

# Course Syllabus

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## Employment Law

**Course Number:** 37:575:315:90/91/92/95

Fall 2022

**Instructor:** Rosemarie Cipparulo, Esq.

**Contact:** Send message through Canvas Inbox tool.

Employment Law is a fully online course delivered on the Canvas Learning Management System (LMS.) Students requiring technical assistance should contact the help desk:

Rutgers Center for Online and Hybrid Learning and Instructional Technologies (COHLIT)

**Email:** [help@Canvas.rutgers.edu](mailto:help@Canvas.rutgers.edu)

**Call:** 877-361-1134  
24 hrs./7 days a week

## Learning Objectives

The student is able to:

Demonstrate an understanding of the perspectives, theories, and concepts in the field of labor and employment relations;

Make an argument in the field of labor and employment relations using contemporary and/or historical evidence;

Communicate effectively in modes appropriate to labor and employment relations;

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 of social justice related to work across local and global contexts.

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 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.

## **Course Requirements**

### **Reading, Audio/Video Assignments**

#### Reading

Students read textbook chapters, court decisions, and internet based resources. Required textbook: Robert N. Covington, *Employment Law in a Nutshell*. 5th Edition. West Nutshell Series. ISBN 978-1-63460-763-6 (referred to as "Nutshell"). Additional required readings are already uploaded into the course shell or a link to external material is available.

#### Audio/Video

Students are required to watch instructor generated and other video presentations. All video material is provided through links within the course shell.

### **Writing Assignments**

Two writing assignments require students to reflect on course material, engage in online searches to connect employment law concepts with current events and perceptions, and develop/state opinions. Students will choose a topic for their second writing assignment early in the semester. Writing assignments are organized into three sections: overview, reflection, resources.

#### Writing Assignment #1:

## Biography: Introduction & Connection with Employment Law Topics

### Writing Assignment #2 A and B:

Contemporary Issues: Employment Discrimination or Employee Rights (I split the class in half for the purposes of submitting the second writing assignment. Therefore, #2A denotes reference to students who choose a topic from the first half of the semester, while #2B denotes reference to students who chose a topic from the second half of the semester)

### **Peer Review and Comment on Writing Assignments 2 A and B**

Students read and reflect on the content of each other's writing assignments. Students exhibit their knowledge of employment law and critical thinking skills when defending their opinions shared within their comments. Students are required to make 4 comments on Writing Assignment 2A and 4 comments on Writing Assignment 2B for a total of 8 comments.

### **Forums**

There will be 2 forums or threaded discussions. The first forum will begin in week 4 of the class and the second will begin in week 12. Students will be required to make three substantive comments in each forum. The forums will be based on topics of particular interest in the field of employment law.

### **Exams**

Students complete 2 exams during the semester. Exams focus on required course material addressed in weeks listed below.

Weeks 1– 7: Assessed in the mid-term exam in week 8 of the class.

Weeks 8– 13: Assessed in the final exam in week 14.

Exams consist of true/false and multiple choice questions. Each exam is open for 3 days, during this period students may enter the online exam area to complete the exam. A 90 minute limit is set for each exam.

### **Grading**

A final grade is based on a 1000 point system. Each assignment is worth a specific number of points.

Total points accumulated determines final course grade.

**Writing Assignments:** Two writing assignments 370 points

**Writing Assignment Comments:** Eight comments 160 points

**Two Forums:** Six Comments 120 points

**Exams:** Two exams 350 points

Total Points: 1000

### **Point Equivalent to Final Grade**

#### **Outstanding Good Satisfactory**

1000 - 900 Points = A                      899 – 860 Points = B+                      799 – 760 Points = C+

859 – 800 Points = B                      759 – 700 Points = C

#### **Poor**

699 - 600 Points = D                      599 and below = F

## **POLICIES AND PROCEDURES**

### **Class Sessions**

The course week begins on **Thursdays**. A weekly message will be available in the Announcements area of the course by **12 pm every Thursday**.

A week is 7 days in length. Information about content or assignment procedure is available within the weekly message.

Students may enter the course and engage in coursework at any time 24 hours a day, 7 days a week.

### **Due Dates**

Writing Assignments must be submitted by 11:59 p.m. on the due date.

### Late Submission Policy

If the paper is up to 24 hours late, I will deduct 10% of the value of the assignment; up to 48 hours late I will deduct 20% of the value of the assignment.

