

**EMPLOYMENT LAW**  
**(Fall 2019-Friday Class)**

Instructor: James M. Cooney, Esq.  
Rutgers University, Labor Studies & Employment Relations Department, SMLR  
Course #37:575:315:01 (3 Credits)  
Fridays, 1:10 p.m. – 4:10 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 on Canvas. 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.

**Students With 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>

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>

### **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

**READINGS:**

*Polkey v. Trane Corp.*, 404 F.3<sup>rd</sup> 1264 (11<sup>th</sup> Cir. 2005)  
*Karraker v. Rent Center Inc.*, No. 04-2881 (7<sup>th</sup> Cir. 2005)

OCT. 18: MID-TERM EXAMINATION

OCT. 25: -Sex Discrimination and Harassment

**READINGS:**

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

NOV. 1: Movie: "North Country"

**NO READINGS**

NOV. 8: -Family & Medical Leave

**READINGS:**

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

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

**READINGS:**

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

NOV. 22:     -Whistleblower Protection  
              -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. 27:     -Privacy Issues at the Workplace  
(Wednesday)

**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 CLASS & FINAL EXAM DATE TO BE DETERMINED

(Date revised: 08/28/2019)



Dear Class:

Please refer to the Syllabus for due dates for readings. If any web-link below does not work, please let me know.

- "Court Role & Structure" (only need to read the one page directly connected to the link below):

<http://www.uscourts.gov/about-federal-courts/court-role-and-structure>

- "Remedies in Employment Discrimination Cases" (EEOC):

<https://www.eeoc.gov/employers/remedies.cfm>

-Pierce v. Ortho Pharmaceutical:

[http://scholar.google.com/scholar\\_case?case=9748700253424262526&q=pierce+v.+ortho+p+harmaceutical+corp&hl=en&as\\_sdt=2,31&as\\_vis=1](http://scholar.google.com/scholar_case?case=9748700253424262526&q=pierce+v.+ortho+p+harmaceutical+corp&hl=en&as_sdt=2,31&as_vis=1)

-Woolley v. Hoffman LaRoche:

<http://www.law.uh.edu/faculty/gmoohr/spring2014/Woolley.pdf>

-EEOC webpage on sexual harassment:

<http://www.eeoc.gov/eeoc/publications/fs-sex.cfm>

-Lehmann v. Toys R Us:

[https://scholar.google.com/scholar\\_case?case=2461941138692527378&q=lehmann+v.+toys+r+us&hl=en&as\\_sdt=6,31&as\\_vis=1](https://scholar.google.com/scholar_case?case=2461941138692527378&q=lehmann+v.+toys+r+us&hl=en&as_sdt=6,31&as_vis=1)

-McDonnell Douglas v. Green:

<http://caselaw.findlaw.com/us-supreme-court/411/792.html>

-Griggs v. Duke Power:

<https://supreme.justia.com/cases/federal/us/401/424/case.html>

-Pickering v. Board of Ed.:

<https://supreme.justia.com/cases/federal/us/391/563/case.html>

-City of Ontario v. Quon:

<http://www.supremecourt.gov/opinions/09pdf/08-1332.pdf>

-Polkey v. Transtecs Corp.:

<http://caselaw.findlaw.com/us-11th-circuit/1367723.html>

-Karraker v. Rent Center Inc.:

<http://caselaw.findlaw.com/us-7th-circuit/1486883.html>

-Gerety v. Hilton:

<http://caselaw.findlaw.com/nj-supreme-court/1102260.html>

-*Cruz v. Publix Super Markets, Inc.*, 428 F.3d 1379 (11th Cir. 2005):

<http://law.justia.com/cases/federal/appellate-courts/F3/428/1379/565328/>

-*Nike, Inc. v. McCarthy*, 379 F.3d 576 (9th Cir. 2004)

<http://caselaw.findlaw.com/us-9th-circuit/1033805.html>

-*Treasury Employees v. Von Raab*, 489 U.S. 656 (1989)

<http://caselaw.lp.findlaw.com/cgi-bin/getcase.pl?court=US&vol=489&invol=656>

-*Abbamont v. Piscataway Bd. of Ed.*:

<http://law.justia.com/cases/new-jersey/supreme-court/1994/a-22-94-opn.html>

-*Taylor v. Metzger*:

<http://caselaw.findlaw.com/nj-supreme-court/1456593.html>

-*Smyth v. Pillsbury Co.*:

[http://www.loundy.com/CASES/Smyth\\_v\\_Pillsbury.html](http://www.loundy.com/CASES/Smyth_v_Pillsbury.html)

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

<http://caselaw.lp.findlaw.com/cgi-bin/getcase.pl?court=us&vol=480&invol=709>

Please do not hesitate to contact me with any questions that you have concerning the readings and assignments.

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