EMPLOYMENT LAW
(Spring 2017-Monday Class)

Instructor: James M. Cooney, Esq.
Rutgers University, Labor Studies & Employment Relations Department, SMLR
Course #37:575:315:05 (3 Credits)
Mondays, 12:00 p.m. – 3:00 p.m.
Class Location: Rutgers Cinema, Room 2, Livingston Campus
Tel: 848-932-8560; E-mail: jacooney@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.

**Learning Objectives:** The student is able to:

*Labor Studies & Employment Relations Department:*
- Apply employment relations legal concepts, and substantive institutional knowledge, to understanding contemporary developments related to work. (Goal 2)

*School of Management & Labor Relations:*
- Demonstrate an understanding of how to apply knowledge necessary for effective work performance. (Goal VI)

**Additional Course Objective(s) from the Instructor:**
- Demonstrate basic knowledge of employment-at-will and the various exceptions.
- Demonstrate basic knowledge of the policies underlying common-law, constitutional, and statutory employment law principles.
- Demonstrate ability to comprehend court decisions on employment law issues.
- Apply employment law concepts to a given fact pattern.

**Grading Criteria:**
(1) Mid-term Exam (50%)
(2) Final Exam (50%)
(*Credit is also earned for attendance and in-class contributions)

**Attendance:** Students are expected to attend class on a regular basis. Please note that excessive unexcused absences will lower your grade. Unexcused absences in excess of 3 classes may result in a failing grade. Students arriving late to class, or departing class early, must sign-in/out with a TA.

**Course Materials:** Course reading materials are found in the Sakai Resources and Announcements section. The Instructor reserves the right to supplement, substitute, and/or modify the listed reading selections.
**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.

**Academic Integrity:** The conduct of all students is governed by the Rutgers University Academic Integrity Policy:


**Laptops/Cell Phones:** 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 should refrain from texting while in class. Points may be deducted from the grades of students who consistently violate the foregoing policy.

**Recording:** Students are not permitted to videotape or otherwise record any classroom lecture or activity, absent prior express consent and authorization by the Instructor.

**Class Schedule:**

JAN. 23: -Course Overview

**NO READINGS**

JAN. 30: -Federal & State Court Systems
-Anatomy of an Employment Lawsuit
-Remedies

**READINGS:**
“Understanding the Federal Courts”
“Welcome to the NJ Court System”

FEB. 6: -Employment at Will & Exceptions

**READINGS:**

FEB. 13: -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)

FEB. 20: Movie: “North Country”
NO READINGS

FEB. 27:  
-Proving Discrimination
-Race & Color Discrimination

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

MARCH 6:  MID-TERM EXAMINATION

MARCH 13:  NO CLASS (Spring Break)

MARCH 20:  -Constitutional Issues

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

MARCH 27:  -Polygraphs & Psychological Testing
-Workers’ Compensation

READINGS:
Polkey v. Transtees 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”

APRIL 3:  -Family & Medical Leave (FMLA and NJFLA)

READINGS:
Cruz v. Publix Super Markets, Inc., 428 F.3d 1379 (11th Cir. 2005)

APRIL 10:  -Non-Compete & Confidentiality Agreements
-Drug Testing

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

APRIL 17:  -Whistleblower Protection
-Employment-related Torts
READINGS:

APRIL 24: -Privacy Issues at the Workplace

READINGS:

MAY 1: FINAL EXAM (not cumulative)

(Date revised: 01/10/2017)