Instructor: James M. Cooney, Esq.
Rutgers University, Labor Studies & Employment Relations Department, SMLR
Course #37:575:315:03 (3 Credits)
Tuesday, 2:00 PM – 5:00 PM (U.S. Eastern Time)
Location: Frelinghuysen Hall, Room B2 (College Avenue Campus)
Tel: 848-932-8560; E-mail: jacooney@rutgers.edu
Office Hours: By appointment and before/after class

**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.
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.**
Students arriving late to class, or departing class early, must sign-in/out with a TA and
will receive pro-rated attendance credit.
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.

Laptops/Cell Phones: Students are permitted to bring and use laptop computers in class, for taking notes and viewing class readings. However, please do not engage in laptop-related activities that may distract other students. Students should refrain from texting while in class. Points may be deducted from the grades of students who consistently violate the foregoing policy.

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. 18: -Course Overview

NO READINGS

JAN. 25: -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. 1: -Employment at Will & Exceptions (continued)
READINGS:
Pierce v. Ortho Pharmaceutical
Woolley v. Hoffman-LaRoche, Inc.

FEB. 8:  -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. 15: -Constitutional Issues

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

FEB. 22: -Sex Discrimination

READINGS
Bostock v. Clayton County

MARCH 1: MID-TERM EXAMINATION

NO READINGS

MARCH 8: -Sexual Harassment
         -Movie: “North Country”

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

MARCH 15: NO CLASS (Spring Break)

MARCH 22: -Family & Medical Leave

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

MARCH 29: -Polygraphs & Psychological Testing

READINGS:
Polkey v. TransteCS Corp.
Karraker v. Rent Center Inc.

APRIL 5:
- Non-Compete & Confidentiality Agreements
- Drug Testing

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

APRIL 12:
- Whistleblower Protection
- Employment-related Torts

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

APRIL 19:
- Employee Privacy Rights

**READINGS:**
Smyth v. Pillsbury
O’Conner v. Ortega

APRIL 26:
FINAL EXAM (not cumulative)

(Date revised: 12/21/2021)