

EMPLOYMENT LAW
(Fall 2015)
(Saturday Class)

Instructor: James M. Cooney, Esq.
Rutgers University, Labor Studies & Employment Relations Department, SMLR
Course #37:575:315:04 (3 Credits)
Saturdays, 9:00 a.m. – 11:55 a.m.
Class Location: Ruth Adams Building, Room 206, Douglass Campus
Tel: 848-932-8560; E-mail: jcooney@work.rutgers.edu
Office Hours: Before & after class or by appointment

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.

Grading Criteria:*

- (1) Mid-term Exam (50%)
- (2) Final Exam (50%)

(*Credit is also earned for attendance and in-class contributions. Please note that excessive unexcused absences will lower your grade. Unexcused absences in excess of 3 classes may result in a failing grade.)

Course Materials: Course reading materials are found in the Sakai "Resources" and "Announcements" sections. 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:
http://academicintegrity.rutgers.edu/files/documents/AI_Policy_9_01_2011.pdf

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

Class Schedule:

- SEPT. 12: -Course Overview
 -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)

- SEPT. 19: -Employment at Will & Exceptions

READINGS:

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

- SEPT. 26: -Title VII of the Civil Rights Act of 1964
 -Equal Employment Opportunity Commission (“EEOC”)
 -Race & Color Discrimination

READINGS:

McDonnell Douglas Corp. v. Green, 411 U.S. 792 (1973)
Griggs v. Duke Power, 401 U.S. 424 (1971)

- OCT. 3: -Constitutional Issues

READINGS:

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

- OCT. 10: -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)

- OCT. 17: MID-TERM EXAMINATION

OCT. 24: -Polygraphs & Psychological Testing
-Workers' Compensation

READINGS:

Polkey v. Trane Corp., 404 F.3rd 1264 (11th Cir. 2005)
Karraker v. Rent Center Inc., No. 04-2881 (7th Cir. 2005)
Guyton, Gregory P. "A Brief History of Workers' Compensation"
(*Iowa Orthop. J.* 1999, 19:106-110)

OCT. 31: -Sex Discrimination and Harassment

READINGS:

EEOC web page: <http://www.eeoc.gov/eeoc/publications/fs-sex.cfm>
Lehmann v. Toys 'R' Us, Inc., 132 N.J. 587 (1993)

NOV. 7: Movie: "North Country"

NO READINGS

NOV. 14: -Non-Compete & Confidentiality Agreements
-Drug Testing
-Whistleblower Protection

READINGS:

Nike, Inc. v. McCarthy, 379 F.3d 576 (9th Cir. 2004)
Treasury Employees v. Von Raab, 489 U.S. 656 (1989)
Abbamont v. Piscataway Twp., 269 N.J.Super. 11 (App.Div. 1993)

NOV. 21: -Employment-related Torts
-Privacy Issues at the Workplace

READINGS:

Taylor v. Metzger, 152 N.J. 490 (1998)
Smyth v. Pillsbury Co., D.E.Pa. No. 95-5712 (1/23/1996)
O'Connor v. Ortega, 480 U.S. 709 (1987)

DEC. 5: FINAL EXAM (not cumulative)

(Date revised: 08/15/2015)