

## **Employment Law**

**Instructor:** Rosemarie Cipparulo, Esq.

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**Course Number:** 37:575:315:90/91/92

**Semester:** Fall 2016

Employment Law is a fully online course. Students requiring technical assistance should contact the help desk:

• **Using Pearson Learning Studio (eCollege) platform:** Course tools or addressing exam issues. Call toll free 24 hours a day, 7 days a week: **877- 7RUTGER (877-778-8437) Email:** help@ecollege.rutgers.edu

• **NetID or Rutgers email problems:** Call 732-445-HELP (4357)

• **Problems logging into the course:** Call Monday through Friday 9 am – 5 pm: 732-932-4702

**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.

### **LSER Learning Objectives**

Employment Law addresses the following LSER Department learning outcomes:

Demonstrate an understanding of the perspectives, theories, and concepts in the field of labor and employment relations.

Make an argument in the field of labor and employment relations using contemporary and/or historical evidence.

Communicate effectively in modes appropriate to labor & employment relations.

## **Course Requirements**

### **Reading, Audio/Video Assignments**

#### **Reading**

Students read textbook chapters, court decisions, and internet based resources. Required textbook: Robert N. Covington, *Employment Law in a Nutshell*. 3d Edition. West Nutshell Series. ISBN 978-0-314-19540-1 (referred to as "Nutshell"). Additional required readings are already uploaded into the course shell or a link to external material is available.

#### **Audio/Video**

Students are required to watch instructor generated and other video presentations. All video material is provided through links within the course shell.

### **Writing Assignments**

Two writing assignments require students to reflect on course material, engage in online searches to connect employment law concepts with current events and perceptions, and develop/state opinions. Students will choose a topic for their second writing assignment early in the semester. Writing assignments are organized into three sections: overview, reflection, resources.

Writing Assignment #1: Biography: Introduction & Connection with Employment Law Topics

Writing Assignment #2 A and B: Contemporary Issues: Employment Discrimination or Employee Rights

### **Peer Review and Comment on Writing Assignments**

Students read and reflect on the content of each other's writing assignments. Students exhibit their knowledge of employment law and critical thinking skills when defending their opinions shared within their comments.

A minimum of 4 separate comments on 4 different writing assignments 2A and 4 separate comments on 4 separate writing assignments 2B are required.

### **Forums**

There will be 2 forums or threaded discussions. The first forum will begin in week 4 of the class and the second will begin in week 12. Students will be required to make three substantive comments in each forum. The forums will be based on topics of particular interest in the field of employment law.

### **Exams**

Students complete 2 exams during the semester. Exams focus on required course material addressed in weeks listed below. Weeks 1/2 – 7: Assessed in the mid-term exam in week 8 of the class.

Weeks 8– 13: Assessed in the final exam in week 14.

Exams consist of true/false and multiple choice questions. Each exam is open for 3 days, during this period students may enter the online exam area to complete the exam. A 1 hour limit is set for each exam.

### **Grading**

A final grade is based on a 1000 point system. Each assignment is worth a specific number of points. Total points accumulated determines final course grade.

**Writing Assignments:** Two writing assignments 370 points

**Writing Assignment Comments:** Eight comments 160 points

**Two Forums:** Six Comments 120 points

**Exams:** Two exams 350 points

Total Points: 1000

## Point Equivalent to Final Grade

### Outstanding

1000 - 900 Points = A

### Good

899 – 860 Points = B+

859 – 800 Points = B

### Satisfactory

799 – 760 Points = C+

759 – 700 Points = C

### Poor

699 - 600 Points = D 599 and below = F

## POLICIES AND PROCEDURES

### Class Sessions

Students are expected to enter the course for the first time the first day of the semester.

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The course week begins on **Thursdays**. A weekly message will be sent to each student as well as uploaded into the course weekly messages file in document sharing by **10 am Thursday**. Information about content or assignment procedure is available within the weekly message.

Each week is 7 days in length. Students may enter the course and engage in coursework at any time 24 hours a day, 7 days a week.

### Due Dates

Writing assignments must be completed by 11:59 pm Eastern Time. Deadlines are listed on the course calendar that available online.

Writing assignment late penalties: up to 24 hours late (12 midnight – 11:59 pm Fridays) - 10% of the worth of the assignment; up to 48 hours late (12 midnight – 11:59 pm Saturdays) - 20% of the worth of the assignment. Writing assignments will not be accepted after the 48 hour late period.

Exams must be completed within the 3 day open period. As students are given a three day period to complete the exam, no extensions are available.

## CHECKING EMAIL

### Instructor's Email Checking Policy

Unless you receive advance notification, I will check my email by 10:00 am Eastern Time every workday. If you send a comment or question, you will receive a response within 24 hours.

### Students Email Checking Policy

It is the responsibility of the student to check for incoming course related messages at least 2 times a week. The weekly message is sent Thursday mornings. Students are advised to open and read the message on Thursdays.

