

Employment Law

Course Number: 37:575:315:90/91

Spring 2021

Instructor: Rosemarie Cipparulo, Esq.

Contact: Send message through Canvas Inbox tool.

Employment Law is a fully online course delivered on the Canvas Learning Management System (LMS.) Students requiring technical assistance should contact the help desk:

Need technical assistance?

Helpdesk: Rutgers Office of Information and Technology

Email: <https://it.rutgers.edu/help-support>

Call: 833-OIT-HELP

24 hrs./7 days a week

Learning Objectives

The student is able to:

Labor Studies and Employment Relations Department

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

School of Management and Labor Relations

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

Course Requirements

Reading, Audio/Video Assignments

Reading

Students read textbook chapters, court decisions, and internet based resources. Required textbook: Robert N. Covington, *Employment Law in a Nutshell*. 4th Edition. West Nutshell Series. ISBN 978-1634607636 (referred to as "Nutshell"). Additional required readings are already uploaded into the course shell or a link to external material is available.

Audio/Video

Students are required to watch instructor generated and other video presentations. All video material is provided through links within the course shell.

Writing Assignments

Students are assigned two writing assignments. The first requires students to provide a short biography and a discussion of their interest in this course. The second requires students to reflect on course material, engage in online searches to connect employment law concepts with current events and perceptions, and develop/state opinions. Students will choose a topic for their second writing assignment during the first week of the semester. Writing assignments are organized into three sections: overview, reflection, resources.

Writing Assignment #1:

Biography: Introduction & Connection with Employment Law Topics

Writing Assignment #2 A and B:

Contemporary Issues: Employment Discrimination or Employee Rights (I split the class in half for the purposes of submitting the second writing assignment. Therefore, #2A denotes reference to students who choose a topic from the first half of the semester, while #2B denotes reference to students who chose a topic from the second half of the semester)

Peer Review and Comment on Writing Assignments 2 A and B

All Students read and reflect on the content of each other's writing assignments. Students exhibit their knowledge of employment law and critical thinking skills when defending their opinions shared within their comments.

All students must make a minimum of 4 separate comments on 4 different writing assignments 2A and 4 separate comments on 4 separate writing assignments 2B are required.

Forums

There will be 2 forums or threaded discussions. The first forum will begin in week 4 of the class and the second will begin in week 12. Students will be required to make three substantive comments in each forum. The forums will be based on topics of particular interest in the field of employment law.

Exams

Students complete 2 exams during the semester. Exams focus on required course material addressed in weeks listed below.

Weeks 1– 8: Assessed in the mid-term exam in week 8 of the class.

Weeks 9– 14: Assessed in the final exam in week 14.

Exams consist of true/false and multiple choice questions. Each exam is open for 3 days, during this period students may enter the online exam area to complete the exam. A 90 minute limit is set for each exam.

Grading

A final grade is based on a 1000 point system. Each assignment is worth a specific number of points.

Total points accumulated determines final course grade.

Writing Assignments: Two writing assignments 370 points
Writing Assignment Comments: Two sets of four comments 160 points
Two Forums: Six Comments 120 points
Exams: Two exams 350 points

Total Points: 1000

Point Equivalent to Final Grade

| Outstanding | Excellent | Satisfactory |
|-----------------------|-----------------------|-----------------------|
| 1000 - 900 Points = A | 899 – 860 Points = B+ | 799 – 760 Points = C+ |

| Good | Average |
|----------------------|----------------------|
| 859 – 800 Points = B | 759 – 700 Points = C |

Poor

699 - 600 Points = D 599 and below = F

POLICIES AND PROCEDURES

Class Sessions

The course week begins on **Thursdays**. A weekly message will be available in the Announcements area of the course by noon on **Thursdays**.

A week is 7 days in length. Information about content or assignment procedure is available within the weekly message.

Students may enter the course and engage in coursework at any time 24 hours a day, 7 days a week.

Due Dates

Writing Assignments must be submitted by 11:59 p.m. on the due date.

Late Submission Policy

If the paper is up to 24 hours late, I will deduct 10% of the value of the assignment; up to 48 hours late I will deduct 20% of the value of the assignment.

