**Objectives:** Analysis of major issues in employment law, including laws protecting employees from discrimination, as well as wage and hour laws and laws covering employee privacy, workers’ compensation, unemployment insurance, immigration and safety and health.

This course will help students to understand the basic framework of employment law in the United States and to develop the ability to think critically and to read, analyze and evaluate legal statutes and decisions. Students will learn to identify, understand, and explain conflicting views on legal and policy arguments.

Specifically, the learning objectives for this course include: (1) learning to make an argument about an employment law matter using contemporary and/or historical evidence; (2) learning to apply legal precedent to current issues in the workplace; (3) working productively in teams, in social networks, and on an individual basis (4) communicating effectively at a level and in modes appropriate to an entry level professional; and (5) demonstrating an ability to interact with and influence others in a professional manner and effectively presenting ideas and recommendations.

**Text:** Labor and Employment Law: Text and Cases (16th Ed.) by David P. Twomey & Stephanie Greene (“Twomey”). (Do not use an earlier edition).

Supplemental Readings are available on CANVAS and/or will be distributed throughout the semester. Additional readings may be added during the course of the semester as the law evolves.

**Remote Instruction:** All classes will be held synchronously via Zoom. An invitation to attend each class will be sent on the day of class. I expect that all students will attend via Zoom and will keep their video monitors on during class. Any student with internet connectivity problems can use the phone number provided to call in to the class and participate as fully as possible. If you have recurring internet connectivity problems, please be in touch with me so that we can make any necessary arrangements so that you receive the full benefit of the class period and I can adequately assess your participation. Students will be muted to minimize distraction and feedback, but will be permitted and expected to turn mute off and on to participate in class. Exercises and small group discussions will be conducted in breakout rooms most weeks. If it proves necessary, class may be recorded, but small group sessions will not be recorded.

**Attendance and Grading Policies:** Students are expected to attend all classes and to actively participate in all exercises and discussions both in the full class and in small groups. **20%** of the final grade will be based upon attendance and participation. Participation includes contribution to discussions in class and full participation in classroom exercises.

Attendance will be taken for each class. Students leaving during the class period will not be given credit for attendance unless permission is received in advance. I expect that all reading assigned for each class will be completed **BEFORE** class. Any student who must miss a class for illness or other emergency is expected to contact me via e-mail or telephone prior to class explaining the reason for the absence. Any student with an illness or absence due to the COVID 19 pandemic should contact me, as soon as possible, in the event that special consideration regarding attendance and/or participation is sought.

Students are NOT permitted to record, videotape, or photograph any classroom lecture or activity, absent prior express consent and authorization by the Instructor.

**Assignments and Examinations:**  Student will complete two short assignments, the first due on **October 1** and the second due on **November 12**. Each assignment will account for 10% of the final grade.

Students will complete a midterm examination on **October 15** which will account for **30%** of the final grade.

Students will complete a final examination which will account for **30%** of the final grade.

All assignments and exams will be open book. The two mid-semester assignments will be posted in Canvas as assignments. The midterm and final will both be comprised of a quiz portion in Canvas as well as an essay portion.

**ACADEMIC INTEGRITY:**  The conduct of all students is governed by the Rutgers University Academic Integrity Policy: <http://academicintegrity.rugters.edu/files/documents/AI> Policy 9 01 2011.pdf

**POLICY ON DISABILITIES**: Rutgers University welcomes students with disabilities into all of the University's educational programs. In order to receive consideration for reasonable accommodations, a student with a disability must contact the appropriate disability services office at the campus where you are officially enrolled, participate in an intake interview, and provide documentation:

[https://ods.rutgers.edu/students/documentation-guidelines](https://ods.rutgers.edu/students/documentation-guidelines" \t "_blank).

If the documentation supports your request for reasonable accommodations, your campus’s disability services office will provide you with a Letter of Accommodations. Please share this letter with your instructors and discuss the accommodations with them as early in your courses as possible. To begin this process, please complete the Registration form on the ODS web site at: <https://ods.rutgers.edu/students/registration-form>.

**LEARNING CENTER:** Rutgers is committed to your success, and offers free academic services to all students. The Learning Centers provide tutoring, study groups, and review sessions for your courses. They also host workshops and provide individual academic coaching to help you further develop your study strategies and self-management skills. To learn more about how the LCs can help you succeed, visit rlc.rutgers.edu.

