

RUTGERS UNIVERSITY
SCHOOL OF MANAGEMENT AND LABOR RELATIONS
DEPARTMENT OF HUMAN RESOURCE MANAGEMENT

EMPLOYMENT LAW

38:533:566:01

FALL 2022

IN PERSON - Tuesdays 7:20- 10:00 p.m.

Janice Levin Bldg. Room 103

Contact Email: srrubin@rutgers.edu

Office Hours By Appointment

Professor Sheri-Rose Rubin

This course will survey how employment is regulated in the United States by the legislature and the courts and provide students with an understanding of how to interpret that regulation. Through the process of legal reasoning, case studies, historical analysis and review of current events, the student will gain knowledge of:

- The best practices in employer and employee relations;
- How to prevent legal disputes;
- Methods of judicial, administrative, and alternative dispute resolution; and
- The complex statutory framework of employment regulation.

The main topics will include six units:

- The Study of Law
- Employment Relationship
- Hiring
- Termination
- Employment Discrimination
- Occupational safety and health

And, NEW - changes to the workplace due to a global pandemic!

All courses within the MHRM program are intended to advance students' cognitive skills and processes. This course, in particular, is central to lifelong learning and participation in society and the workplace in the following areas and students are expected to master:

SMLR Learning Objectives

Three Core Areas for Success in SMLR

The curriculum in the programs within SMLR focus on different areas (ie. HRM, LSER) and levels of study (ie. UG, Masters', PhD). Across these programs, we strive to advance students cognitive skills and processes, their Knowledge of Theory and Application, and develop their professional skills.

- 1) Cognitive Skills and Processes
- 2) Knowledge of Theory, Practice, and Application
- 3) Professional Development

Cognitive Skills and Processes

The cognitive skills and process area reflects the goal for SMLR programs to help students develop skills central to lifelong learning and participation in society and the workplace.

I) Written & Oral Communication – Communicate effectively at a level and in modes appropriate to an entry level professional.

- Communicate complex ideas effectively, in standard written English
- Analyze and synthesize information and ideas from multiple sources to generate new insights
- Produce quality research papers with proper convention of attribution/citation
- Produce high quality executive summaries
- Make an argument using contemporary and/or historical evidence
- Present ideas and arguments in a logical and effective way

II) Quantitative Skills – Apply appropriate quantitative and qualitative methods for research workplace issues.

- Formulate, evaluate, and communicate conclusions and inferences from quantitative information
- Apply quantitative methods to analyze data for HR decision making including cost-benefit analyses, ROI, etc. (HRM)
- Apply qualitative methods appropriately, alone and in combination with quantitative methods

III) Research Skills – Demonstrate an ability to collect, analyze and synthesize information to make logical and informed decisions impacting the workplace. Use evidence to evaluate hypotheses, theories and approaches to workplace issues.

- Employ current technologies to access information, to conduct research, and to communicate findings
- Analyze and synthesize information and ideas from multiple sources to generate new insights
- Assess and critique relevant evidence and research findings
- Access high-quality historical, qualitative, and quantitative evidence or research
- Use evidence-based analysis to appraise the validity of various hypotheses, theories, and approaches to workplace issues

Knowledge of Theory, Practice and Application

The knowledge of theory and application area reflects the goal for SMLR programs to ensure that students learn the key theoretical and foundation areas of study in their domains and realize opportunities to apply that knowledge to practice situations.

IV) Theoretical Perspectives - Demonstrate an understanding of relevant theories and apply them given the background context of a particular work situation.

