

EMPLOYMENT LAW
(Spring 2021)

Instructor: James M. Cooney, Esq.
Rutgers University, Labor Studies & Employment Relations Department, SMLR
Course #37:575:315:03; Index #19421 (3 Credits)
Tuesday, 12:00 PM – 3:00 PM (U.S. Eastern Time)
Tel: 848-932-8560; E-mail: jacooney@rutgers.edu
Virtual Office Hours: By appointment and after class

Remote Synchronous Classes: All classes meet live during the time specified, via Zoom.

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. Excessive unexcused absences may lower your grade. Unexcused absences in excess of three (3) classes may result in a failing grade. ***Please note that I do take into account any extenuating circumstances or hardships that any student may be experiencing.***

Course Materials: No textbook. Course reading materials are found on Canvas. I reserve 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 two (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.

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: Rutgers University welcomes students with disabilities into all of the University's educational programs. In order to receive consideration for reasonable accommodations, a student with a disability must contact the appropriate disability services office at the campus where you are officially enrolled, participate in an intake interview, and provide documentation:

<https://ods.rutgers.edu/students/documentation-guidelines>

If the documentation supports your request for reasonable accommodations, your campus's disability services office will provide you with a Letter of Accommodations. Please share this letter with your instructors and discuss the accommodations with them as early in your courses as possible. To begin this process, please complete the Registration form on the ODS web site at: <https://ods.rutgers.edu/students/registration-form>

Class Schedule:

JAN. 19: -Course Overview

NO READINGS

JAN. 26: -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)

FEB. 2: -Employment at Will & Exceptions (continued)

READINGS:

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

FEB. 9: -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

FEB. 16: -Constitutional Issues

READINGS:

Pickering v. Board of Education
City of Ontario v. Quon

FEB. 23: -Sex Discrimination

READINGS

Bostock v. Clayton County

MARCH 2: MID-TERM EXAMINATION

NO READINGS

MARCH 9: -Sexual Harassment
-Movie: "North Country"

READINGS

"Sexual Harassment" (EEOC website)
Lehmann v. Toys 'R' Us, Inc.

MARCH 16: NO CLASS (Spring Break)

MARCH 23: -Family & Medical Leave

READINGS:

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

MARCH 30: -Polygraphs & Psychological Testing

READINGS:

Polkey v. Transtecs Corp.
Karraker v. Rent Center Inc.

APRIL 6: -Non-Compete & Confidentiality Agreements
-Drug Testing

READINGS:

Nike, Inc. v. McCarthy
Treasury Employees v. Von Raab

APRIL 13: -Whistleblower Protection
-Employment-related Torts

READINGS:

Abbamont v. Piscataway Twp.
Taylor v. Metzger

APRIL 20: -Employee Privacy Rights

READINGS:

Smyth v. Pillsbury
O'Conner v. Ortega

APRIL 27: FINAL EXAM (not cumulative)

(Date revised: 12/11/2020)