SELECTED LABOR ISSUES: EMPLOYEE PRIVACY  
(Summer 2020)

Instructor: James M. Cooney, Esq.  
Rutgers University, SMLR, Labor Studies & Employment Relations Department  
Course #38:578:611 (3 Credits)  
May 26 – July 2, 2020  
Class Meets Online Via Canvas on Tuesdays at 6:00 PM  
Tel: 848-932-8560; E-mail: jacooney@rutgers.edu  
Virtual Office Hours: By appointment

Class Meeting Times: Classes will meet virtually at 6:00 PM on TUESDAYS, via the Canvas “Big Blue Button” feature. The remaining materials for each week will be provided on an asynchronous basis, for students to complete at a time of their choosing.

Course Description: Overview of selected laws and underlying policies related to employee privacy issues.

Learning Objectives: By the end of the course, the student should be able to:  
- Demonstrate basic knowledge of privacy-related issues at the workplace.  
- Demonstrate basic knowledge of the policies underlying common-law, constitutional, and statutory employee privacy law principles.  
- Demonstrate ability to comprehend court decisions on employee privacy issues.  
- Apply employee privacy legal concepts to given fact patterns.

Grading Criteria:*  
(1) Mid-term Exam (1/3%)  
(2) Paper Assignment (1/3%)  
(3) Final Exam (1/3%)

Paper Assignment: Students will prepare a paper (8-12 pages, double-spaced) on a selected employee privacy topic. The deadline for submission of the paper is July 2, 2020 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: There is no textbook. Course reading materials will be posted on Canvas. 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.

Academic Records Retention: Exams, papers, and any other items submitted by students for grading are retained for 2 years before shredding and disposal. Any student wishing to review any such item must make a request prior to that time.
Class Schedule:

MAY 26:  
(Week #1)  
-Course Overview  
-Introductions  
-Discussion of Paper Assignment  
-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:  
(Week #2)  
-Employee Monitoring  
-Workplace Searches  
-Unreasonable Disclosure of Private Facts

READINGS:  
-“Woman Fired After Disabling GPS on Work Phone”  
-“How My Boss Monitors Me While I Work From Home”  
-“To Increase Productivity, UPS Monitors Drivers’ Every Move”  
-Deal v. Spears  
-McLaren v. Microsoft  
-O’Connor v. Ortega  
-Leventhal v. Knapek  
-Borquez v. Ozer

JUNE 9:  
(Week #3)  
-Off-Duty Conduct  
-MID-TERM EXAM

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

JUNE 16:  
(Week #4)  
-Background & Reference Checks  
-Defamation  
-Polygraph Testing

READINGS:  
-Matthews v. GEICO  
-Frank B. Hall & Co. v. Buck  
-“Pre-Employment Inquiries and Arrest & Conviction” (EEOC)  
-Tellez v. Pacific Gas & Electric Company  
-Rubin v. Tourneau, Inc.

JUNE 23:  
(Week #5)  
-Drug & Alcohol Testing  
-Medical-Related Issues

READINGS
- Luck v. Southern Pacific Transportation Co.
- Miller v. Motorola

JUNE 30: (Week #6)
- Free Speech
- Social Media
- FINAL EXAM (not cumulative) & PAPER DUE (July 2)

READINGS
- Rankin v. McPherson
- Pietrylo v. Hillstone Restaurant Group
- “Social Media Is Part of Today’s Workplace but its Use May Raise Employment Discrimination Concerns” (EEOC, March 12, 2014)

Date revised: 05/14/2020