Employment Law

Instructor: Rosemarie Cipparulo, Esq. Contact: rosecip@work.rutgers.edu Course Number: 37:575:315:91

Semester: Spring 2014

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

- Using Pearson 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

☐ Communicate effectively in modes appropriate to labor & employment relations.

Course Requirements

historical evidence.

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

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

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 shared within

their comments.

A minimum of 4 separate comments on 4 different writing assignments 2A and 4 separate comments on

4 separate writing assignments 2B are required.

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 1/2 - 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 1hour 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 + 7 99 - 760 Points = C + 300 - 300

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

Poor

699 - 600 Points = D 599 and below = F

POLICIES AND PROCEDURES

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

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☐ The course week begins on Thursdays. 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 Thursday. Information
about content or assignment procedure is available within the weekly message.

	Each wee	ek is 7	' days iı	n length.	Students ma	y enter	the cours	se and	l engage	in co	oursewor	k at	any	time
24	hours a c	day, 7	days a	week.										

Due Dates

□ □ Writing assignments must be completed	by 11:59 pm	Eastern	Time.	Deadlines	are liste	ed on the
course calendar that available online						

□ Writing assignment late penalties: up to 24 hours late (12 midnight – 11:59 pm Fridays) - 10% of the
worth of the assignment; up to 48 hours late (12 midnight – 11:59 pm Saturdays) - 20% of the worth of
the assignment. Writing assignments will not be accepted after the 48 hour late period.

☐ Exams must be completed	l within the 3 day ope	en period. As stude:	nts are given a	three day pe	eriod to
complete the exam, no exten	sions are available.				

CHECKING EMAIL

Instructor's 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 or question, you will receive a response within 24 hours.

Students 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 Thursday mornings. Students are advised to open and read the message on Thursdays.

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 Welcome and Course Overview (Prof. James Cooney)

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/Understanding the FederalCourts/HowCourtsWork/CivilCases.

aspx)

Video

Instructor Created Overview (Prof. James Cooney)

Assignment:

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

– by end of week 2 – Due by 11:59 p.m. February 5

Assignment:

Choose Topic: Writing Assignment #2 by January 30

Week 3

Topic: Remedies

Reading

Nutshell, pp. 531-553

Video

Instructor created overview (Prof. James Cooney)

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 (Prof. James Cooney)

Week 4

Topic: Constitutional Issues

Reading

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

<u>Pickering v. Board of Education</u>, 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:

Forum #1 begins February 13, First comment due February 16 and all comments due by February 20.

Week 5

Topic: Title VII of the Civil Rights Act of 1964

Reading

Nutshell, pp. 229-264

Topic: 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

<u>Video</u>

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)

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)

Topic 2: 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)

Topic 3: Sexual Harassment and Discrimination

Reading

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

Video

Instructor created overview (Prof. James Cooney)

Assignment: Writing assignment #2A for those students who chose a topic from the first part of the semester due by 11:59 p.m. March 5

Week 8

Mid-term exam

Exam open 12:01 a.m. March 23 – 11:59 p.m. March 26. Graded exam available after exam period closes.

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)

Assignment:

Peer Comments on Writing Assignment #2A – 4 Comments by the end of week 9, April 2

Week 10

Topic 1: 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 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_S tands_Up_to_Workplace_Bullies&slreturn=20130022095250

Week 11

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:

Forum #2 opens at 12:01 a.m. April 10 and closes 11:59 p.m. April 16

Week 12

Topic: Non-Compete & Confidentiality Agreements

Reading

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

Week 13

Topic: 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/

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. April 24

Week 14

All 4 peer comments on writing assignment #2B due by 11:59 p.m. May 5

Final Exam Preparation/Complete Exam

<u>Final exam open 12:01 a.m. Thursday, May 8 through 11:59 pm Monday, May 10. Graded exam available after exam period closes.</u>