexcused absences you will receive a full 3 grade deduction (or a D), **and I will most likely assess you an incomplete grade in my class regardless of performance on exams.**
- **Coming Late and Leaving Class Early:** I have noticed that students like to arrive late and leave class early just to sign and generally establish that they were in class – This is unacceptable. If you leave class early and you have not been cleared to do so, you will be subject to the above deduction rules. If you come to class late, you must approach the TA after class and advise when you entered class and I will decide whether you will credit for attendance on said date.
- **Attendance Policy is Not Negotiable:** While I am generally lenient with students facing family or work related concerns and emergencies, I am no longer going to negotiate the attendance policy with students on an individual basis. Every student must be held accountable to the same standard. If my attendance policy is too onerous to your lifestyle, feel free to choose another class that better fits same.

ACADEMIC INTEGRITY 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

Please be so advised.

COURSE MATERIALS

Textbook: *Understanding Employment Discrimination*, Thomas Haggard, 2nd Edition, ISBN # 978-1-4224-7358-0. This textbook can be purchased online by searching for the ISBN#. The first few text readings shall be posted on *Sakai* online to allow the class time to purchase the book.

In addition, course reading materials are found in the Sakai Resources section. The Instructor reserves the right to supplement, substitute, and/or modify the listed reading selections.

CLASS SCHEDULE:

CLASS 1: Course Overview – discussion of syllabus and resources.

NO READINGS

CLASS 2:

A Discussion of Federal & State Court Systems & Employment Discrimination Overview

READINGS:

Chapter 1: Overview of Employment Discrimination, Pg. 3-10.

Handout: New Jersey Court System

Handout: U.S. Court System

CLASS 3:

Constitutional Restrictions to Employment Discrimination

READINGS

Chapter 2: Constitutional Prohibitions to Employment Discrimination, Pg. 11-28.

Discussions of the following case/s by the instructor – no readings necessary

Saint Francis College v. Al-Khazraji

Patterson v. McLean Credit Union

Robinson v. City of Pittsburgh

CLASS 4: Title VII of the Civil Rights Act of 1964, Theories

READINGS

Chapter 4: The Civil Rights Act – An Overview, Pg. 39-56.

Chapter 5: Individual Disparate Treatment, Pg. 57-89

Discussions of the following case/s by the instructor – no readings necessary

St. Mary v. Hicks

Price Waterhouse v. Hopkins

Desert Palace v. Costa

CLASS 5: Title VII, Theories Continued

READINGS:

Chapter 6: Systemic Disparate Treatment, Pg. 91-94

Chapter 7: Disparate Impact, Pg. 95-111

CLASS 6: Title VII, Race and Sex Discrimination & Harassment

READINGS:

Chapter 8: Special Problems w/ Race Discrimination, Pg. 113-116

Chapter 9: Special Problems w/ Sex Discrimination, Pg. 117-137

Discussions of the following case/s by the instructor – no readings necessary

Jespersen v. Harrah's Operating Co., Inc.

Meritor Savings Bank v. Vinson

Lehmann v. Toys R Us

CLASS 7: **IN CLASS EXAM 1 – CLOSED BOOK/NOTES, COVERING CLASSES 1-6**

CLASS 8: Title VII, National Origin & Religious Discrimination

READINGS:

Chapter 10: Special Problems w/ Nat'l. Origin Disc., Pg. 139-142

Chapter 11: Special Problems w/ Religious Discrim., Pg. 143-158

Discussions of the following case/s by the instructor – no readings necessary

Chaney v. Plainfield Healthcare Center
EEOC v. Sephora USA, LLC.
Espinoza v. Farah Mfg. Co.
TWA v. Hardison

CLASS 9: The Rehabilitation Act of 1973 and the ADA

READINGS:

Chapter 30: Overview, Pg. 301-303
Chapter 31: The Protected Disabled Class, Pg. 305-318
Chapter 32: Prohibited Conduct under ADA, Pg. 319-328
Chapter 33: Proof & Defenses under ADA, Pg. 329-332

Discussions of the following case/s by the instructor – no readings necessary

Arline v. School Board
Chevron v. Echazabal
Viscik v. Fowler Equipment Co.

CLASS 10: The Age Discrimination in Employment Act

READINGS:

Chapter 19: Coverage & Jurisdiction, Pg. 227-229
Chapter 20: Types of Violations & Their Proof, Pg. 231-242

Discussions of the following case/s by the instructor – no readings necessary

O'Connor v. Consolidated Coin Caterers Corp.

CLASS 11: Title VII Procedure, EEOC & Mandatory Arbitration of Claims

READINGS:

Chapter 15: Title VII Procedure – An Overview, Pg. 81-184
Chapter 16: Filing & Processing Charges, Pg. 185-198
Chapter 17: Litigation, Pg. 199-209
Chapter 18: Remedies, Pg. 211-223.

Discussions of the following case/s by the instructor – no readings necessary

Rodriguez v. Raymours Furniture Co., Inc.
14 Penn Plaza LLC v. Pyett

CLASS 12: The Equal Pay Act & Executive Order 112461

READINGS:

Chapter 25: Introduction to Equal Pay Act, Pg. 271-274

Chapter 26: Elements of the claim, Pg. 275-280

Chapter 27: Defenses: Pg. 281-286

Chapter 28: Enforcement of the Equal Pay Act, Pg. 287-290.

Chapter 29: Executive Order 112461, Pg. 293-298

Discussions of the following case/s by the instructor – no readings necessary

Ledbetter v. Goodyear

CLASS 13:

Sections 1981, 1983 and 1985

NJLAD

READINGS:

Chapter 22: Section 1981, Pg. 249-253

Chapter 23: Section 1983, Pg. 255-264

Chapter 24: Section 1985, Pg. 265-268

NJLAD Handout.

Discussions of the following case/s by the instructor – no readings necessary

Dothard v. Rawlinson

El v. Southeastern PA Transit

CLASS 14:

IN CLASS EXAM 2 – CLOSED BOOK/NOTES, COVERING CLASSES 8-13