



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

EMPLOYMENT LAW

**PROFESSOR VIK ADVANI
SPRING SEMESTER - 2018**

**MONDAY/THURSDAY -- 1:40PM-4:40PM
TILLET HALL ROOM 242**

**SCHOOL/MAJOR/COURSE/SECTION/INDEX:
37:575:315:02 13323
EMPLOYMENT LAW**

**MONDAY, THURSDAY 12:00 PM - 1:20 PM
LIVINGSTON CAMPUS - LUCY STONE HALL B269
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 law.

SCHOOL AND DEPARTMENT LEARNING OBJECTIVES

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

- Demonstrate an understanding of the perspectives, theories and concepts in the field of labor and employment relations.
- Apply those concepts, and substantive institutional knowledge, to understanding contemporary developments related to work.

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.
- Demonstrate an understanding of how to apply knowledge necessary for effective work performance.

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.

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

- *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
THU 1/18/16 The U.S. Court System

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, Contract Exception: Express
THU 1/22/16 Contracts

READINGS:

Pages 20-30 (Read up to § 2.5.2)

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

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

CLASS 2:
MON 1/25/18 **Class Cancelled.**

CLASS 4:
MON 1/29/18

Employment at Will, Contract Exception: Implied Contracts

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:
THU 2/1/18

Employment at Will, Contract Exception: Implied Contracts cont'd
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:
MON 2/5/18

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:
THU 2/8/18

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:
MON 2/12/18

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:
THU 2/15/18

Intentional Torts Cont'd: Intentional Interference with Contractual
Relations

READINGS:

Brief Review of previous class

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

CLASS 10:
MON 2/19/18

Legislative Efforts to Erode At-Will Doctrine: Montana

READINGS:

Brief Review of previous class
Pages 66-68 (Read from § 2.7 to 2.7.2)

CLASS 11:
THU 2/22/18

Privacy in the Workplace & Free Speech Protections

READINGS:

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

CLASS 12:
MON 2/26/18

Speech in the Workplace - Statutory protection - NLRA

READINGS:

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

CLASS 13:
THU 3/1/18

Privacy in the Workplace - Background Investigations/Defamation

READINGS:

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

CLASS 14:
MON 3/5/18

***QUIZ 1. (MULTIPLE CHOICE, SHORT ANSWER,
COVERS CLASSES 1-13)***

CLASS 15:
THU 3/8/18

Class Canceled.

CLASS 16:
MON 3/19/18

Privacy in the Workplace - Searches; Invasion of Privacy

READINGS:

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

CLASS 17:
THU 3/22/18

Privacy in the Workplace - Drug Testing

READINGS:

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

CLASS 18:
MON 3/26/18

The New Jersey Law Against Discrimination
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:
THU 3/29/18

Equal Employment Opportunity Commission (“EEOC”)
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:
MON 4/2/18

Sex Discrimination and Harassment

READINGS:

Brief Review of previous class

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

CLASS 21:
THU 4/5/18

Sex Discrimination and Harassment, Cont'd

READINGS:

Brief Review of previous class

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

CLASS 22: Family Medical Leave Act (“FMLA”)
MON 4/9/18 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
THU 4/12/18 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
MON 4/16/18

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
THU 4/19/18

READINGS:

Brief Review of previous class

Pages 235 - 254 (§ 6.1 to § 6.2)

CLASS 26: Occupational Safety & Health Act
MON 4/23/18

READINGS:

Brief Review of previous class

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

CLASS 27: Occupational Safety & Health Act
THU 4/27/18

READINGS:

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

CLASS 28:
MON 3/5/18

QUIZ 2.
(MULTIPLE CHOICE, SHORT ANSWER, COVERS
CLASSES 15-27)