**CLASS TOPICS AND ASSIGNED READINGS:**

September 3 Introduction

The Courts and Administrative Agencies

How to read a case

Case reading exercise

Employment at Will

September 10 Employment at Will; Exceptions to Employment at Will;

Contract Theories

Twomey 627-638 (In Chapter 16)

**CANVAS:**

Adams v. Uno’s Restaurant

September 17 Exceptions to Employment at Will

Tort and Contract Theories continued; Whistleblower Protection (SOX, Dodd-Frank, CEPA)

Twomey 638-644 (In Chapter 16)

**CANVAS:**

Hernandez v. Montville Board of Education

September 24 Scope of Employment; Non-Compete Agreements; Negligent Hiring & Retention; Criminal Records

**Assignment 1 Posted**

Twomey pp. 645-659 (In Chapter 16)

**CANVAS:**

Carter v. Reynolds, 175 N.J. 402 (2003)

To Compete Better, States are Trying to Curb Non-Compete Pacts, Steve Lohn, New York Times (June 28, 2016)

Noncompete Pacts, Under Siege, Find Haven in Idaho, New York Times (July 14, 2017)

States Must Act to Protect Workers from Exploitative Non-Compete and No Poach Agreements, Karla Walter, Center for American Progress, April 2, 2019

October 1 Employee Privacy/Drug Testing/Defamation

**Assignment 1 Due**

Twomey 663-669; 671-678; 683-695 (In Chapter 17)

October 8 Employee Privacy/Electronic Privacy/Defamation/GINA

Twomey 678-683; 695-707 (In Chapter 17)

**CANVAS:**

Should Companies Monitor Their Employees' Social Media?, Wall Street Journal (October 22, 2014)

NJ Social Media Employment Law

Employee Privacy in the U.S. is at Stake as Corporate Surveillance Technology Monitors Workers’ Every Move, CNBC, April 15 2019

October 15 **MIDTERM**

October 22Discrimination Laws

(Race/Color)

Twomey 429-443; 445-454 (In Chapter 12)

October 29 Discrimination Laws continued

Religion/Sex/Sexual Harassment/Age

Twomey 454-485; 490-492; 556-570 (In Chapters 12 & 14)

November 5 Disability/USEERA

Twomey 579-603; 619-623 (In Chapter 15)

**Assignment 2 Posted**

**CANVAS:**

U.S. Department of Labor VETS USERRA Fact Sheet 3

A Non-Technical Resource Guide to USERRA

November 12 Workers Compensation; FMLA, Paid Sick Leave

Twomey 603-619 (In Chapter 15)

**Assignment 2 Due**

**CANVAS:**

N.J.S.A. 34:15.1-3

Sager v. O.A. Peterson Construction Co.

The Demolition of Workers’ Compensation (ProPublica) (03/04/15)

U.S. Labor Department: States are Failing Injured Workers (ProPublica) (10/5/16)

U.S. Dept of Labor Fact Sheet #28 – the Family and Medical Leave Act

New Jersey Paid Sick Leave Act

Nearly All New Jersey Workers Will Be Entitled to Paid

Sick Leave Very Soon, NJ.Com (10/2/18)

Lawmakers Move to Improve Paid Family Leave Program in New Jersey, NJ Spotlight, (02/11/19)

Murphy to Sign Bill Expanding N.J.’s Paid Family Leave Program, NJ.Com (02/19/19)

November 19 Unemployment Insurance/Wage & Hour Laws

Twomey 713-726; 730-735 (In Chapter 18)

**CANVAS:**

Employment Law In A Nutshell, Fair Labor Standards Act

New York State Just Dealt Another Blow to Uber’s Business Model, (Quartz) (June 13, 2017)

U.S. Department of Labor Fact Sheets #17B, C, D & E

NJ’s Minimum Wages Rises to $10 Today in First Step Toward $15, Colleen O’Dea, NJ Spotlight, July 1, 2019

Raising the Federal Minimum Wage to $15 by 2025 Would Lift Wages for Over 33 Million Workers, David Cooper, Economic Policy Institute, July 17, 2019

December 3 Occupational Safety & Health

Twomey 393-423 (In Chapter 11)

December 10 **FINAL EXAM**