

**EMPLOYMENT LAW**  
**(Fall 2017-Thursdays Night Class)**

Instructor: James M. Cooney, Esq.  
Rutgers University, Labor Studies & Employment Relations Department, SMLR  
Course #37:575:315:03 (3 Credits)  
Thursdays, 7:40 p.m. – 10:30 p.m.  
Class Location: Murray Hall, Room 212, College Avenue Campus  
Tel: 848-932-8560; E-mail: jacooney@rutgers.edu  
Office Hours: Before & after class or by appointment

**Course Description:** Overview of employment-at-will and its limitations; wages & hours; medical/family leave; privacy; drug testing; workers' compensation; and fundamental anti-discrimination law.

**Learning Objectives:** At the end of the course, the student is able to:

***Labor Studies & Employment Relations Department:***

-Apply employment relations legal concepts, and substantive institutional knowledge, to understanding contemporary developments related to work. (Goal 2)

***School of Management & Labor Relations:***

-Demonstrate an understanding of how to apply knowledge necessary for effective work performance. (Goal VI)

***Additional Course Objective(s) from the Instructor:***

- Demonstrate basic knowledge of employment-at-will and the various exceptions.
- Demonstrate basic knowledge of the policies underlying common-law, constitutional, and statutory employment law principles.
- Demonstrate ability to comprehend court decisions on employment law issues.
- Apply employment law concepts to a given fact pattern.

**Grading Criteria:\***

(1) Mid-term Exam (50%)

(2) Final Exam (50%)

(\*Credit is also earned for attendance and in-class contributions)

**Attendance:** Students are expected to attend class on a regular basis. Please note that excessive unexcused absences will lower your grade. Unexcused absences in excess of 3 classes may result in a failing grade. Students arriving late to class, or departing class early, must sign-in/out with a TA.

**Course Materials:** Course reading materials are found in the Sakai Resources and Announcements section. The Instructor reserves the right to supplement, substitute, and/or modify the listed reading selections.

**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.

**Academic Integrity:** 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](http://academicintegrity.rutgers.edu/files/documents/AI_Policy_9_01_2011.pdf)

**Laptops/Cell Phones:** 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 should refrain from texting while in class. Points may be deducted from the grades of students who consistently violate the foregoing policy.

**Recording:** Students are not permitted to videotape or otherwise record any classroom lecture or activity, absent prior express consent and authorization by the Instructor.

**Class Schedule:**

SEPT. 7: -Course Overview

**NO READINGS**

SEPT. 14: -Federal & State Court Systems  
-Anatomy of an Employment Lawsuit  
-Remedies

**READINGS:**

*“Understanding the Federal Courts”*  
*“Welcome to the NJ Court System”*

SEPT. 21: -Employment at Will & Exceptions

**READINGS:**

*Pierce v. Ortho Pharmaceutical*, 417 A.2d 505 (1980)  
*Woolley v. Hoffman-LaRoche, Inc.*, 99 N.J. 284 (1985)

SEPT. 28: -Title VII of the Civil Rights Act of 1964  
-Equal Employment Opportunity Commission (“EEOC”)  
-Sex Discrimination and Harassment

**READINGS:**

*EEOC web page:* <http://www.eeoc.gov/eeoc/publications/fs-sex.cfm>  
*Lehmann v. Toys ‘R’ Us, Inc.*, 132 N.J. 587 (1993)

OCT. 5: Movie: "North Country"

**NO READINGS**

OCT. 12: -Proving Discrimination  
-Race & Color Discrimination

**READINGS:**

*McDonnell Douglas Corp. v. Green*, 411 U.S. 792 (1973)  
*Griggs v. Duke Power*, 401 U.S. 424 (1971)

OCT. 19: MID-TERM EXAMINATION

OCT. 26: -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)

NOV. 2: -Polygraphs & Psychological Testing  
-Workers' Compensation

**READINGS:**

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

NOV. 9: -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 (11<sup>th</sup> Cir. 2005)

NOV. 16: -Non-Compete & Confidentiality Agreements  
-Drug Testing

**READINGS:**

*Nike, Inc. v. McCarthy*, 379 F.3d 576 (9<sup>th</sup> Cir. 2004)  
*Treasury Employees v. Von Raab*, 489 U.S. 656 (1989)

NOV. 21: -Whistleblower Protection  
(Tuesday) -Employment-related Torts

**READINGS:**

*Abbamont v. Piscataway Twp.*, 269 N.J.Super. 11 (App.Div. 1993)  
*Taylor v. Metzger*, 152 N.J. 490 (1998)

NOV. 30: -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)

DEC. 7: FINAL EXAM (not cumulative)

(Date revised: 08/31/2017)