



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

EMPLOYMENT LAW

PROFESSOR VIKRANT KISHIN ADVANI

FALL SEMESTER - 2016

37:575:315:02 --- INDEX # 08772

TUESDAY -- 1:40PM-4:40PM

TILLET HALL ROOM 242 LIVINGSTON CAMPUS

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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.

GRADE CRITERION

Class Attendance and Participation (15%)
In Class Quiz 1 (30%)
In Class Quiz 2 (30%)
Final Exam (25%)

- Failing to attend class will result in a poor “Class Attendance & Participation” grade.
 - If you miss 2 unexcused classes, you will receive only 10% of your 15% on your “Class Attendance & Participation” grade.
 - If you miss 3 unexcused classes, you will receive only 5% of your 15% on your “Class Attendance & Participation” grade.
 - If you miss 4 unexcused classes, you will receive only 0% of your 15% on your “Class Attendance & Participation” grade.
 - If you miss more than 5 unexcused classes, you will receive a failing/incomplete grade in my class.

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:
9/6/16

Course Overview
 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:
9/13/16

Employment at Will, Just Cause & the Contract Exception

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
9/20/16

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
9/27/16

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).**
10/4/16

CLASS 6: Employment at Will & the Tort Exception, cont'd
10/11/16 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
10/18/16 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
10/25/16 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”)
11/1/16 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)**
11/8/16

CLASS 11: Sex Discrimination and Harassment
11/15/16

READINGS:

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

CLASS 12: Family Medical Leave Act (“FMLA”)
11/29/16 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:
12/6/16

Fair Labor Standards Act
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:
12/13/16

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***