SELECTED LABOR ISSUES: EMPLOYEE PRIVACY
(Summer 2015)

Instructor: James M. Cooney, Esq.
Rutgers University, SMLR, Labor Studies & Employment Relations Department
Course #38:578:611:B6 (3 Credits)
May 26 – July 2, 2015
Tuesdays & Thursdays, 6:00 PM – 9:40 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 30, 2015 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 26:**
- Course Overview
- Introductions
- Discussion of Paper Assignment

**NO READINGS**

**MAY 28:**
- 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 2:**
- Employee Monitoring

**READINGS:**
- “Woman Fired After Disabling GPS on Work Phone”
- “To Increase Productivity, UPS Monitors Drivers’ Every Move”
- Deal v. Spears
- McLaren v. Microsoft

**JUNE 4:**
- Workplace Searches
- Unreasonable Disclosure of Private Facts

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

**JUNE 9:**
- Off-Duty Conduct

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

**JUNE 11:**
- MID-TERM EXAM
JUNE 16:  
-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 18:
- Defamation
- Polygraph Testing

**READINGS:**
- *Tellez v. Pacific Gas & Electric Company*
- *Clampitt v. American University*

JUNE 23:
- Drug & Alcohol Testing
- Medical-Related Issues

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

JUNE 25:
- NO CLASS (Work on Paper)

JUNE 30:
- PAPER DUE
- 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: 05/17/2015