Employment Law

Instructor: James M. Cooney, Esq. Contact: jcooney@work.rutgers.edu Course Number: 37:575:315:91

Semester: Fall 2012

Employment Law is a fully online course. Students requiring technical assistance should contact the help desk:

• Using Person Learning Studio (eCollege) platform:

Course tools or addressing exam issues.

Call toll free 24 hours a day, 7 days a week: 877- 7RUTGER (877-778-8437)

Email: help@ecollege.rutgers.edu

NetID or Rutgers email problems: Call 732-445-HELP (4357)

• **Problems logging into the course:** Call Monday through Friday 9 am − 5 pm: 732-932-4702

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.

LSER Learning Objectives

Employment Law addresses the following LSER Department learning outcomes:

- 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 & employment relations.

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*. 3d Edition. West Nutshell Series. ISBN 978-0-314-19540-1 (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

The three 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. Writing assignments are organized into three sections: overview, reflection, resources.

Writing Assignment #1: Biography: Introduction & Connection with Employment Law Topics

Writing Assignment #2: Contemporary Issues: Employment Discrimination

Writing Assignment #3: Contemporary Issues: Employee Rights

Peer Review and Comment on Writing Assignments

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 shred within their comments.

A minimum of 8 comments on 8 separate #2 or #3 writing assignments is required.

Exams

Students complete 3 exams during the semester. Exams focus on required course material addressed in weeks listed below.

Weeks 2-4: Assessed in exam 1 on week 4

Weeks 5 - 8: Assessed in exam 2 on week 9

Weeks 10 - 13: Assessed in exam 3 on 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 1 hour 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: Three writing assignments 450 points

Writing Assignment Comments: Eight comments 200 points

Exams: Three exams 350 points

Total Points: 1000

Point Equivalent to Final Grade

Outstanding	Good	Satisfactory
1000 - 900 Points = A	899 - 870 Points = B+ 869 - 800 Points = B	799 - 770 Points = C+ 769 - 700 Points = C
Poor		
669 - 600 Points = D		
599 and below = F		

Policies and Procedures

Class Sessions

• Students are expected to enter the course for the first time the first day of the semester.

- The course week begins on **Tuesdays.** A weekly message will be sent to each student as well as uploaded into the course weekly messages file in document sharing by **10 am Tuesday**. Information about content or assignment procedure is available within the weekly message.
- Each week is 7 days in length. 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 completed by Monday at 11:59 pm Eastern Time, on the dates indicated below and on the Course Calendar.
- Writing assignment late penalties: up to 24 hours late (12 midnight 11:59 pm Tuesday) 10% of the worth of the assignment; up to 48 hours late (12 midnight 11:59 pm Wednesday) 20% of the worth of the assignment. Writing assignments will not be accepted after the 48 hour late period.
- Exams must be completed within the 3 day open period. As students are given a three day period to complete the exam, no extensions are available.

Checking Email

Instructor Email Checking Policy

Unless you receive advance notification, I will check my email by 10:00 am Eastern Time every workday. If you send a comment, concern, or question, you'll receive a response within 24 hours. I am also available to speak with any student by phone, or in-person in my office, upon a mutually-convenient scheduled appointment.

Student Email Checking Policy

It is the responsibility of the student to check for incoming course related messages at least 2 times a week. The weekly message is sent Tuesday mornings. Students are advised to open and read the message on Tuesdays.

Course Schedule

Reading/viewing material listed below represent core material for the semester. Assignments are listed in this section by weeks. Specific dates are provided in the course calendar.

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 Welcome and Course Overview

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)

Video

Instructor Created Overview

Topic: Anatomy of an Employment Lawsuit

Reading

Sample Complaint filed in NJ Superior Court

Internet Resource "Civil Cases"

(http://www.uscourts.gov/FederalCourts/UnderstandingtheFederalCourts/HowCourtsWor

k/CivilCases.aspx)

Video

Instructor Created Overview

Assignment:

Respond to Instructor's Welcome Email – by Sunday, September 9, 2012.

Week 3

Topic: Remedies

Reading

Nutshell, pp. 531-553

Video

Instructor created overview

Topic: 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

Assignment:

Writing Assignment #1 – by end of week 3 (i.e., by Monday, September 24) Biography: Introduction & Connection with Employment Law Topics

Week 4

Topic: 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)

Topic: Drug Testing

Reading

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

Assignment:

Exam 1: Exam is open Saturday, September 29 – Monday, 11:59 pm, October 1. Graded exam available after exam period closes.

Week 5

Topic: Title VII of the Civil Rights Act of 1964

Reading

Nutshell, pp. 229-264

Topic: Equal 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

Assignment:

Choose Topic: Writing Assignment #2

Week 6

Topic: Race & Color Discrimination

Reading

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

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

Topic: National Origin Discrimination

Reading

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

Assignment:

Work on writing assignment #2

Week 7

Topic: Sexual Discrimination and Harassment

Reading

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

Video

Instructor created overview

Week 8

Topic: Disability Discrimination

Reading

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

Topic: Religious Discrimination

Reading

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

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

Assignment:

Writing Assignment #2 – by end of week 8 (i.e., by Monday, October 29)

Contemporary Issues: Employment Discrimination

Week 9

Assignment:

Exam 2 Preparation/Complete Exam

Exam 2: Exam is open Thursday, November 1 - 11:59 pm, Saturday, November 3. Graded exam available after exam period closes.

Week 10

Topic: Whistleblower Protection

Reading

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

Topic: Employment Related Torts

Reading

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

Assignment:

Peer Comments on Writing Assignments -4 of 8 Comments due by the end of week 10 (i.e., by Monday, November 12)

Week 11

Topic: Privacy Issues in the Workplace

Reading

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

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

Topic: Family & Medical Leave (FMLA and NJFLA)

Reading

Internet Resource

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)N.J. Attorney General, "The

New Jersey Family Leave Fact Sheet"

(http://www.state.nj.us/lps/dcr/downloads/flafactsheet.pdf)

Assignment:

Choose Topic: Writing Assignment #3 Contemporary Issues: Employee Rights

Week 12

Assignment:

Writing Assignment #3 – due by end of week 12 (i.e., by Monday, November 26)

Contemporary Issues: Employee Rights

Week 13

Topic: Worker's Compensation

Reading

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

Topic: Non-Compete & Confidentiality Agreements

Reading

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

Assignment:

Peer Comments on Writing Assignments – Final 4 comments due by the end of week 13 (i.e., by Monday, December 3)

Week 14

Exam 3 Preparation/Complete Exam

Exam 3: Exam is open Thursday, December 6 - 11:59 pm Saturday, December 8. Graded exam available after exam period closes.