EMPLOYMENT LAW (Spring 2011)

Instructor: James M. Cooney, Esq.
Rutgers University, Labor Studies & Employment Relations Department, SMLR
Course #37:575:315 (3 Credits)
Thursdays, 7:15 p.m. – 10:05 p.m.
Class Location: Cook-Douglass Lecture Hall, Room 103
Tel: 732-377-2034; E-mail: jacooney@rci.rutgers.edu or jmcnewjersey@hotmail.com
Office Hours: Before & after class or by appointment

Course Description: The course will examine fundamental issues of employment law, including study of civil rights statutes prohibiting employment discrimination on the basis of race, color, sex, national origin, religion, and disability. Additional issues will include constitutional and whistle-blower protections, employment-at-will, and privacy.

Grading Criteria:*
(1) Mid-term Exam (50%)
(2) Final Exam (50%)
(*While class participation is not part of the grading criteria *per se*, the Instructor reserves the right to adjust student grades based on attendance and in-class contributions)

Course Materials: Course reading materials will be made available on Sakai. The Instructor reserves the right to supplement, substitute, and/or modify the listed reading selections by way of handouts or otherwise.

Class Schedule:

JAN. 20: -Course Overview
-How to Find and Read Cases
-Federal & State Court Systems

NO READINGS

JAN. 27: -Anatomy of an Employment Lawsuit
-Remedies
-Employment at Will & Exceptions
-Implied Employment Contracts

READINGS:
Duke University, 100 LA 316 (Arb. Hooper 1993)
Woolley v. Hoffman-LaRoche, Inc., 99 N.J. 284 (1985)

FEB. 3: -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. 10: -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. 17: -National Origin Discrimination
-"English only" cases

READINGS:
Garcia v. Spun Steak Company, 998 F.2d 1480 (1993)
EEOC v. Premier Operator Services, 113 F.Supp. 1066 (N.D.Texas 2000)

FEB. 24: -Religious Discrimination

READINGS:
Estate of Thornton v. Caldor, Inc., 472 U.S. 703 (1985)
McCrory v. Rapides Regional Med. Cntr, 635 F.Supp. 975 (WD La. 1986)

MARCH 3: MIDTERM EXAMINATION

MARCH 10: -Sex Discrimination and Harassment

READINGS:
Meritor Savings Bank v. Vinson, 477 U.S. 57 (1986)
Lehmann v. Toys 'R' Us, Inc., 132 N.J. 587 (1993)

MARCH 17: No Class (University Closed - Spring Break)

MARCH 24: -Gender Stereotyping
-Sexual Orientation Discrimination

READINGS:
Jespersen v. Harrah's, 9th Cir. No. 03-15045 (12/28/2004)
DeSantis v. Pacific Tel., 608 F.2d 327 (9th Cir. 1979)

MARCH 31: -Pregnancy Discrimination
-Family Medical Leave Act ("FMLA")

READINGS:
Cleveland Bd. of Ed. v. LaFleur, 414 U.S. 632 (1974)
Gerety v. Hilton Casino Resort, 184 N.J. 391 (2005)

APRIL 7: -Disability Discrimination
-Rehabilitation Act
-Americans with Disabilities Act ("ADA")

READINGS:
Arline v. School Bd, 480 U.S. 273 (1987)
Moorer v. Baptist Memorial, 6th Cir. No, 03-5855 (2/11/2005)

APRIL 14: -Whistleblower Protection
-Employment-related Torts

READINGS:
Abbamont v. Piscataway Twp., 269 N.J.Super. 11 (App.Div. 1993)
Taylor v. Metzger, 152 N.J. 490 (1998)

APRIL 21: -Privacy Issues at the Workplace

READINGS:
Smyth v. Pillsbury Co., D.E.Pa. No. 95-5712 (1/23/1996)
Bourke v. Nissan., Cal. 2nd App. Dist. No. B068705 (7/26/1993)

APRIL 28: FINAL EXAM (not cumulative)

Date prepared: 11/04/2010