

EMPLOYMENT LAW (Fall 2012) – M & TH Day Class

Instructor: James M. Cooney, Esq.

Rutgers University, Labor Studies & Employment Relations Department, SMLR

Course #37:575:315-01 (3 Credits)

Mondays & Thursdays, 9:15 a.m. – 10:35 a.m.

Class Location: Loree Classroom-Office Building, Room 020, Douglass Campus

Tel: 848-932-8560; E-mail: jcooney@work.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.

Grading Criteria:*

(1) Mid-term Exam (50%)

(2) Final Exam (50%)

(*Grades may also be adjusted based on attendance and in-class contributions)

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

Class Schedule:

SEPT. 6: Course Overview

NO READINGS

SEPT. 10 & 13:-How to Find, Read & "Brief" Cases
-Federal & State Court Systems
-Anatomy of an Employment Lawsuit
-Remedies

READINGS:

"Understanding the Federal Courts"

(www.uscourts.gov/FederalCourts.aspx)

"Welcome to the NJ Court System"

(www.judiciary.state.nj.us/process.htm)

SEPT. 17 & 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. 24 & 27:-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. 1 & 4: -Title VII of the Civil Rights Act of 1964
-Equal Employment Opportunity Commission (“EEOC”)
-Race & Color Discrimination

READINGS:

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

OCT. 8 & 11: -National Origin Discrimination
-Sex Discrimination and Harassment

READINGS:

Garcia v. Spun Steak Company, 998 F.2d 1480 (1993)
Lehmann v. Toys ‘R’ Us, Inc., 132 N.J. 587 (1993)

OCT. 15 & 18:Movie: “North Country”

NO READINGS

OCT. 22: MIDTERM EXAMINATION

OCT. 25: -Religious Discrimination

READINGS:

Estate of Thornton v. Caldor, Inc., 472 U.S. 703 (1985)
McCrary v. Rapides Regional Med. Cntr, 635 F.Supp. 975 (WD La. 1986)

OCT. 29 & NOV. 1:

-Disability Discrimination
-Family & Medical Leave (FMLA and NJFLA)

READINGS:

Moorer v. Baptist Memorial, 6th Cir. No, 03-5855 (2/11/2005)
Gerety v. Hilton Casino Resort, 184 N.J. 391 (2005)
Cruz v. Publix Super Markets, Inc., 428 F.3d 1379 (11th Cir. 2005)

NOV. 5 & 8: -Fair Labor Standards Act
-Drug Testing

READINGS:

Serrano v. Underground Utilities Corp., (N.J.App.Div. #A-0676-08)
Treasury Employees v. Von Raab, 489 U.S. 656 (1989)

NOV. 12, 15 & 19:

-Workers compensation
-Non-Compete & Confidentiality Agreements

READINGS:

Guyton, Gregory P. "A Brief History of Workers' Compensation"
(Iowa Orthop. J. 1999, 19:106-110)
Nike, Inc. v. McCarthy, 379 F.3d 576 (9th Cir. 2004)

NOV. 22: NO CLASS (University Closed – Thanksgiving)

NOV. 26 & 29: -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)

DEC. 3 & 6: -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. 10: FINAL EXAM (not cumulative)

(Date revised: 07/03/2012)