SELECTED LABOR ISSUES: EMPLOYEE PRIVACY
(Summer 2025)

Instructor: James M. Cooney, Esq.
Rutgers University, SMLR, Labor Studies & Employment Relations Department
Course #38:578:611:R6 (3 Credits)
July 7 – August 13, 2025
Class Meets Live Via Zoom on Mondays and Wednesdays, from 6:00-9:40 PM
Tel: 848-932-8560; E-mail: jacooney@rutgers.edu
Virtual Office Hours: By appointment or before/after class.

Canvas Site: Please see the Canvas course site for a fuller and more detailed version of the Syllabus.

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: (*subject to change based on student input)
(1)   Mid-term Exam (45%)
(2)   Participation (10%)
(3)   Final Exam (45%)

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 Rutgers University Academic Integrity Policy governs the conduct of all students.

Use of "AI" Prohibited: The use of generative Artificial Intelligence ("AI") such as ChatGPT, Grammarly, etc. is not permitted in any stages of the writing process on any assignment, essay answers on exams. Turnitin, GPTZero, and similar tools will be used to detect student use of AI.

Attendance: Students are expected to attend Zoom classes on a timely and regular basis. Excessive unexcused absences will result in a lowered final grade.

Class Schedule:

JULY 7:   -Introductions
                    -Course Overview
                    -Student Input on Syllabus/Grading
                    NO READINGS

JULY 9:   -Sources of Privacy Rights
                    -Invasion of Privacy Claims
                    READINGS:
                    -*Hennessey v. Coastal Eagle Point Oil Company*
                    -*Phillips v. Smalley Maintenance Services*
                    -*Sanders v. ABC*

JULY 14:   -Employee Monitoring
                    READINGS:
                    -*"The Rise of the Worker Productivity Score"*
                    -*"Woman Fired After Disabling GPS on Work Phone"*
                    -*"To Increase Productivity, UPS Monitors Drivers' Every Move"*
                    -*Deal v. Spears*
                    -*McLaren v. Microsoft*

JULY 16:   -Workplace Searches
                    -Unreasonable Disclosure of Private Facts
                    READINGS:
                    -*O'Connor v. Ortega*
                    -*Leventhal v. Knapek*
                    -*Borquez v. Ozer*

JULY 21:   -MIDTERM EXAM

JULY 23:   -Off-Duty Conduct
                    READINGS:
                    -*"Sex, Revenge Porn and Webcams"*
                    -*Rulon-Miller v. IBM*
                    -*Best Lock Corp. v. Review Board*

JULY 28:   -Background Checks
                    -Defamation

                    READINGS:
                    -*Matthews v. GEICO*
                    -*Frank B. Hall & Co. v. Buck*

JULY 30:   -Defamation
             -Polygraph Testing
             READINGS:
             -Tellez v. Pacific Gas & Electric Company
             -Rubin v. Tourneau, Inc.

AUG. 4:   -Email Privacy
             -Medical-Related Issues
             READINGS
             -Stengart v. Loving Care
             -Miller v. Motorola
             -Doe v. Temple

AUG. 6:   -Social Media
             READINGS
             -McVey v. AtlantaCare Med. System
             -Matter of Chirichello

AUG. 11:   -Free Speech
             READING
             *-"NYU Langone Nurse is Fired After Calling the Gaza War a
             'Genocide' in Speech"*
             -Rankin v. McPherson

AUG. 13:   -FINAL EXAM (not cumulative)

Dated: 06/15/2025