Employment Law
Instructor: Rosemarie Cipparulo, Esq.
Contact: rosecip@work.rutgers.edu
Course Number: 37:575:315:90/91
Semester: Fall 2015

Employment Law is a fully online course. Students requiring technical assistance should contact the help desk:

- **Using Pearson Learning Studio (eCollege) platform:** Course tools or addressing exam issues. Call toll free 24 hours a day, 7 days a week: **877-7RUTGER (877-778-8437)** Email: help@ecollege.rutgers.edu

- **NetID or Rutgers email problems:** Call 732-445-HELP (4357)

- **Problems logging into the course:** Call Monday through Friday 9 am – 5 pm: 732-932-4702

**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.

**LSER Learning Objectives**
Employment Law addresses the following LSER Department learning outcomes:
- Demonstrate an understanding of the perspectives, theories, and concepts in the field of labor and employment relations.
- Make an argument in the field of labor and employment relations using contemporary and/or historical evidence.
- Communicate effectively in modes appropriate to labor & employment relations.

**Course Requirements**

**Reading, Audio/Video Assignments**
Reading

Audio/Video
Students are required to watch instructor generated and other video presentations. All video material is provided through links within the course shell.

**Writing Assignments**

Two writing assignments require students to reflect on course material, engage in online searches to connect employment law concepts with current events and perceptions, and develop/state opinions. Students will choose a topic for their second writing assignment early in the semester. Writing assignments are organized into three sections: overview, reflection, resources.

**Writing Assignment #1:** Biography: Introduction & Connection with Employment Law Topics
Writing Assignment #2: Contemporary Issues: Employment Discrimination or Employee Rights

There will be two dates for when the second writing assignment is due. The class will be divided into two groups based on the topic the student chose to write about. The first wave of second writing assignments will be due on October 14. Students who chose or were assigned a topic from the first half of the semester will be assigned that date. The second wave of second writing assignments will be due on December 9. Students who chose a topic from the second half of the semester will be assigned that due date.

Peer Review and Comment on Writing Assignments

Students read and reflect on the content of each other’s writing assignments. Students exhibit their knowledge of employment law and critical thinking skills when defending their opinions shared within their comments. All students must make a minimum of 4 separate comments on 4 different writing assignments in the first wave of due dates (October 19) and 4 separate comments on 4 separate writing assignments in the second wave of due dates (December 9).

Forums

There will be 2 forums or threaded discussions. The first forum will begin in week 4 of the class and the second will begin in week 12. Students will be required to make three substantive comments in each forum. The forums will be based on topics of particular interest in the field of employment law.

Exams

IMPORTANT PLEASE READ BEFORE TAKING EXAM!

In order to remain compliant with the federal requirement of student authentication in online courses, you will take your exams in this course using Proctortrack software, a remote proctoring service.

In this course, there is NO charge for the use of Proctortrack services.

Detailed instructions on how to use Proctortrack are provided in the folder below in the navigation tree. You will be asked via announcement in early September to set up your account profile by taking an ungraded “onboarding” quiz. This quiz is intended to identify any potential software problems. Despite Proctortrack’s compatibility with Chrome and Firefox, Pearson LearningStudio (eCollege) still runs the exam, so it is recommended that you use Mozilla Firefox.

Questions and requests for tech support during the authentication and verification process should be addressed by calling (888) 326-5219 or by going to www.proctortrack.com. Questions regarding course materials and exam questions should be directed to your instructor.

Students complete 2 exams during the semester. Exams focus on required course material addressed in weeks listed below. Weeks 1/2 – 7: Assessed in the mid-term exam in week 8 of the class.

Exams consist of true/false and multiple choice questions. Each exam is open for 3 days, during this period students may enter the online exam area to complete the exam. A 1-hour limit is set for each exam.

**Grading**

A final grade is based on a 1000 point system. Each assignment is worth a specific number of points. Total points accumulated determine the final course grade.

**Writing Assignments:** Two writing assignments 370 points

**Writing Assignment Comments:** Eight comments 160 points

**Two Forums:** Six Comments 120 points

**Exams:** Two exams 350 points

Total Points: 1000
Point Equivalent to Final Grade

<table>
<thead>
<tr>
<th>Outstanding</th>
<th>Good</th>
<th>Satisfactory</th>
</tr>
</thead>
<tbody>
<tr>
<td>1000 - 900 Points = A</td>
<td>899 – 860 Points = B+</td>
<td>99 – 760 Points = C+</td>
</tr>
<tr>
<td>859 – 800 Points = B</td>
<td></td>
<td>759 – 700 Points = C</td>
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</tbody>
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Poor
699 - 600 Points = D 599 and below = F

POLICIES AND PROCEDURES

Class Sessions
☐ Students are expected to enter the course for the first time the first day of the semester.

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☐ The course week begins on Thursdays. A weekly message will be sent to each student as well as uploaded into the course weekly messages file in document sharing by 10 am Thursday. Information about content or assignment procedure is available within the weekly message.

☐ Each week is 7 days in length. Students may enter the course and engage in coursework at any time 24 hours a day, 7 days a week.

Due Dates

☐ Writing assignments must be completed by 11:59 pm Eastern Time. Deadlines are listed on the course calendar that available online.

☐ Writing assignment late penalties: up to 24 hours late (12 midnight – 11:59 pm Fridays) - 10% of the value of the assignment; up to 48 hours late (12 midnight – 11:59 pm Saturdays) - 20% of the value of the assignment. Writing assignments will not be accepted after the 48 hour late period.

☐ Exams must be completed within the 3 day open period. As students are given a three day period to complete the exam, no extensions are available.