Writing assignments will not be accepted after the 48 hour late period.

Exams must be completed within the open period. Exams are usually open for three days. No extensions are available for missed exams.

Message Checking Policies

Messages Sent to Instructor's Canvas Inbox

Unless students receive advance notification, the instructor will check her Canvas Inbox by 10:00 am ET on regular workdays. If a student sends a comment or question, the instructor will address the contents of the message within 24 hours.

Messages Sent to Student Canvas Inbox

It is the responsibility of the student to regularly check for incoming messages. Messages are always sent through the Canvas messaging system. Students will receive a notification when a new message has been sent to his/her Canvas inbox. Forgetting or being unable to check for messages in one's Canvas inbox is not an excuse.

COURSE SCHEDULE

Weeks 1 - 2

Topic: Course Overview

Reading

Syllabus, Calendar, Grading, Course Tools

Tech FAQs (Computer and Internet requirements, how to use course tools and request technical assistance)

Video

Instructor Introduction /Welcome (Prof. Rosemarie Cipparulo)

Topic: Understanding the Court System

Reading

Internet Resource

"Understanding the Federal Courts" (<http://www.uscourts.gov/FederalCourts.aspx>)

"Welcome to the New Jersey Court System" (<http://www.judiciary.state.nj.us/process.htm>)

Topic: Anatomy of an Employment Lawsuit

Reading

Sample Complaint filed in NJ Superior Court

Internet Resource

"Civil Cases"

(<http://www.uscourts.gov/FederalCourts/UnderstandingtheFederalCourts/HowCourtsWork/CivilCases.aspx>)

Video

Instructor Created Overview (Prof. James Cooney)

Assignment

Choose Topic: for Writing Assignment #2 by 11:59 p.m. February 3.

Week 3

Topic 1: Remedies

Reading

Nutshell, pp. 553 - 569

Video

Instructor created overview (Prof. James Cooney)

Topic 2: Employment at Will & Exceptions

Reading

Nutshell, pp. 39 - 79

Pierce v. Ortho Pharmaceutical, 417 A.2d 505 (1980)

Woolley v. Hoffman-LaRoche, Inc., 99 N.J. 284 (1985)

Video

Instructor created overview (Prof. James Cooney)

Assignment

Writing Assignment #1 - Biography: Introduction & Connection with Employment Law Topics due by end of week 3 (11:59 p.m., February 10)

Week 4

Topic 1: Constitutional Issues

Reading

Nutshell, pp. 18-20, 177 - 201, 206 - 214

Pickering v. Board of Education, 391 U.S. 563 (1968)

City of Ontario v. Quon, U.S. No. 08-1332 (06/17/2010)

Internet Resource

"Can Bosses Do That?"

<http://www.npr.org/templates/story/story.php?storyId=123024596> (Links to an external site.)

Topic 2: Drug Testing

Reading

Treasury Employees v. Von Raab, 489 U.S. 656 (1989)

Assignment

Forum #1 begins February 11, First comment due February 14 and all three comments due by 11:59 p.m., February 17.

NOTE - Students will not be allowed to make comments after the forum closes. The point of the forum is for all of us to engage in a discussion. If the forum is closed when you make your comments there can be no discussion.

Week 5

Topic 1: Title VII of the Civil Rights Act of 1964

Reading

Nutshell, pp. 221 - 281

Topic 2: Equal Employment Opportunity Commission (“EEOC”)

Reading

Sample EEOC Charge of Discrimination

Internet Resource

EEOC Website, “Filing a Charge of Discrimination”
<http://www.eeoc.gov/employees/charge.cfm>

Video

Instructor created overview (Prof. James Cooney)

Week 6

Topic 1: Race & Color Discrimination

Reading

McDonnell Douglas Corp. v. Green, 411 U.S. 792 (1973)

Griggs v. Duke Power, 401 U.S. 424 (1971)

Video

Theories of Action (Profs. Rosemarie Cipparulo and Lisa Schur)

Topic 2: National Origin Discrimination

Reading

Garcia v. Spun Steak Company, 998 F.2d 1480 (1993)

Assignment

Students who chose a topic from the first part of the semester should work on writing assignment #2A

