

EMPLOYMENT LAW
(Fall 2018-Thursday Night Class)

Instructor: James M. Cooney, Esq.
Rutgers University, Labor Studies & Employment Relations Department, SMLR
Course #37:575:315:03 (3 Credits)
Thursdays, 7:40 p.m. – 10:30 p.m.
Class Location: Murray Hall, Room 212, College Avenue Campus
Tel: 848-932-8560; E-mail: jacooney@rutgers.edu
Office Hours: Before & after class or by appointment

Course Description: Overview of employment-at-will and its limitations; wages & hours; medical/family leave; privacy; drug testing; workers' compensation; and fundamental anti-discrimination law.

Learning Objectives: At the end of the course, the student is able to:

Labor Studies & Employment Relations Department:

-Apply employment relations legal concepts, and substantive institutional knowledge, to understanding contemporary developments related to work. (Goal 2)

School of Management & Labor Relations:

-Demonstrate an understanding of how to apply knowledge necessary for effective work performance. (Goal VI)

Additional Course Objective(s) from the Instructor:

- Demonstrate basic knowledge of employment-at-will and the various exceptions.
- Demonstrate basic knowledge of the policies underlying common-law, constitutional, and statutory employment law principles.
- Demonstrate ability to comprehend court decisions on employment law issues.
- Apply employment law concepts to a given fact pattern.

Grading Criteria:*

(1) Mid-term Exam (50%)

(2) Final Exam (50%)

(*Credit is also earned for attendance and in-class contributions)

Attendance: Students are expected to attend class on a regular basis. Please note that excessive unexcused absences will lower your grade. Unexcused absences in excess of 3 classes may result in a failing grade. Students arriving late to class, or departing class early, must sign-in/out with a TA.

Course Materials: Course reading materials are found in the Sakai Resources and Announcements section. The Instructor reserves the right to supplement, substitute, and/or modify the listed reading selections.

Academic Records Retention: Exams, papers, and any other items submitted by students for grading are retained for 2 years before shredding and disposal. Any student wishing to review any such item must make a request prior to that time.

Academic Integrity: The conduct of all students is governed by the Rutgers University Academic Integrity Policy.

Laptops/Cell Phones: Students are permitted to bring and use laptop computers in class, for taking notes and viewing class readings. However, please do not engage in laptop-related activities that may distract other students. Students should refrain from texting while in class. Points may be deducted from the grades of students who consistently violate the foregoing policy.

Recording: Students are not permitted to videotape or otherwise record any classroom lecture or activity, absent prior express consent and authorization by the Instructor.

Class Schedule:

SEPT. 6: -Course Overview

NO READINGS

SEPT. 13: -Federal & State Court Systems
-Anatomy of an Employment Lawsuit
-Remedies

READINGS:

“Understanding the Federal Courts”
“Remedies for Employment Discrimination” (EEOC)

SEPT. 20: -Employment at Will & Exceptions

READINGS:

Pierce v. Ortho Pharmaceutical, 417 A.2d 505 (1980)
Woolley v. Hoffman-LaRoche, Inc., 99 N.J. 284 (1985)

SEPT. 27: -Title VII of the Civil Rights Act of 1964
-Proving Discrimination
-Race & Color Discrimination

READINGS:

McDonnell Douglas Corp. v. Green, 411 U.S. 792 (1973)
Griggs v. Duke Power, 401 U.S. 424 (1971)

OCT. 4: -Constitutional Issues

READINGS:

Pickering v. Board of Education, 391 U.S. 563 (1968)
City of Ontario v. Quon, U.S. No. 08-1332 (06/17/2010)

OCT. 11: -Polygraphs & Psychological Testing
-Workers' Compensation

READINGS:

Polkey v. Transstecs Corp., 404 F.3rd 1264 (11th Cir. 2005)
Karraker v. Rent Center Inc., No. 04-2881 (7th Cir. 2005)
Guyton, Gregory P. "A Brief History of Workers' Compensation"
(*Iowa Orthop. J.* 1999, 19:106-110)

OCT. 18: MID-TERM EXAMINATION

OCT. 25: -Sex Discrimination and Harassment

READINGS:

"*Sexual Harassment*" (EEOC)
Lehmann v. Toys 'R' Us, Inc., 132 N.J. 587 (1993)

NOV. 1: Movie: "North Country"

NO READINGS

NOV. 8: -Family & Medical Leave (FMLA and NJFLA)

READINGS:

Gerety v. Hilton Casino Resort, 184 N.J. 391 (2005)
Cruz v. Publix Super Markets, Inc., 428 F.3d 1379 (11th Cir. 2005)

NOV. 15: -Non-Compete & Confidentiality Agreements
-Drug Testing

READINGS:

Nike, Inc. v. McCarthy, 379 F.3d 576 (9th Cir. 2004)
Treasury Employees v. Von Raab, 489 U.S. 656 (1989)

NOV. 20: -Whistleblower Protection
(Tuesday) -Employment-related Torts

READINGS:

Abbamont v. Piscataway Twp., 269 N.J.Super. 11 (App.Div. 1993)
Taylor v. Metzger, 152 N.J. 490 (1998)

NOV. 29: -Privacy Issues at the Workplace

READINGS:

Smyth v. Pillsbury Co., D.E.Pa. No. 95-5712 (1/23/1996)

O'Connor v. Ortega, 480 U.S. 709 (1987)

DEC. 6: FINAL EXAM (not cumulative)

(Date revised: 09/01/2018)