SELECTED LABOR ISSUES: EMPLOYEE PRIVACY
(Summer 2014)

Instructor: James M. Cooney, Esq.
Rutgers University, SMLR, Labor Studies & Employment Relations Department
Course #38:578:611:B6 (3 Credits)
May 28 – July 2, 2014
Mondays & Wednesdays, 6 PM – 10 PM
Class Location: Labor Education Center, Room 137 (Auditorium)
Tel: 848-932-8560; E-mail: jcooney@work.rutgers.edu
Office Hours: Before & after class or by appointment

Course Description: Overview of selected laws and underlying policies related to employee privacy issues.

Grading Criteria:*
(1) Mid-term Exam (35%)
(2) Paper Assignment (30%)
(3) Final Exam (35%)
(*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.)

Paper Assignment: Students will prepare a paper (10-15 pages, double-spaced) on a selected employee privacy topic. The deadline for submission of the paper is June 25, 2014 at 11:59 PM. (Papers submitted after that date will be subject to a 10% point deduction for each day past the deadline).

Course Materials: Course reading materials will be posted in the Sakai “Announcements” section. 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:

Laptop/Recording Policy: Students are permitted to bring and use laptop computers in class, for taking notes and viewing assigned readings. However, please do not engage in laptop-related activities that may distract other students. Students are not permitted to record, videotape, or photograph any classroom lecture or activity, absent prior express consent and authorization by the Instructor.
Class Schedule:

MAY 28: - Course Overview
         - Introductions
         - Discussion of Paper Assignment

NO READINGS

JUNE 2:  - Sources of Privacy Rights
         - Invasion of Privacy Claims

READINGS:
- Hennessey v. Coastal Eagle Point Oil Company
- Phillips v. Smalley Maintenance Services
- Sanders v. ABC

JUNE 4:  - Employee Monitoring

READINGS:
- “To Increase Productivity, UPS Monitors Drivers’ Every Move”
  (NPR Planet Money, April 17, 2014)
- Deal v. Spears
- McLaren v. Microsoft

JUNE 9:  - Workplace Searches
         - Unreasonable Disclosure of Private Facts

READINGS:
- O’Connor v. Ortega
- Leventhal v. Knapek
- Borquez v. Ozer

JUNE 11: - Off-Duty Conduct

READINGS:
- Rulon-Miller v. IBM
- Best Lock Corp. v. Review Board

JUNE 16: MID-TERM EXAM
JUNE 18:  -Background & Reference Checks

**READINGS:**
- Matthews v. GEICO
- “Use of Credit Information in Employment” (National Conference of State Legislatures)
- Frank B. Hall & Co. v. Buck
- “Pre-Employment Inquiries and Arrest & Conviction” (EEOC)

JUNE 23:  -Defamation
- Polygraph Testing

**READINGS:**
- Tellez v. Pacific Gas & Electric Company
- Clampitt v. American University
- Rubin v. Tourneau, Inc.

JUNE 25:  -Drug & Alcohol Testing
- Medical-Related Issues

**READINGS**
- Luck v. Southern Pacific Transportation Co.
- Miller v. Motorola
- “Fabricut to Pay $50,000 to Settle EEOC Disability and Genetic Information Discrimination Lawsuit” (EEOC, May 7, 2013)

JUNE 30:  -Free Speech
- Social Media

**READINGS**
- Rankin v. McPherson
- Urofsky v. Gilmore
- Pietrylo v. Hillstone Restaurant Group
- “Employer Access to Social Media Usernames and Passwords” (National Conference of State Legislatures)
- “Social Media Is Part of Today’s Workplace but its Use May Raise Employment Discrimination Concerns” (EEOC, March 12, 2014)

JULY 2:  FINAL EXAM (not cumulative)

Date revised: 05/27/2014