

Employment Law

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Course Number: 37:575:315:T1/T2

Semester: Summer 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

Students read textbook chapters, court decisions, and internet based resources. Required textbook: Robert N. Covington, *Employment Law in a Nutshell*. 3d Edition. West Nutshell Series. ISBN 978-0-314-19540-1 (referred to as "Nutshell"). Additional required readings are already uploaded into the course shell or a link to external material is available.

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
Half the class will submit their second writing assignment, designated as writing assignment 2A, on July 8 while the other half of the class will submit their second writing assignment, designated as 2B on July 30.

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.

A minimum of 4 separate comments on 4 different writing assignments 2A and 4 separate comments on 4 separate writing assignments 2B are required. All students will make 4 comments on both writing assignments 2A and 2B.

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 10. 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

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

Weeks 8– 11: Assessed in the final exam in week 12.

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 1hour 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 determines 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

Outstanding

1000 - 900 Points = A

Good

899 – 860 Points = B+ 7

859 – 800 Points = B

Satisfactory

99 – 760 Points = C+

759 – 700 Points = C

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 **Tuesdays**. 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 Tuesday**. 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 the day the assignment is due. Deadlines are listed on the course calendar that is 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 Tuesday mornings. Students are advised to open and read the message on Tuesdays.

COURSE SCHEDULE

Weeks 1 - 2

Topic 1: Course Overview

Reading

Syllabus, Calendar, Grading

Tech FAQs (Computer and Internet requirements, how to use course tools and request technical assistance)

Video

Instructor Welcome and Course Overview (Prof. Rosemarie Cipparulo)

Topic 2: 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 3: Anatomy of an Employment Lawsuit

Reading

Sample Complaint filed in NJ Superior Court

Internet Resource

"Civil Cases"

(<http://www.uscourts.gov/FederalCourts/UnderstandingtheFederalCourts/HowCourtsWork/CivilCases.aspx>)

Video

Instructor Created Overview (Prof. James Cooney)

Assignment:

Writing Assignment #1 – by end of week 2 (11:59 p.m. June 9)

Biography: Introduction & Connection with Employment Law Topics

Choose Topic: Writing Assignment #2A and 2B by June 3

Week 3

Topic 1: Remedies

Reading

Nutshell, pp. 531-553

Video

Remedies (Prof. James Cooney)

Topic 2: Employment at Will & Exceptions

Reading

Nutshell, pp. 37-77

Pierce v. Ortho Pharmaceutical, 417 A.2d 505 (1980)

Woolley v. Hoffman-LaRoche, Inc., 99 N.J. 284 (1985)

Video

Employment at Will (Prof. James Cooney)

Week 4

Topic 1: Constitutional Issues

Reading

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

Pickering v. Board of Education, 391 U.S. 563 (1968)

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

Internet Resource

"Can Bosses Do That?" (<http://www.npr.org/templates/story/story.php?storyId=123024596>)

Topic 2: Drug Testing

Reading

Treasury Employees v. Von Raab, 489 U.S. 656 (1989)

Assignment:

Forum #1 begins June 17. First comment due June 20 and all three comments due by 11:59 p.m. June 23.

Week 5

Topic 1: Title VII of the Civil Rights Act of 1964

Reading

Nutshell, pp. 229-264

Topic 2: Equal Employment Opportunity Commission ("EEOC")

Reading

Sample EEOC Charge of Discrimination

Internet Resource

EEOC Website, "Filing a Charge of Discrimination" <http://www.eeoc.gov/employees/charge.cfm>

Video

EEOC (Prof. James Cooney)

Topic 3: Race & Color Discrimination

Reading

McDonnell Douglas Corp. v. Green, 411 U.S. 792 (1973)

Griggs v. Duke Power, 401 U.S. 424 (1971)

Video

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

Assignment:

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

Week 6

Topic 1: National Origin Discrimination

Reading

Garcia v. Spun Steak Company, 998 F.2d 1480 (1993)

Topic 2: Disability Discrimination

Reading

Moorer v. Baptist Memorial, 6th Cir. No. 03-5855 (2/11/2005)

Video

Disability Myths (Profs. Rosemarie Cipparulo and Lisa Schur)

Topic 3: Religious Discrimination

Reading

Estate of Thornton v. Caldor, Inc., 472 U.S. 703 (1985)

McCrary v. Rapides Regional Med. Cntr, 635 F.Supp. 975 (WD La. 1986)

Video

Religious Discrimination Part 1 (Prof. James Cooney)

Religious Discrimination Part 2 (Prof. James Cooney)

Assignment:

Writing assignment #2A due by 11:59 p.m. July 7.

Week 7

Topic 1: Sexual Harassment and Discrimination

Reading

Lehmann v. Toys “R” Us, Inc., 132 N.J. 587 (1993)

Video

Sexual Harassment (Prof. Lisa Schur)

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 June 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](tel:888-326-5219) or by going to www.proctortrack.com. Questions regarding course materials and exam questions should be directed to your instructor.

Mid-term exam

Exam open 12:01 a.m. July 12 – 11:59 p.m. July 14. Graded exam available after exam period closes.

Week 8

Topic 1: Whistleblower Protection

Reading

Abbamont v. Piscataway Twp., 269 N.J.Super. 11 (App.Div. 1993)

Topic 2: Employment Related Torts

Reading

Taylor v. Metzger, 152 N.J. 490 (1998)

Assignment:

Peer Comments on Writing Assignment #2A – 4 Comments by the end of week 8 – 11:59 p.m. July 21

Week 9

Topic 1: Privacy Issues in the Workplace

Reading

Smyth v. Pillsbury Co., D.E.Pa. No. 95-5712 (1/23/1996)

O'Connor v. Ortega, 480 U.S. 709 (1987)

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_Stands_Up_to_Workplace_Bullies&slreturn=20130022095250

Video

Workplace Bullying (Prof. Rosemarie Cipparulo)

Topic 3: Family & Medical Leave (FMLA and NJFLA)

Reading

Internet Resource

U.S. Department of Labor Fact Sheet #28, "The Family and Medical Leave Act of 1993"

(<http://www.dol.gov/whd/regs/compliance/whdfs28.pdf>)

N.J. Attorney General, "The New Jersey Family Leave Fact Sheet"

(<http://www.state.nj.us/lps/dcr/downloads/flafactsheet.pdf>)

Assignment:

Forum #2 opens at 12:01 a.m. July 22 and closes 11:59 p.m. July 28

Week 10

Topic 1: Non-Compete & Confidentiality Agreements

Reading

Nike, Inc. v. McCarthy, 379 F.3d 576 (9th Cir. 2004)

Topic 2: Worker's Compensation

Reading

Guyton, Gregory P. "A Brief History of Workers' Compensation" (Iowa Orthop. J. 1999, 19:106-110)

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

Assignment: Writing assignment #2B for those students who chose a topic from the second half of the semester is due by 11:59 p.m. July 29

Week 11

Assignment: All 4 peer comments on writing assignment #2B due by 11:59 p.m. August 5

Final Exam Preparation/Complete Exam

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Final exam open 12:01 a.m. Saturday, August 8 through 11:59 pm Tuesday, August 11. Graded exam available after exam period close.