CHECKING EMAIL

Instructor's Email Checking Policy

Unless you receive advance notification, I will check my email by 10:00 am Eastern Time every workday. If you send a comment or question, you will receive a response within 24 hours.

Students Email Checking Policy
It is the responsibility of the student to check for incoming course related messages at least 2 times a week. The weekly message is sent Thursday mornings. Students are advised to open and read the message on Thursdays.

COURSE SCHEDULE

Weeks 1 - 2

Topic: Course Overview
Reading
Syllabus, Calendar, Grading
Tech FAQs (Computer and Internet requirements, how to use course tools and request technical assistance)

Video
Instructor Introduction /Welcome (Prof. Rosemarie Cipparulo)
Topic: Understanding the Court System

Reading
Internet Resource
"Understanding the Federal Courts" (http://www.uscourts.gov/FederalCourts.aspx)
"Welcome to the New Jersey Court System" (http://www.judiciary.state.nj.us/process.htm)

Topic: Anatomy of an Employment Lawsuit

Reading
Sample Complaint filed in NJ Superior Court
Internet Resource
"Civil Cases"
Video
Instructor Created Overview (Prof. James Cooney)

Assignment:
Writing Assignment #1 – by end of week 2 (September 16) Biography:
Introduction & Connection with Employment Law Topics

Assignment:
Choose Topic: Writing Assignment #2 by 11:59 p.m. September 9

Week 3
Topic: Remedies
Nutshell, pp. 531-553

Video
Instructor created overview (Prof. James Cooney)

**Topic:** Employment at Will & Exceptions

**Reading**
Nutshell, pp. 37-77


Video
Instructor created overview (Prof. James Cooney)

**Assignment:**

**Week 4**
**Topic:** Constitutional Issues

**Reading**
Nutshell, pp. 18-20, 173-198, 203-212

*City of Ontario v. Quon*, U.S. No. 08-1332 (06/17/2010)

**Internet Resource**

**Topic:** Drug Testing

**Reading**

**Assignment:**
Forum #1 begins September 24, First comment due September 27 and all three comments due by 11:59 p.m. September 30. There will be no extensions given for the forum. The forum counts toward your class participation and is designed to create discussion among students. If you do not participate while the forum is open, then there can be no discussion.

**Week 5**

**Topic:** Title VII of the Civil Rights Act of 1964

**Reading**
Nutshell, pp. 229-264
**Topic:** Equal Employment Opportunity Commission (“EEOC”)

Sample EEOC Charge of Discrimination
Internet Resource
EEOC Website, “Filing a Charge of Discrimination” http://www.eeoc.gov/employees/charge.cfm

**Video**
Instructor created overview (Prof. James Cooney)

**Week 6**

**Topic 1:** Race & Color Discrimination

**Reading**

**Video**
Theories of Action (Profs. Rosemarie Cipparulo and Lisa Schur)

**Topic 2:** National Origin Discrimination

**Reading**

**Assignment:**
**Students who chose a topic from the first part of the semester should work on writing assignment #2**

**Week 7**

**Topic 1:** Disability Discrimination

**Reading**

**Video**
Disability Discrimination (Profs. Rosemarie Cipparulo and Lisa Schur)

**Topic 2:** Religious Discrimination

**Reading**

**Video**
Religious Discrimination (Prof. James Cooney)

**Topic 3:** Sexual Harassment and Discrimination

**Reading**

**Video**
Instructor created overview (Profs. Rosemarie Cipparulo and Lisa Schur)

**Assignment:** Writing assignment #2 for those students who chose a topic from the first part of the semester due by 11:59 p.m. October 14.

**Week 8**
**Mid-term exam**

Exam open 12:01 a.m. October 24 – 11:59 p.m. October 26. Graded exam available after exam period closes.

**Week 9**
**Topic 1:** Whistleblower Protection

Reading

**Topic 2:** Employment Related Torts

Reading

**Assignment:**
**Peer Comments on Writing Assignments** – All students must make 4 Comments by the end of week 9, October 28.

**Week 10**
**Topic 1:** Privacy Issues in the Workplace

Reading

**Topic 2:** Workplace Bullying

Reading
New Jersey Healthy Workplace Act
Website – Pending Healthy Workplace Legislation May Put NJ, NY and Illinois Employers at Risk
http://www.natlawreview.com/node/2515

Website – Proposed Legislation Stands Up To Workplace Bullies
http://www.law.com/corporatecounsel/PubArticleCC.jsp?id=1202573109680&Proposed_Legislation_S tands_Up_to_Workplace_Bullies&slreturn=20130022095250

**Week 11**
**Topic:** Family & Medical Leave (FMLA and NJFLA)

Reading
Internet Resource
Assignment:
Forum #2 opens at 12:01 a.m. November 12 and closes 11:59 p.m. November 18. First comment due by November 15 – all three comments by 11:59 p.m., November 19.

Week 12

Topic: Non-Compete & Confidentiality Agreements
Reading
Nike, Inc. v. McCarthy, 379 F.3d 576 (9th Cir. 2004)

Week 13 - No Class, Happy Thanksgiving!

Week 14

Topic: Worker’ s Compensation

Reading
http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1888620/

Assignment: Writing assignment #2 for those students who chose a topic from the second half of the semester is due by 11:59 p.m. December 3.

All peer comments on writing assignment #2 due by 11:59 p.m. December 10

Week 15

Final Exam Preparation/Complete Exam

Final exam open 12:01 a.m., December 12 through 11:59 pm Monday, December 15. Graded exam available after exam period closes.