EMPLOYMENT LAW  
(Fall 2018-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: Cook-Douglass Lecture Hall, Room 110, Cook-Douglass 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:** At the end of the course, 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:**

SEPT. 8: -Course Overview

**NO READINGS**

SEPT. 15: -Federal & State Court Systems
-A Anatomy of an Employment Lawsuit
-Remedies

**READINGS:**
“Understanding the Federal Courts”
“Remedies for Employment Discrimination” (EEOC)

SEPT. 22: -Employment at Will & Exceptions

**READINGS:**

SEPT. 29: -Title VII of the Civil Rights Act of 1964
-Proving Discrimination
-Race & Color Discrimination

**READINGS:**
McDonnell Douglas Corp. v. Green, 411 U.S. 792 (1973)
OCT. 6:  -Constitutional Issues

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

OCT. 13:  -Polygraphs & Psychological Testing
-Workers’ Compensation

**READINGS:**
*Polkey v. Transtecs 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”  

OCT. 20:  MID-TERM EXAMINATION

OCT. 27:  -Sex Discrimination and Harassment

**READINGS:**
*“Sexual Harassment” (EEOC)*

NOV. 3:  Movie: “North Country”

**NO READINGS**

NOV. 10:  -Family & Medical Leave (FMLA and NJFLA)

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

NOV. 17:  -Non-Compete & Confidentiality Agreements
-Drug Testing

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

DEC. 1:  -Whistleblower Protection
-Employment-related Torts

**READINGS:**
DEC. 8:  FINAL EXAM (not cumulative)

(Date revised: 09/01/2018)