

EMPLOYMENT LAW
(Spring 2019-Monday Class)

Prof. James M. Cooney, Esq.

Rutgers University, Labor Studies & Employment Relations Department, SMLR

Course #37:575:315:04 (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 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.

Students With Disabilities: Rutgers University welcomes students with disabilities into all of the University's educational programs. In order to receive consideration for reasonable accommodations, a student with a disability must contact the appropriate disability services office at the campus where you are officially enrolled, participate in an intake interview, and provide documentation:

<https://ods.rutgers.edu/students/documentation-guidelines>

If the documentation supports your request for reasonable accommodations, your campus's disability services office will provide you with a Letter of Accommodations. Please share this letter with your instructors and discuss the accommodations with them as early in your courses as possible. To begin this process, please complete the Registration form on the ODS web site at: <https://ods.rutgers.edu/students/registration-form>

CLASS SCHEDULE:

JAN. 28: -Course Overview

NO READINGS

FEB. 4: -Federal & State Court Systems
-Anatomy of an Employment Lawsuit
-Remedies

READINGS:

"Court Role & Structure"

"Remedies in Employment Discrimination Cases"

FEB. 11: -Employment at Will & Exceptions

READINGS:

Pierce v. Ortho Pharmaceutical

Woolley v. Hoffman-LaRoche, Inc.

FEB. 18: -Title VII of the Civil Rights Act of 1964
-Proving Discrimination
-Race & Color Discrimination

READINGS:

McDonnell Douglas Corp. v. Green
Griggs v. Duke Power

FEB. 25: -Constitutional Issues
-Review for Mid-Term Exam

READINGS:

Pickering v. Board of Education
City of Ontario v. Quon

MARCH 4: MID-TERM EXAM

NO READINGS

MARCH 11: -Polygraphs & Psychological Testing
-Disability Discrimination

READINGS:

Polkey v. Transpeds Corp.
Karraker v. Rent Center Inc.

MARCH 18: NO CLASS (Spring Break)

MARCH 25: -Sex Discrimination & Harassment

READINGS:

Lehmann v. Toys 'R' Us, Inc.

APRIL 1: Movie: "North Country"

NO READINGS

APRIL 8: -Family & Medical Leave (FMLA and NJFLA)

READINGS:

Gerety v. Hilton Casino Resort
Cruz v. Publix Super Markets, Inc.

APRIL 15: -Non-Compete & Confidentiality Agreements
-Drug Testing

READINGS:

Nike, Inc. v. McCarthy
Treasury Employees v. Von Raab

APRIL 22: -Whistleblower Protection
-Employment-related Torts

READINGS:

Abbamont v. Piscataway Twp.
Taylor v. Metzger

APRIL 29: -Privacy Issues at the Workplace
-Review for Final Exam

READINGS:

Smyth v. Pillsbury Co.
O'Connor v. Ortega

MAY 6: FINAL EXAM (not cumulative)

(Dated: 11/22/2018)