Instructor: James M. Cooney, Esq.
Rutgers University, SMLR, Labor Studies & Employment Relations Department
Course #38:578:610 (3 Credits)
May 31 – July 7, 2022
Class Meets Online Via Zoom on Tuesdays and Thursdays, from 6:00-9:40 PM
Tel: 848-932-8560; E-mail: jacooney@rutgers.edu
Virtual Office Hours: By appointment or before/after class.

**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 (10-12 pages, double-spaced) on a selected employee privacy topic. The deadline for submission of the paper is July 7, 2022 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 31:  -Course Overview
          -Introductions
          **NO READINGS**

JUNE 2:   -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 7:   -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 9:   -Workplace Searches
          -Unreasonable Disclosure of Private Facts
          **READINGS:**
          -O’Connor v. Ortega
          -Leventhal v. Knapek
          -Borquez v. Ozer

JUNE 14:  -Off-Duty Conduct
          **READINGS:**
          -Rulon-Miller v. IBM
          -Best Lock Corp. v. Review Board

JUNE 16:  -MIDTERM EXAM

JUNE 21:  -Background & Reference Checks
          **READINGS:**
          -Matthews v. GEICO
          -Frank B. Hall & Co. v. Buck
          -“Pre-Employment Inquiries and Arrest & Conviction” (EEOC)

JUNE 23:  -Defamation
          -Polygraph Testing
          **READINGS:**
          -Tellez v. Pacific Gas & Electric Company
          -Rubin v. Tourneau, Inc.
JUNE 28:  -Drug & Alcohol Testing  
-Medical-Related Issues  
**READINGS**  
-Luck v. Southern Pacific Transportation Co.  
-Miller v. Motorola  

JUNE 30:  -Free Speech  
**READINGS**  
-Rankin v. McPherson  
-McVey v. AtlantaCare Med. System  

JULY 5:  -Social Media  
**READINGS**  
-Pierylo v. Hillstone Restaurant Group  
-“Social Media Is Part of Today’s Workplace but its Use May Raise Employment Discrimination Concerns” (EEOC)  

JULY 7:  -FINAL EXAM (not cumulative)  
-PAPER DUE  

Date revised: 06/14/2022