EMPLOYMENT LAW (Spring 2014) (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

<u>Course Description:</u> 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.)

<u>Course Materials:</u> Course reading materials are found in the Sakai "Resources" and "Announcements" sections. The Instructor reserves the right to supplement, substitute, and/or modify the listed reading selections.

<u>Academic Integrity:</u> 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

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

Class Schedule:

JAN. 23: -Course Overview

NO READINGS

JAN. 30: -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. 6: -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. 13: -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. 20: -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. 27: -Sex Discrimination and Harassment

READINGS:

Lehmann v. Toys 'R' Us, Inc., 132 N.J. 587 (1993)

MARCH 6: MID-TERM EXAMINATION

MARCH 13: -Polygraphs & Psychological Testing

-Workers' Compensation

READINGS:

Polkey v. Transtecs Corp., 404 F.3rd 1264 (11th Cir. 2005) Karraker v. Rent Center Inc., No. 04-2881 (7th Cir. 2005) Guyton, Gregory P. "A Brief History of Workers' Compensation" (Iowa Orthop. J. 1999, 19:106-110)

MARCH 20: NO CLASS (Spring Break)

MARCH 27: Movie: "North Country"

NO READINGS

APRIL 3: -Family & Medical Leave (FMLA and NJFLA)

READINGS:

Gerety v. Hilton Casino Resort, 184 N.J. 391 (2005) Cruz v. Publix Super Markets, Inc., 428 F.3d 1379 (11th Cir. 2005)

APRIL 10: -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)

APRIL 17: -Non-Compete & Confidentiality Agreements

- -Whistleblower Protection
- -Employment-related Torts

READINGS:

Nike, Inc. v. McCarthy, 379 F.3d 576 (9th Cir. 2004) *Abbamont v. Piscataway Twp.*, 269 N.J.Super. 11 (App.Div. 1993) *Taylor v. Metzger*, 152 N.J. 490 (1998)

APRIL 24: -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)

MAY 1: FINAL EXAM (not cumulative)

(Date revised: 01/14/2014)