EMPLOYMENT LAW (Fall 2011) - M & TH Day Class

Instructor: James M. Cooney

Rutgers University, Labor Studies & Employment Relations Department, SMLR

Course #37:575:315:01 (3 Credits)

Mondays & Thursdays, 9:15 a.m. – 10:35 a.m.

Class Location: Loree Classroom-Office Building, Room 020

Tel: 732-932-8560; E-mail: jcooney@work.rutgers.edu Office Hours: Before & after class or by appointment

<u>Course Description:</u> 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)

<u>Course Materials:</u> 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:

SEPT. 1 & 8:

- -Course Overview
- -How to Find and Read Cases
- -Federal & State Court Systems

NO READINGS

SEPT. 12 & 15:

- -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)

SEPT. 19 & 22:

-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)

SEPT. 26 & 29:

- -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)

OCT. 3 & 6:

- -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)

OCT. 10 & 13:

-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)

OCT. 17: MIDTERM EXAMINATION

OCT. 20, 24 & 27:

-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)

OCT. 31:

- -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)

NOV. 3 & 7:

- -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)

NOV. 10, 14 & 17:

- -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)

[NOV. 24: NO CLASS (University Closed – Thanksgiving)]

NOV. 22, 28 & DEC. 1:

- -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)

DEC. 5 & 8: -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)

DEC. 12: FINAL EXAM (not cumulative)

(Date prepared: 08/18/2011)

(NOTE: This Syllabus is subject to modification)