## **COURSE SCHEDULE**

### **Weeks 1 - 2**

**Topic:** Course Overview

#### Reading

Syllabus, Calendar, Grading

Tech FAQs (Computer and Internet requirements, how to use course tools and request technical assistance)

#### Video

Instructor Introduction /Welcome (Prof. Rosemarie Cipparulo)

**Topic:** Understanding the Court System

#### Reading

Internet Resource

"Understanding the Federal Courts" (<http://www.uscourts.gov/FederalCourts.aspx>)

"Welcome to the New Jersey Court System" (<http://www.judiciary.state.nj.us/process.htm>)

**Topic:** Anatomy of an Employment Lawsuit

#### Reading

Sample Complaint filed in NJ Superior Court

Internet Resource

"Civil Cases"

(<http://www.uscourts.gov/FederalCourts/UnderstandingtheFederalCourts/HowCourtsWork/CivilCases.aspx>)

#### Video

Instructor Created Overview (Prof. James Cooney)

#### **Assignment:**

**Writing Assignment #1 – by end of week 2(11:59 p.m., September 21) Biography: Introduction & Connection with Employment Law Topics**

#### **Assignment:**

Choose Topic: Writing Assignment #2 by 11:59 p.m. September 14

### **Week 3**

**Topic:** Remedies

#### Reading

Nutshell, pp. 531-553

Video

Instructor created overview (Prof. James Cooney)

**Topic:** Employment at Will & Exceptions

Reading

Nutshell, pp. 37-77

Pierce v. Ortho Pharmaceutical, 417 A.2d 505 (1980)

Woolley v. Hoffman-LaRoche, Inc., 99 N.J. 284 (1985)

Video

Instructor created overview (Prof. James Cooney)

**Assignment:**

**Week 4**

**Topic:** Constitutional Issues

Reading

Nutshell, pp. 18-20, 173-198, 203-212

Pickering v. Board of Education, 391 U.S. 563 (1968)

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

**Internet Resource**

"Can Bosses Do That?" (<http://www.npr.org/templates/story/story.php?storyId=123024596>)

**Topic:** Drug Testing

Reading

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

**Week 5**

**Topic:** Title VII of the Civil Rights Act of 1964

Reading

Nutshell, pp. 229-264

**Topic:** Equal Employment Opportunity Commission ("EEOC")

Reading

Sample EEOC Charge of Discrimination

Internet Resource

EEOC Website, "Filing a Charge of Discrimination" <http://www.eeoc.gov/employees/charge.cfm>

Video

Instructor created overview (Prof. James Cooney)

**Assignment:**

**Forum #1 begins October 6, First comment due October 9 and all three comments due by 11:59 p.m., October 12.**

## **Week 6**

**Topic 1: Race & Color Discrimination**

Reading

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

Griggs v. Duke Power, 401 U.S. 424 (1971)

Video

Theories of Action (Profs. Rosemarie Cipparulo and Lisa Schur)

**Topic 2: National Origin Discrimination**

Reading

Garcia v. Spun Steak Company, 998 F.2d 1480 (1993)

**Assignment: Writing assignment #2A for those students who chose a topic from the first part of the semester due by 11:59 p.m. October 19.**

## **Week 7**

**Topic 1: Disability Discrimination**

Reading

Moorer v. Baptist Memorial, 6th Cir. No. 03-5855 (2/11/2005)

Video

Disability Discrimination (Profs. Rosemarie Cipparulo and Lisa Schur)

**Topic 2: Religious Discrimination**

Reading

Estate of Thornton v. Caldor, Inc., 472 U.S. 703 (1985)

McCrary v. Rapides Regional Med. Cntr, 635 F.Supp. 975 (WD La. 1986)

Video

Religious Discrimination (Prof. James Cooney)

**Topic 3: Sexual Harassment and Discrimination**

Reading

Lehmann v. Toys “R” Us, Inc., 132 N.J. 587 (1993)

Video

Instructor created overview (Profs. Rosemarie Cipparulo and Lisa Schur)

**Week 8**

**Mid-term exam**

Exam open 12:01 a.m. October 28 – 11:59 p.m. October 30. Graded exam available after exam period closes.

**Week 9**

**Topic 1: Whistleblower Protection**

Reading

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

**Topic 2: Employment Related Torts**

Reading

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

**Assignment:**

**Peer Comments on Writing Assignments – 4 Comments by the end of week 9, November 9.**

**Week 10**

**Topic 1: Privacy Issues in the Workplace**

Reading

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

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

**Topic 2: Workplace Bullying**

Reading

New Jersey Healthy Workplace Act

Website – Pending Healthy Workplace Legislation May Put NJ, NY and Illinois Employers at Risk

<http://www.natlawreview.com/node/2515>

Website – Proposed Legislation Stands Up To Workplace Bullies

[http://www.law.com/corporatecounsel/PubArticleCC.jsp?id=1202573109680&Proposed\\_Legislation\\_Stand\\_Up\\_to\\_Workplace\\_Bullies&slreturn=20130022095250](http://www.law.com/corporatecounsel/PubArticleCC.jsp?id=1202573109680&Proposed_Legislation_Stand_Up_to_Workplace_Bullies&slreturn=20130022095250)

**Week 11**

**Topic: Family & Medical Leave (FMLA and NJFLA)**

Reading

Internet Resource

U.S. Department of Labor Fact Sheet #28, "The Family and Medical Leave Act of 1993"  
(<http://www.dol.gov/whd/regs/compliance/whdfs28.pdf>)

N.J. Attorney General, "The New Jersey Family Leave Fact Sheet"  
(<http://www.state.nj.us/lps/dcr/downloads/flafactsheet.pdf>)

**Assignment:**

**Forum #2 opens at 12:01 a.m. November 17 and closes 11:59 p.m. November 23. First comment due by November 19 – all three comments by 11:59 p.m., November 23.**

**Week 12** - No Class, Happy Thanksgiving!

**Week 13**

**Topic:** Non-Compete & Confidentiality Agreements

Reading

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

**Week 14**

**Topic:** Worker's Compensation

Reading

Guyton, Gregory P. "A Brief History of Workers' Compensation" (Iowa Orthop. J. 1999, 19:106-110)  
<http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1888620/>

**Assignment: Writing assignment #2B for those students who chose a topic from the second half of the semester is due by 11:59 p.m. December 8.**

All peer comments on writing assignment #2B due by 11:59 p.m. December 15

**Week 15**

Final Exam Preparation/Complete Exam

Final exam open 12:01 a.m. Friday, December 16 through 11:59 pm Sunday, December 18. Graded exam available after exam period closes.