Writing assignments will not be accepted after the 48 hour late period.

Exams must be completed within the open period. Exams are usually open for three days. No extensions are available for missed exams.

## **Message Checking Policies**

### Messages Sent to Instructor's Canvas Inbox

Unless students receive advance notification, the instructor will check her Canvas Inbox by 12:00 pm ET on regular workdays. If a student sends a comment or question, the instructor will address the contents of the message within 24 hours.

### Messages Sent to Student Canvas Inbox

It is the responsibility of the student to regularly check for incoming messages. Messages are always sent through the Canvas messaging system. Students will receive a notification when a new message has been sent to his/her Canvas inbox. Forgetting or being unable to check for messages in one's Canvas inbox is not an excuse.

## **COURSE SCHEDULE**

### **Weeks 1 - 2**

**Topic:** Course Overview

Reading

Syllabus, Calendar, Grading

Tech FAQs (Computer and Internet requirements, how to use course tools and request technical assistance)

## Video

Instructor Introduction /Welcome (Prof. Rosemarie Cipparulo)

**Topic:** Understanding the Court System

## Reading

### Internet Resource

"Understanding the Federal Courts" (<http://www.uscourts.gov/FederalCourts.aspx>)

"Welcome to the New Jersey Court System"  
(<http://www.judiciary.state.nj.us/process.htm>)

**Topic:** Anatomy of an Employment Lawsuit

## Reading

Sample Complaint filed in NJ Superior Court

### Internet Resource

"Civil Cases"  
(<http://www.uscourts.gov/FederalCourts/UnderstandingtheFederalCourts/HowCourtsWork/CivilCases.aspx>)

## Video

Instructor Created Overview (Prof. James Cooney)

## Assignment

Choose Topic: for Writing Assignment #2 by 11:59 p.m. September 14.

## Week 3

**Topic 1:** Remedies

Reading

Nutshell, pp. 531-553

Video

Instructor created overview (Prof. James Cooney)

## **Topic 2: Employment at Will & Exceptions**

Reading

Nutshell, pp. 37-77

Pierce v. Ortho Pharmaceutical, 417 A.2d 505 (1980)

Woolley v. Hoffman-LaRoche, Inc., 99 N.J. 284 (1985)

Video

Instructor created overview (Prof. James Cooney)

## **Assignment**

Writing Assignment #1 - Biography: Introduction & Connection with Employment Law Topics due by end of week 3 (11:59 p.m., September 21)

## **Week 4**

### **Topic 1: Constitutional Issues**

Reading

Nutshell, pp. 18-20, 173-198, 203-212

Pickering v. Board of Education, 391 U.S. 563 (1968)

City of Ontario v. Quon, U.S. No. 08-1332 (06/17/2010)

Internet Resource

"Can Bosses Do That?"

<http://www.npr.org/templates/story/story.php?storyId=123024596> (Links to an external site.) (Links to an external site.)

## **Topic 2: Drug Testing**

### Reading

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

### **Assignment**

Forum #1 begins September 29 First comment due by 11:59 p.m. September October 2 and all three comments due by 11:59 p.m., October 5 Each student must make three comments in the Forum.

**NOTE - Students will NOT be allowed to make comments after the forum closes. The point of the forum is for all of us to engage in a discussion. If the forum is closed when you make your comments there can be no discussion.**

## **Week 5**

**Topic 1:** Title VII of the Civil Rights Act of 1964

### Reading

Nutshell, pp. 229-264

**Topic 2:** Equal Employment Opportunity Commission (“EEOC”)

### Reading

Sample EEOC Charge of Discrimination

### Internet Resource

EEOC Website, “Filing a Charge of Discrimination”  
<http://www.eeoc.gov/employees/charge.cfm>

### Video

Instructor created overview (Prof. James Cooney)



## **Week 6**

### **Topic 1: Race & Color Discrimination**

#### Reading

McDonnell Douglas Corp. v. Green, 411 U.S. 792 (1973)

Griggs v. Duke Power, 401 U.S. 424 (1971)

#### Video

Theories of Action (Profs. Rosemarie Cipparulo and Lisa Schur)

### **Topic 2: National Origin Discrimination**

#### Reading

Garcia v. Spun Steak Company, 998 F.2d 1480 (1993)

### **Assignment**

Students who chose a topic from the first part of the semester should work on writing assignment #2A

