

EMPLOYMENT LAW (Summer 2017)
(HYBRID CLASS)

Instructor: James M. Cooney, Esq.
Rutgers University, Labor Studies & Employment Relations Department, SMLR
Course #37:575:315:B6 (3 Credits)
In-Person Classes: Thursdays, 6:00 PM-10:00 PM
Location: Labor Education Center, Room 130
Tel: (Office) 848-932-8560
E-mail: jacooney@rutgers.edu
Office Hours: Before & after class or by appointment

Class Schedule:

Course “meets” online on May 30, June 6, 13, 20, 27 & July 4, 2017*
(*Students may complete the online readings and assignments at their leisure, and are NOT required to be online from 6:00 PM-10:00 PM on the dates indicated)

Course meets in person: June 1, 8, 15, 22, 29 & July 6, 2017

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: By the end of the course, the student should be 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 in-person classes on a regular basis. Please note that unexcused absences in excess of 1 in-person class may result in a failing grade. Students arriving late to class, or departing class early, must sign-in/out with a TA, to obtain *pro rata* attendance credit.

Format of Exams: Each exam will consist of 20 multiple choice questions, and 2 essay questions. The multiple choice portion of the exams will take place in class. Students will be provided with the opportunity to complete their essay answers during the online classes, as noted on the schedule below.

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:
http://academicintegrity.rutgers.edu/files/documents/AI_Policy_9_01_2011.pdf

Course Materials: No textbook. Course reading materials can be found in the Sakai “Resources” and/or “Announcements” sections. The Instructor reserves the right to supplement, substitute, and/or modify the listed reading selections.

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.

Recording: Students are not permitted to videotape or otherwise record any classroom lecture or activity, absent prior express consent and authorization by the Instructor.

Information for Online Class Dates: Please check for a Sakai Announcement on the day of each scheduled online class. The Announcement will provide detailed instructions on what students are expected to do for each particular class, such as to complete readings, prepare the short essays answers, etc.

Class Schedule:

MAY 30: ONLINE CLASS
-Federal & State Court Systems
-Anatomy of an Employment Lawsuit
-Remedies

READINGS:

“*Understanding the Federal Courts*”
(www.uscourts.gov/FederalCourts.aspx)

“Welcome to the NJ Court System”
(www.judiciary.state.nj.us/process.htm)

JUNE 1: IN-PERSON CLASS
-Introductions
-Employment at Will & Exceptions

READINGS:

Pierce v. Ortho Pharmaceutical, 417 A.2d 505 (1980)
Woolley v. Hoffman-LaRoche, Inc., 99 N.J. 284 (1985)

JUNE 6: ONLINE CLASS
-Constitutional Issues
-Assignment: Prepare Short Essay #1

READINGS:

Pickering v. Board of Education, 391 U.S. 563 (1968)
City of Ontario v. Quon, U.S. No. 08-1332 (06/17/2010)

JUNE 8: IN-PERSON CLASS
-Title VII, Civil Rights Act of 1964
-Sex Discrimination and Harassment

READINGS:

McDonnell Douglas Corp. v. Green, 411 U.S. 792 (1973)
Griggs v. Duke Power, 401 U.S. 424 (1971)
Lehmann v. Toys ‘R’ Us, Inc., 132 N.J. 587 (1993)

JUNE 13: ONLINE CLASS
-Assignment: Prepare Short Essay #2
-Study for Midterm Exam

JUNE 15: IN-PERSON CLASS
***MIDTERM EXAMINATION**
-Movie: “North Country”

NO READINGS

JUNE 20: ONLINE CLASS
-Polygraphs & Psychological Testing
-Disability Discrimination

READINGS:

Polkey v. Transstecs Corp., 404 F.3rd 1264 (11th Cir. 2005)
Karraker v. Rent Center Inc., No. 04-2881 (7th Cir. 2005)

JUNE 22: IN-PERSON CLASS
-Review Graded Mid-Term Exams
-Family & Medical Leave (FMLA and NJFLA)

READINGS:

Gerety v. Hilton Casino Resort, 184 N.J. 391 (2005)
Cruz v. Publix Super Markets, Inc., 428 F.3d 1379 (11th Cir. 2005)

JUNE 27: ONLINE CLASS
-Drug Testing
-Non-Compete & Confidentiality Agreements
-Assignment: Prepare Short Essay #3

READINGS:

Treasury Employees v. Von Raab, 489 U.S. 656 (1989)
Nike, Inc. v. McCarthy, 379 F.3d 576 (9th Cir. 2004)

JUNE 29: IN-PERSON CLASS
-Privacy Issues

READINGS:

Smyth v. Pillsbury Co., D.E.Pa. No. 95-5712 (1/23/1996)
O'Connor v. Ortega, 480 U.S. 709 (1987)

JULY 4: ONLINE CLASS
-Whistleblower Protection
-Employment-related Torts
-Assignment: Prepare Short Essay #4
-Study for Final Exam

READINGS:

Abbamont v. Piscataway Twp., 269 N.J.Super. 11 (App.Div. 1993)
Taylor v. Metzger, 152 N.J. 490 (1998)

JUNE 6: IN-PERSON CLASS
***FINAL EXAM (not cumulative)**

(Date revised: 05/17/2017)