EMLOYMENT 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: (Monday) - Whistleblower Protection
- 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)