

**EMPLOYMENT LAW**  
**(Fall 2021-Wednesday Afternoon IN-PERSON Class)**

Instructor: James M. Cooney, Esq.  
Rutgers University, Labor Studies & Employment Relations Department, SMLR  
Course #37:575:315:03; Index #23295 (3 Credits)  
Class Meets in-person on Wednesdays, 5:00 PM – 8:00 PM (U.S. Eastern Time)  
Location: Loree Building Room 022, Cook-Douglass Campus  
Tel: 848-932-8560; E-mail: jacooney@rutgers.edu  
Office Hours: 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 timely and 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.

**Course Materials:** Course reading materials are found on Canvas. 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. See Canvas site for details.

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

**Students With Disabilities:** See Canvas site for detailed information.

**COVID-19 Health & Safety Measures:** See Canvas site for detailed information.

**Class Schedule:**

SEPT. 1: -Course Overview

**NO READINGS**

SEPT. 8: NO CLASS (RU schedule = Monday)

SEPT. 15: -Federal & State Court Systems  
-Anatomy of an Employment Lawsuit  
-Remedies  
-Employment at Will & Exceptions (introduction)

**READINGS:**

*“Understanding the Federal Courts”*  
*“Remedies for Employment Discrimination”* (EEOC)

SEPT. 22: -Employment at Will & Exceptions (continued)

**READINGS:**

*Pierce v. Ortho Pharmaceutical*  
*Woolley v. Hoffman-LaRoche, Inc.*

SEPT. 29: -Title VII of the Civil Rights Act of 1964; EEOC  
-Proving Discrimination  
-Race & Color Discrimination

**READINGS:**

*McDonnell Douglas Corp. v. Green*  
*Griggs v. Duke Power*

OCT. 6: -Constitutional Issues

**READINGS:**

*Pickering v. Board of Education*

*City of Ontario v. Quon*

OCT. 13: -Sex Discrimination

**READINGS**

*Bostock v. Clayton County*

OCT. 20: MID-TERM EXAMINATION

**NO READINGS**

OCT. 27: -Sexual Harassment  
-Movie: "North Country"

**READINGS**

"*Sexual Harassment*" (EEOC website)

*Lehmann v. Toys 'R' Us, Inc.*

NOV. 3: -Family & Medical Leave

**READINGS:**

*Gerety v. Hilton Casino Resort*

*Cruz v. Publix Super Markets, Inc.*

NOV. 10: -Polygraphs & Psychological Testing

**READINGS:**

*Polkey v. Transtecs Corp.*

*Karraker v. Rent Center Inc.*

NOV. 17: -Non-Compete & Confidentiality Agreements

-Drug Testing

**READINGS:**

*Nike v. McCarthy*

*Treasury Employees v. Von Raab*

NOV. 24: NO CLASS (Thanksgiving Break)

NOV. 29: -Whistleblower Protection  
(Monday) - Employment-related Torts

**READINGS:**

*Abbamont v. Piscataway Twp.*

*Taylor v. Metzger*

DEC. 1: -TBD

**READINGS:**

*TBD*

DEC. 8: FINAL EXAM (not cumulative)

*(Date revised: 08/25/2021)*