Week 7

Topic 1: Disability Discrimination

Reading

Moorer v. Baptist Memorial, 6th Cir. No. 03-5855 (2/11/2005)

Video

Disability Discrimination (Profs. Rosemarie Cipparulo and Lisa Schur)

Topic 2: Religious Discrimination

Reading

Estate of Thornton v. Caldor, Inc., 472 U.S. 703 (1985)

McCrorry v. Rapides Regional Med. Cntr, 635 F.Supp. 975 (WD La. 1986)

Video

Religious Discrimination (Prof. James Cooney)

Topic 3: Sexual Harassment and Discrimination

Reading

Lehmann v. Toys “R” Us, Inc., 132 N.J. 587 (1993)

Video Instructor created overview (Profs. Rosemarie Cipparulo and Lisa Schur)

Assignment

Writing assignment #2A for those students who chose a topic from the first part of the semester due by 11:59 p.m., March 10.

Week 8

Mid-term exam & Commenting on Writing Assignment

Assignments

Exam open 12:01 a.m. March 11– 11:59 p.m. March 13. Graded exam available after exam period closes.

Comments on Writing Assignments – 4 Comments to be made by every student on four different Writing Assignment #2A papers posted in your Learning Community by 11:59 p.m., March 24.

WEEK 9 March 19 NO CLASS – SPRING BREAK

Comments on Writing Assignments – 4 Comments to be made by every student on four different Writing Assignment #2A papers posted in your Learning Community by 11:59 p.m., March 24.

Week 10

Topic 1: Whistleblower Protection

Reading

Abbamont v. Piscataway Twp., 269 N.J.Super. 11 (App.Div. 1993)

Topic 2: Employment Related Torts

Reading

Taylor v. Metzger, 152 N.J. 490 (1998)

Week 11

Topic 1: Privacy Issues in the Workplace

Reading

Smyth v. Pillsbury Co., D.E.Pa. No. 95-5712 (1/23/1996)

O'Connor v. Ortega, 480 U.S. 709 (1987)

Topic 2: Workplace Bullying

Reading

New Jersey Healthy Workplace Act

Website – Pending Healthy Workplace Legislation May Put NJ, NY and Illinois Employers at Risk

<http://www.natlawreview.com/node/2515>

Website – Proposed Legislation Stands Up To Workplace Bullies

http://www.law.com/corporatecounsel/PubArticleCC.jsp?id=1202573109680&Proposed_Legislation_Stands_Up_to_Workplace_Bullies&slreturn=20130022095250

Assignment

Forum #2 opens at 12:01 a.m. April 1 and closes 11:59 p.m. April 7 . First comment due by April 3 – all three comments by 11:59 p.m. April 7.

PLEASE TAKE NOTE - Students will not be allowed to make comments after the forum closes. The point of the forum is for all of us to engage in a discussion. If the forum is closed, there can be no discussion.

Week 12

Topic 1:

Family & Medical Leave (FMLA and NJFLA)

Reading

U.S. Department of Labor Fact Sheet #28, "The Family and Medical Leave Act of 1993"
(<http://www.dol.gov/whd/regs/compliance/whdfs28.pdf> (Links to an external site.))

Internet Resource

N.J. Attorney General, "The New Jersey Family Leave Fact Sheet"
(<http://www.state.nj.us/lps/dcr/downloads/flafactsheet.pdf>)

Topic 2: Non-Compete & Confidentiality Agreements

Reading

Nike, Inc. v. McCarthy, 379 F.3d 576 (9th Cir. 2004)

Assignment

Writing assignment #2B for those students who chose a topic from the second half of the semester is due by 11:59 p.m. April 14.

Week 13

Topic 1: Worker's Compensation

Reading

Guyton, Gregory P. "A Brief History of Workers' Compensation" (Iowa Orthop. J. 1999, 19:106-110)

<http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1888620/>

Assignment

Peer comments on writing assignment #2B due by 11:59 p.m. April 21.

Week 14

Final Exam Preparation

Week 15**Assignment**

Final exam open 12:01 a.m. Thursday, April 29 through 11:59 pm Sunday, May 2.

Graded exam available after exam period closes.