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: jacooney@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:**  
- *Telliez v. Pacific Gas & Electric Company*  
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