- Demonstrate an understanding of the practical perspectives, theories and concepts in their field of study
- Evaluate and apply theories from social science disciplines to workplace issues

V) Understanding Context - Evaluate the context of workplace issues, public policies, and management decisions

- Analyze the degree to which forms of human difference shape a person's experience of and perspectives on work
- Analyze a contemporary global issue in their field from a multi-disciplinary and intersectional perspective
- Analyze issues related to business strategies, organizational structures, and work systems
- Analyze issues of social justice related to work across local and global contexts (LSER)
- Analyze issues related to the selection, motivation, and development of talent in a local and global context (HRM)

VI) Application – Demonstrate an understanding of how to apply knowledge necessary for effective work performance

- Apply concepts and substantive institutional knowledge, to understanding contemporary developments related to work
- Understand the legal, regulatory, and ethical issues related to their field

- Develop human resource management functional capabilities used to select, motivate, and develop workers (HRM)
- Understand the internal and external alignment and measurement of human resource practices (HRM)

Professional Development -

VII) Professional Development - Demonstrate an ability to interact with and influence others in a professional manner, and to effectively present ideas and recommendations

- Develop effective presentation skills appropriate for different settings and audiences
- Develop career management skills to navigate one's career
- Develop capabilities to work and lead in a multicultural and diverse environment
- Work productively in teams, in social networks, and on an individual basis
- Develop cultural agility competencies
- Demonstrate lifelong personal and professional development skills

Written & Oral Communication - Communicate effectively at a level and in modes appropriate to an entry level professional.

- Communicate complex ideas effectively, in standard written English
- Analyze and synthesize information and ideas from multiple sources to generate new insights
- Produce quality research papers with proper convention of attribution/citation
- Produce high quality executive summaries
- Make an argument using contemporary and/or historical evidence
- Present ideas and arguments in a logical and effective way

Understanding Context - Evaluate the context of workplace issues, public policies, and management decisions

- Analyze the degree to which forms of human difference shape a person's experience of, and perspectives on work
- Analyze a contemporary global issue in their field from a multi-disciplinary perspective
- Analyze issues related to business strategies, organizational structures, and work systems
- Analyze issues of social justice related to work across local and global contexts
- Analyze issues related to the selection, motivation, and development of talent in a global context

Application – Demonstrate an understanding of how to apply knowledge necessary for effective work performance

- Apply concepts and substantive institutional knowledge, to understanding contemporary developments related to work
- Understand the legal, regulatory and ethical issues related to their field
- Develop human resource management functional capabilities used to select, motivate, and develop workers (HRM)
- Understand the internal and external alignment and measurement of human resource practices (HRM)

REQUIRED MATERIA

Employment Law for Human Resource Practice, 6th Edition

- **David J. Walsh**
- **ISBN-10: 978-1-337-55532-6**

Please consult CANVAS for discussions, assignments, and additional reading resources.

Additional information:

- Students are expected to read the daily news in any source you like. Employment law events happen everywhere every day and be prepared to discuss current events every week.

GRADING SCHEME

Graded assignment Fishbowl Unit One – 10%

Graded assignment Fishbowl Unit Two – 10%

Mid-Term/Project -20 %

Final Exam/Project -20%

Participation/Case Briefing – 20%

Discussions - 20%

Class participation makes this course interesting. You are expected to participate fully. Every student should expect to be called on in class to answer questions about our material. Please be prepared. All students will be given an opportunity to participate in meaningful ways.

I will come to class prepared to teach and learn from you. Your obligation as a student in this class is to attend all classes, come prepared, having already read the material, ready

for stimulating discussion. During each class, I will give you a note card to record your participation and ask any questions you wish to discuss in the future.

100 - 90 A
89 - 85 B+
84 - 80 B
79 - 75 C+
74 - 69 C
Below 69 F

Accommodations

Any requests for reasonable accommodations due to disability will be reviewed on an individual basis. Students with documented disabilities who require academic accommodations must comply with the procedures of the Office of Disability Services for Students (<http://disabilityservices.rutgers.edu/>) (848) 932-2848; fax (848) If you are having a general problem in this class and need assistance, please discuss your issue with me as soon as it presents itself. Please do not wait until the end of the semester when your grade has already been determined.

Schedule and Assignments

READING ASSIGNMENTS - SUBJECT TO CHANGE AND MAY BE ASSIGNED IN A DIFFERENT ORDER DEPENDING UPON OUR DISCUSSIONS

Unit One - Law School in 30 Minutes or Less

Reading: Chapter 1

Unit Two - An Employee is Someone Who is Employed by an Employer (Thank you, Department of Labor)

Reading: Chapter 2

Unit Three -You can't fire ME!!!!

