

SELECTED LABOR ISSUES: EMPLOYEE PRIVACY
(Summer 2020)

Instructor: James M. Cooney, Esq.
Rutgers University, SMLR, Labor Studies & Employment Relations Department
Course #38:578:611 (3 Credits)
May 26 – July 2, 2020
Class Meets Online Via Canvas on Tuesdays at 6:00 PM
Tel: 848-932-8560; E-mail: jacooney@rutgers.edu
Virtual Office Hours: By appointment

Class Meeting Times: Classes will *meet virtually* at 6:00 PM on TUESDAYS, via the Canvas “Big Blue Button” feature. The remaining materials for each week will be provided on an *asynchronous* basis, for students to complete at a time of their choosing.

Course Description: Overview of selected laws and underlying policies related to employee privacy issues.

Learning Objectives: **By the end of the course, the student should be able to:**

- Demonstrate basic knowledge of privacy-related issues at the workplace.
- Demonstrate basic knowledge of the policies underlying common-law, constitutional, and statutory employee privacy law principles.
- Demonstrate ability to comprehend court decisions on employee privacy issues.
- Apply employee privacy legal concepts to given fact patterns.

Grading Criteria:*

- (1) Mid-term Exam (1/3%)
- (2) Paper Assignment (1/3%)
- (3) Final Exam (1/3%)

Paper Assignment: Students will prepare a paper (8-12 pages, double-spaced) on a selected employee privacy topic. The deadline for submission of the paper is July 2, 2020 at 11:59 PM. Papers submitted after that date will be subject to a 10% point deduction for each day past the deadline.

Course Materials: There is no textbook. Course reading materials will be posted on Canvas. The Instructor reserves the right to supplement, substitute, and/or modify the listed reading selections.

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

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.

Class Schedule:

- MAY 26:
(Week #1)
- Course Overview
 - Introductions
 - Discussion of Paper Assignment
 - Sources of Privacy Rights
 - Invasion of Privacy Claims

READINGS:

- Hennessey v. Coastal Eagle Point Oil Company*
- Phillips v. Smalley Maintenance Services*
- Sanders v. ABC*

- JUNE 2:
(Week #2)
- Employee Monitoring
 - Workplace Searches
 - Unreasonable Disclosure of Private Facts

READINGS:

- “*Woman Fired After Disabling GPS on Work Phone*”
- “*How My Boss Monitors Me While I Work From Home*”
- “*To Increase Productivity, UPS Monitors Drivers’ Every Move*”
- Deal v. Spears*
- McLaren v. Microsoft*
- O’Connor v. Ortega*
- Leventhal v. Knapek*
- Borquez v. Ozer*

- JUNE 9:
(Week #3)
- Off-Duty Conduct
 - MID-TERM EXAM

READINGS:

- Rulon-Miller v. IBM*
- Best Lock Corp. v. Review Board*

- JUNE 16:
(Week #4)
- Background & Reference Checks
 - Defamation
 - Polygraph Testing

READINGS:

- Matthews v. GEICO*
- Frank B. Hall & Co. v. Buck*
- “*Pre-Employment Inquiries and Arrest & Conviction*” (EEOC)
- Tellez v. Pacific Gas & Electric Company*
- Rubin v. Tourneau, Inc.*

- JUNE 23:
(Week #5)
- Drug & Alcohol Testing
 - Medical-Related Issues

READINGS

-Luck v. Southern Pacific Transportation Co.
-Miller v. Motorola

JUNE 30:
(Week #6)

-Free Speech
-Social Media
-FINAL EXAM (not cumulative) & PAPER DUE (July 2)

READINGS

-Rankin v. McPherson
-Pietrylo v. Hillstone Restaurant Group
*-“Social Media Is Part of Today’s Workplace but its Use May Raise
Employment Discrimination Concerns” (EEOC, March 12, 2014)*

Date revised: 05/14/2020