EMPLOYMENT LAW
(Fall 2021-Saturday Morning ONLINE Class)

Instructor: James M. Cooney, Esq.
Rutgers University, Labor Studies & Employment Relations Department, SMLR
Course #37:575:315:90; Index #23297 (3 Credits)
Class Meets Online - Saturdays, 9:00 AM – 12:00 PM (U.S. Eastern Time)
Tel: 848-932-8560; E-mail: jacooney@rutgers.edu
Virtual Office Hours: By appointment

**Class Meeting Times:** Classes will *meet virtually online via Zoom* at 9:00 AM on Saturdays. Any remaining materials for the week will be provided on an *asynchronous* basis, for students to complete at a time of their choosing.

**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 (virtually) 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. See Canvas site for details.

**Students With Disabilities:** See Canvas site for details.

**Class Schedule:**

**SEPT. 4:** -Course Overview

**NO READINGS**

**SEPT. 11:** -Federal & State Court Systems
- Anatomy of an Employment Lawsuit (video)
- Remedies (video)
- Employment at Will & Exceptions (introduction)

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

**SEPT. 18:** -Employment at Will & Exceptions (continued)

**READINGS:**
Pierce v. Ortho Pharmaceutical
Woolley v. Hoffman-LaRoche

**SEPT. 25:** -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. 2:** -Constitutional Issues

**READINGS:**
Pickering v. Board of Education
City of Ontario v. Quon

OCT. 9:  - Sex Discrimination

**READINGS**
*Bostock v. Clayton County*

OCT. 16:  MID-TERM EXAMINATION

**NO READINGS**

OCT. 23:  - Sexual Harassment
- Movie: “North Country”

**READINGS**
“Sexual Harassment” (EEOC website)
*Lehmann v. Toys ‘R’ Us, Inc.*

OCT. 30:  - Family & Medical Leave

**READINGS:**
*Gerety v. Hilton Casino Resort*
*Cruz v. Publix Super Markets, Inc.*

NOV. 6:   - Polygraphs & Psychological Testing

**READINGS:**
*Polkey v. Transtecs Corp.*
*Karraker v. Rent Center Inc.*

NOV. 13:  - Non-Compete & Confidentiality Agreements
- Drug Testing

**READINGS:**
*Nike, Inc. v. McCarthy*
*Treasury Employees v. Von Raab*

NOV. 20:  - Whistleblower Protection
- Employment-related Torts

**READINGS:**
*Abbamont v. Piscataway Twp.*
*Taylor v. Metzger*

NOV. 27:  NO CLASS (Thanksgiving Break)
DEC. 4: TBD

DEC. 11: FINAL EXAM (not cumulative)

(Date revised: 08/25/2021)