



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

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**EMPLOYMENT LAW**

**PROFESSOR VIKRANT KISHIN ADVANI**

**FALL SEMESTER - 2018**

**37:575:315:02 --- INDEX # 07583**

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

**TILLET HALL ROOM 242 LIVINGSTON CAMPUS**

**[VADVANI@SMLR.RUTGERS.EDU](mailto:vadvani@smlr.rutgers.edu)**

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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 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](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  
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: 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

### 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

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: Employment at Will & the Tort Exception, cont'd  
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 6: Intentional Infliction of Emotional Distress  
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 7: **IN CLASS EXAM 1 – CLOSED BOOK/NOTES, COVERING CLASSES 1-6**

CLASS 8: The New Jersey Law Against Discrimination  
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”)  
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: Sex Discrimination and Harassment

READINGS:

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

CLASS 11: Family Medical Leave Act ("FMLA")  
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 12: 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 13: 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)

CLASS 14: **IN CLASS EXAM 2 – CLOSED BOOK/NOTES, COVERING CLASSES 8-13**