

EMPLOYMENT LAW
(Spring 2015)
(Monday Night Class)

Instructor: James M. Cooney, Esq.
Rutgers University, Labor Studies & Employment Relations Department, SMLR
Course #37:575:315:04 (3 Credits)
Mondays, 6:40 p.m. – 9:30 p.m.
Class Location: Lucy Stone Hall, Room B269, Livingston 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:

JAN. 26: -Course Overview

NO READINGS

FEB. 2: -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)

FEB. 9: -Employment at Will & Exceptions

READINGS:

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

FEB. 16: Movie: “North Country”

NO READINGS

FEB. 23: -Title VII of the Civil Rights Act of 1964
-Equal Employment Opportunity Commission (“EEOC”)
-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)

MARCH 2 -Proving Discrimination
-Race & Color Discrimination

READINGS:

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

MARCH 9: MID-TERM EXAMINATION

MARCH 16: NO CLASS (Spring Break)

MARCH 23: -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)

MARCH 30: -Polygraphs & Psychological Testing
-Workers' Compensation

READINGS:

Polkey v. Transstecs 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)

APRIL 6: -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)

APRIL 13: -Non-Compete & Confidentiality Agreements
-Drug Testing

READINGS:

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

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

APRIL 20: -Whistleblower Protection
-Employment-related Torts

READINGS:

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

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

APRIL 27: -Privacy Issues at the Workplace

READINGS:

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

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

MAY 4: FINAL EXAM (not cumulative)

(Date revised: 01/13/2015)