

EMPLOYMENT DISCRIMINATION LAW

Spring 2017

Course No. 37:575:316:80

Thursdays 6:00 p.m. – 8:40 p.m.

Professor Joyce M. Klein

Phone: (732) 775-5677

Office Hours Available Upon Request

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Objectives: Analysis of major issues in the law of employment discrimination, including laws protecting employees from race, sex, religion, disability, age and genetic discrimination.

This course will help students to understand the basic framework of the law of employment discrimination 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 (15th Ed.) by David P. Twomey. (“Twomey”). **NOTE: This textbook is also available from CENGAGE.com as an eBook or eChapters may be purchased individually. Readings are from Chapters 12 through 15 and Appendices D, I and G only.**

Supplemental Readings will be available on SAKAI throughout the semester. Additional readings may be added during the course of the semester as the law evolves. Readings posted on SAKAI may be found under “Resources.”

Attendance and Grading Policies: Students are expected to attend all classes and to actively participate in all exercises and discussions. **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. 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.

Laptop/Recording Policy: Students are permitted to bring and use laptop computers or tablets in class, for viewing class readings. **Students are NOT permitted to use laptops or tablets to take notes, e-mail, or engage in other activities that may distract other students. All other electronic devices including cell phones, beepers, PDA's, shall be silent and put away during class. Students observed sending text or other electronic messages during class shall be recorded as absent for that class.** Students are NOT permitted to record, videotape, or photograph any classroom lecture or activity, absent prior express consent and authorization by the Instructor.

Academic Integrity: 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

Homework: Each student is required to submit electronically through SAKAI before class begins (before 6:00 p.m.), a case brief for one major case included in the reading each week for ten weeks of class. (See handout posted on SAKAI). There are ten weeks of class that include case readings where homework is due. Each student is free to skip one case brief, and is required to turn in the assigned case brief for each of the remaining nine (9) weeks. Students may select which case is briefed each week, so long as it is either a case provided on Sakai or is a case with the case caption in bold face in the text. Failure to turn in the case briefs ON TIME will result in a loss of credit for the homework grade for that class. THERE WILL BE NO EXTENSIONS FOR HOMEWORK ASSIGNMENTS. Homework will count for **15%** of the final grade.

Examinations: Students will complete midterm examination on **March 9, 2017**, which will account for **30%** of the final grade.

Students will complete a final examination on **April 27, 2017**, which will account for **35%** of the final grade.

January 19: Course Overview

How to Read & "Brief" Cases
Federal & State Court Systems
Anatomy of an Employment Discrimination Lawsuit
EEOC
Remedies

No Readings Due For This Class

January 26: Reconstruction Civil Rights Act (Sections 1981 & 1983)

Twomey pp. 512-518

SAKAI Readings for January 26:

The Tractable Apostrophe, Eats, Shoots & Leaves, A Zero Tolerance Approach to Punctuation!, Lynne Truss (2003)
“Understanding the Federal Courts” (U.S. Courts.gov)
“Welcome to the NJ Court System” (N.J. Judiciary website)
“Remedies” (E.E.O.C. Website)
Patterson v. McLean Credit Union
Robinson v. City of Pittsburgh

February 2: Title VII of the Civil Rights Act of 1964 (“Title VII”)
Equal Employment Opportunity Commission (“EEOC”)
Race & Color Discrimination

Twomey pp. 395-415; Appendix D 759-762

SAKAI Readings for February 2:

“Facts About Race/Color Discrimination” (EEOC Website)
Chaney v. Plainfield Healthcare Center
Barrett v. Whirlpool

February 9: National Origin Discrimination
Citizenship Requirements
Religious Discrimination

Twomey pp. 417-421; 448-451

SAKAI Readings for February 9:

“Facts about National Origin Discrimination” (EEOC Website)
Espinoza v. Farah Mfg. Co.
TWA v. Hardison
EEOC v. Alamo Rent-A-Car
Cloutier v. Costco Wholesale Corp

February 16: Sex Discrimination & Harassment

Twomey pp. 432-448; Appendix G p. 779-781

SAKAI Readings for February 16:

Faragher v. Boca Raton
Jespersen v. Harrah’s Operating Co., Inc.
Meritor Savings Bank v. Vinson
“Facts About Sexual Harassment” (EEOC Website)

- February 23: Equal Pay Act (“EPA”)
Pregnancy Discrimination Act (“PDA”)

Twomey pp. 523-529

SAKAI Readings for February 23:

Case Seeking Job Protections for Pregnant Women Heads to Supreme Court, *New York Times*; November 30, 2014

Ledbetter v. Goodyear
International Unions v. Johnson Controls, Inc.
Equal Pay Act & Ledbetter Act (EEOC Website)
- March 2: Proofs and Remedies

Twomey pp. 473-475; 479-485

SAKAI Readings for March 2:

Price Waterhouse v. Hopkins
- March 9: MIDTERM
- March 16: Spring Break
- March 23: Age Discrimination in Employment Act (“ADEA”)
Retaliation
Height & weight restrictions

Twomey pp. 540-549

SAKAI Readings for March 23:

Thompson v. North American Stainless, LP
Dothard v. Rawlinson
O’Connor v. Consolidated Coin Caterers Corp.
- March 30: Arbitration of discrimination claims

Twomey pp. 497-503; 504-506; 515-516

SAKAI Readings for March 30:

Wright v. Universal Maritime Service Corp.

April 6: Disability/Handicap Discrimination
Rehabilitation Act of 1973
Americans with Disabilities Act (“ADA”)

Twomey pp. 553-574; 789-792; Appendix I

SAKAI Readings for April 6:

Chevron v. Echazabal

April 13: Philadelphia - Movie

April 20: Use of Genetic Information
Credit and background checks

SAKAI Readings for April 20:

El v. Southeastern PA Transit

“Genetic Information Discrimination” (EEOC Website)
A Plan to Cut Costs: End Hurdle to Job After Prison,
The New York Times; October 23, 2014
New Jersey Opportunity to Compete Act

April 27: FINAL