

SELECTED LABOR ISSUES: EMPLOYEE PRIVACY
(Summer 2021)

Instructor: James M. Cooney, Esq.
Rutgers University, SMLR, Labor Studies & Employment Relations Department
Course #38:578:610 (3 Credits)
June 1 – July 8, 2021
Class Meets Online Via Zoom on Tuesdays and Thursdays, from 6:00-9:40 PM
Tel: 848-932-8560; E-mail: jacoooney@rutgers.edu
Virtual Office Hours: By appointment or before/after class.

Course Description: Overview of selected laws and underlying policies related to employee privacy issues.

Learning Objectives: By the end of the course, the student should be able to:

- Demonstrate basic knowledge of privacy-related issues at the workplace.
- Demonstrate basic knowledge of the policies underlying common-law, constitutional, and statutory employee privacy law principles.
- Demonstrate ability to comprehend court decisions on employee privacy issues.
- Apply employee privacy legal concepts to given fact patterns.

Grading Criteria:*

- (1) Mid-term Exam (1/3%)
- (2) Paper Assignment (1/3%)
- (3) Final Exam (1/3%)

Paper Assignment: Students will prepare a paper (10-12 pages, double-spaced) on a selected employee privacy topic. The deadline for submission of the paper is July 8, 2021 at 11:59 PM. Papers submitted after that date will be subject to a 10% point deduction for each day past the deadline.

Course Materials: There is no textbook. Course reading materials will be posted on Canvas. The Instructor reserves the right to supplement, substitute, and/or modify the listed reading selections.

Academic Integrity: The conduct of all students is governed by the Rutgers University Academic Integrity Policy.

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.

Class Schedule:

- JUNE 1: -Course Overview
 -Introductions
 NO READINGS
- JUNE 3: -Sources of Privacy Rights
 -Invasion of Privacy Claims
 READINGS:
 -*Hennessey v. Coastal Eagle Point Oil Company*
 -*Phillips v. Smalley Maintenance Services*
 -*Sanders v. ABC*
- JUNE 8: -Employee Monitoring
 READINGS:
 -“*Woman Fired After Disabling GPS on Work Phone*”
 -“*How My Boss Monitors Me While I Work From Home*”
 -“*To Increase Productivity, UPS Monitors Drivers’ Every Move*”
 -*Deal v. Spears*
 -*McLaren v. Microsoft*
- JUNE 10: -Workplace Searches
 -Unreasonable Disclosure of Private Facts
 READINGS:
 -*O’Connor v. Ortega*
 -*Leventhal v. Knapek*
 -*Borquez v. Ozer*
- JUNE 15: -Off-Duty Conduct
 READINGS:
 -*Rulon-Miller v. IBM*
 -*Best Lock Corp. v. Review Board*
- JUNE 17: -MIDTERM EXAM
- JUNE 22: -Background & Reference Checks
 READINGS:
 -*Matthews v. GEICO*
 -*Frank B. Hall & Co. v. Buck*
 -“*Pre-Employment Inquiries and Arrest & Conviction*” (EEOC)
- JUNE 24: -Defamation
 -Polygraph Testing
 READINGS:
 -*Tellez v. Pacific Gas & Electric Company*
 -*Rubin v. Tourneau, Inc.*

- JUNE 29: -Drug & Alcohol Testing
-Medical-Related Issues
READINGS
-*Luck v. Southern Pacific Transportation Co.* -
-*Miller v. Motorola*
- JULY 1: -Free Speech
READINGS
-*Rankin v. McPherson*
- JULY 6: -Social Media
READINGS
-*Pietrylo v. Hillstone Restaurant Group*
-“*Social Media Is Part of Today’s Workplace but its Use May Raise Employment Discrimination Concerns*” (EEOC)
- JULY 8: -FINAL EXAM (not cumulative)
-PAPER DUE

Date revised: 02/18/2021