EMPLOYMENT LAW  
(Fall 2016 - Thursday Night Class)

Instructor: James M. Cooney, Esq.
Rutgers University, Labor Studies & Employment Relations Department, SMLR
Course #37:575:315:03 (3 Credits)
Thursdays, 7:40 p.m. – 10:30 p.m.
Class Location: Murray Hall, Room 212, College Avenue 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.

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:**

SEPT. 8:  
-Course Overview

**NO READINGS**

SEPT. 15:  
-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)

SEPT. 22:  
-Employment at Will & Exceptions

**READINGS:**  

SEPT. 29:  
-Title VII of the Civil Rights Act of 1964
-Equal Employment Opportunity Commission (“EEOC”)
-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:  -Family & Medical Leave (FMLA and NJFLA)

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

OCT. 20:  MID-TERM EXAMINATION

OCT. 27:  -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”*

NOV. 3:  -Sex Discrimination and Harassment

**READINGS:**
*EEOC web page: http://www.eeoc.gov/eeoc/publications/fs-sex.cfm*

NOV. 10:  Movie: “North Country”

**NO READINGS**

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

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

NOV. 22:  -Whistleblower Protection
           (Tuesday)  -Employment-related Torts
**READINGS:**

NOV. 24: NO CLASS (Thanksgiving Holiday)

DEC. 1: -Privacy Issues at the Workplace

**READINGS:**

DEC. 8: FINAL EXAM (not cumulative)

(Date revised: 09/01/2016)