

EMPLOYMENT LAW (Spring 2013)
(Thursday Night Class)

Instructor: James M. Cooney, Esq.
Rutgers University, Labor Studies & Employment Relations Department, SMLR
Course #37:575:315:06 (3 Credits)
Thursdays, 7:15 p.m. – 10:05 p.m.
Class Location: Cook/Douglass Lecture Hall, Room 103, Douglass/Cook 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%)

(*Credit is also earned for attendance and in-class contributions. Please note that excessive unexcused absences will lower your grade. Unexcused absences in excess of 3 classes may result in a failing grade.)

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.

Academic Integrity: The conduct of all students is governed by the Rutgers University Academic Integrity Policy:
http://academicintegrity.rutgers.edu/files/documents/AI_Policy_9_01_2011.pdf

Class Schedule:

JAN. 24: -Course Overview

NO READINGS

JAN. 31: -How to Find, Read, and "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)

FEB. 7: -Employment at Will & Exceptions

READINGS:

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

FEB. 14: -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)

FEB. 21: -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)

FEB. 28: -National Origin Discrimination
-Religious Discrimination

READINGS:

Garcia v. Spun Steak Company, 998 F.2d 1480 (1993)
Estate of Thornton v. Caldor, Inc., 472 U.S. 703 (1985)
McCrary v. Rapides Regional Med. Cntr, 635 F.Supp. 975 (WD La. 1986)

MAR. 7: MIDTERM EXAMINATION

MAR. 14: -Disability Discrimination

READINGS:

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

MAR. 21: NO CLASS (Spring Break)

MAR. 28: -Family & Medical Leave (FMLA and NJFLA)
-Sex Discrimination and Harassment

READINGS:

Gerety v. Hilton Casino Resort, 184 N.J. 391 (2005)
Cruz v. Publix Super Markets, Inc., 428 F.3d 1379 (11th Cir. 2005)
Lehmann v. Toys ‘R’ Us, Inc., 132 N.J. 587 (1993)

APR. 4: Movie: "North Country"

NO READINGS

APR. 11: -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)

APR. 18: -Workers' Compensation
-Non-Compete & Confidentiality Agreements
-Whistleblower Protection

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

APR. 25: -Employment-related Torts
-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)
Taylor v. Metzger, 152 N.J. 490 (1998)

MAY 2: FINAL EXAM (not cumulative)

(Date revised: 01/20/2013)