"You take my life when you take the means whereby I live." WILLIAM SHAKESPEARE

Reading: Chapters 15, 16, 17

Unit Four - Show Me the Money

Reading: Chapters 4, 7, 11

Unit Five - Too Sick or Hurt to Work

Reading: Chapter 14

Unit Six - Are You Discriminating or Are You Discriminating? Never Discuss Religion, or Politics... And, No, There is Nothing WRONG with Me.

Reading: Chapters 8, 9, 10

⋮ ▾ Assignments and Things to Do		
⋮ 📄	Final Exercise Dec 13 50 pts	
⋮ Week Two		
⋮ 📄	Week Two - Reading 0 pts	
⋮ 🗨️	Discussion - What do the think is the most significant impact Covid 19 will have on the workplace - from a legal perspective 5 pts	
⋮ Week Three		
⋮ 📄	Week Three - Reading and Written Case Brief 10 pts	
⋮ Week Four		
⋮ 📄	Week Four - Reading 0 pts	✓ ⋮
⋮ 🗨️	Discussion - Gig Work 5 pts	✓ ⋮
⋮ 🗨️	Discussion - Cancel Culture 5 pts	✓ ⋮
⋮ 📄	Ehling v. Monmouth-Ocean Hospital Services, Corp. 10 pts	✓ ⋮
⋮ 📄	Estrada v. Wal-Mart Stores 10 pts	✓ ⋮

⋮ Week Five

⋮  [Week Five - Reading](#)
0 pts

⋮  [Discussion - Social Media Posts](#)
5 pts


⋮  [Agis v. Howard Johnson](#)

⋮  [Agis case brief upload](#)
10 pts

⋮ Week Six

⋮  [Week Six Reading](#)
0 pts

⋮  [Discussion - Whistleblowing](#)
5 pts

⋮  [Munroe v. Cent. Bucks Sch. District](#)
10 pts

⋮  [Jennifer O'Brien/ Paterson School District](#)
10 pts

⋮ Week Six


⋮  [Week Six Reading](#)
0 pts

⋮  [Discussion - Whistleblowing](#)
5 pts

⋮  [Munroe v. Cent. Bucks Sch. District](#)
10 pts

⋮  [Jennifer O'Brien/ Paterson School District](#)
10 pts

⋮ Week Eight

⋮  [Week Eight Reading](#)
0 pts

⋮  [No Discussion This Week!](#)


⋮  [Heffernan v. City of Paterson, NJ](#)
10 pts


⋮  [Barnett v. PA Consulting Group](#)
10 pts

⋮ Mid-Term Exercises

⋮  [Mid-Term Exercises](#)
Nov 5, 2021 | 50 pts

⋮ Week Ten

⋮  [Week Ten- Reading](#)
0 pts

⋮  [Keller v. Summit Seating \(.page 424\)](#)
10 pts


⋮  [Riser v. QEP Energy \(.page 451\)](#)
10 pts

⋮ Week Eleven

⋮  [Week Eleven Reading](#)
0 pts

⋮  [City of Brighton v. Rodriguez page 585](#)
10 pts

⋮  [Ezzy v. Workers Compensation Board](#)
10 pts

⋮  [SeaWorld of Florida v. Perez \(page 559\)](#)
10 pts

⋮ Week Twelve

⋮  [Reading Assignment - Chapter 3 and Skim Chapter 8](#)

⋮  [Jones v. Oklahoma City \(Page 87\)](#)
10 pts

⋮  [Vasquez v. Empress Ambulance Services \(page 91\)](#)
10 pts

⋮  [Price Waterhouse v. Hopkins \(1989\)](#)
10 pts

⋮  [Price Waterhouse v. Hopkins](#)

⋮  [Gerald v. University of Puerto Rico \(page 289\)](#)
10 pts

⋮ Week Thirteen

⋮  [Week Thirteen Reading - Please reach Chapter 9](#)

⋮  [Keith v. County of Oakland \(page 337\)](#)
10 pts

⋮  [Davis v. Fort Bend County \(page 356\)](#)
10 pts

⋮  [Samson v. Federal Express \(page 330\)](#)
10 pts

THE END! YOU DID IT!