## **Week 7**

### **Topic 1: Disability Discrimination**

#### Reading

Moorer v. Baptist Memorial, 6th Cir. No, 03-5855 (2/11/2005)

#### Video

Disability Discrimination (Profs. Rosemarie Cipparulo and Lisa Schur)

### **Topic 2: Religious Discrimination**

## Reading

Estate of Thornton v. Caldor, Inc., 472 U.S. 703 (1985)

McCrorry v. Rapides Regional Med. Cntr, 635 F.Supp. 975 (WD La. 1986)

## Video

Religious Discrimination (Prof. James Cooney)

## **Topic 3: Sexual Harassment and Discrimination**

## Reading

Lehmann v. Toys "R" Us, Inc., 132 N.J. 587 (1993)

Video Instructor created overview (Profs. Rosemarie Cipparulo and Lisa Schur)

## **Assignment**

Writing assignment #2A for those students who chose a topic from the first part of the semester due by 11:59 p.m., October 26.

## **Week 8**

### **Mid-term exam & Commenting on Writing Assignment**

## **Assignments**

Exam open 12:01 a.m. October 27 – 11:59 p.m. October 30. Graded exam available after exam period closes.

Comments on Writing Assignments – 4 Comments to be made by every student, whether you are doing writing Assignment 2A or 2B, on four different Writing Assignment #2A papers posted in your Learning Community by 11:59 p.m., November 2.

## **WEEK 9**

### **Topic 1: Whistleblower Protection**

#### Reading

Abbamont v. Piscataway Twp., 269 N.J.Super. 11 (App.Div. 1993)

### **Topic 2: Employment Related Torts**

#### Reading

Taylor v. Metzger, 152 N.J. 490 (1998)

## **Week 10**

### **Topic 1: Privacy Issues in the Workplace**

#### Reading:

"Microchip Implants for Employees?" (Astor, Maggie, NY Times, July 25, 2017)

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

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

### **Topic 2: Workplace Bullying**

#### Reading

New Jersey Healthy Workplace Act

Website – Pending Healthy Workplace Legislation May Put NJ, NY and Illinois Employers at Risk

<http://www.natlawreview.com/node/2515>

Website – Proposed Legislation Stands Up To Workplace Bullies

[http://www.law.com/corporatecounsel/PubArticleCC.jsp?id=1202573109680&Proposed\\_Legislation\\_Stand\\_Up\\_to\\_Workplace\\_Bullies&slreturn=20130022095250](http://www.law.com/corporatecounsel/PubArticleCC.jsp?id=1202573109680&Proposed_Legislation_Stand_Up_to_Workplace_Bullies&slreturn=20130022095250)

## Assignment

Forum #2 opens at 12:01 a.m. November 10 and closes 11:59 p.m. November 13. First comment due by November 16.

**PLEASE TAKE NOTE** - Students will NOT be allowed to make comments after the forum closes. The point of the forum is for all of us to engage in a discussion. If the forum is closed, there can be no discussion.

## Week 11

### Topic 1:

Family & Medical Leave (FMLA and NJFLA)

#### Reading

U.S. Department of Labor Fact Sheet #28, "The Family and Medical Leave Act of 1993" (<http://www.dol.gov/whd/regs/compliance/whdfs28.pdf> (Links to an external site.)) (Links to an external site.)

#### Internet Resource

N.J. Attorney General, "The New Jersey Family Leave Fact Sheet" (<http://www.state.nj.us/lps/dcr/downloads/flafactsheet.pdf>)

### Topic 2: Non-Compete & Confidentiality Agreements

#### Reading

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

"Ban Noncompete Agreements. Do it Now." (Weissman, Slate.com)

## Assignment

Writing assignment #2B for those students who chose a topic from the second half of the semester is due by 11:59 p.m. November 23.

## Week 12 -

**NO CLASS - HAPPY THANKSGIVING**

## **Week 13 -**

### **Topic 1: Worker's Compensation**

#### Reading

Guyton, Gregory P. "A Brief History of Workers' Compensation" (Iowa Orthop. J. 1999, 19:106-110)

<http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1888620/>

## **Week 14**

**Assignment - All four comments on Writing Assignment 2B are due by December 7. Every student must make four comments on both 2A and 2B for total of eight comments.**

Final Exam Preparation/Complete Exam

### **Assignment**

Final exam open 12:01 a.m. Saturday, December 10 through 11:59 pm Wednesday, December 14.

Graded exam available after exam period closes.