

**SELECTED LABOR ISSUES: EMPLOYEE PRIVACY**  
**(Summer 2022)**

Instructor: James M. Cooney, Esq.  
Rutgers University, SMLR, Labor Studies & Employment Relations Department  
Course #38:578:610 (3 Credits)  
May 31 – July 7, 2022  
Class Meets Online Via Zoom on Tuesdays and Thursdays, from 6:00-9:40 PM  
Tel: 848-932-8560; E-mail: jacooney@rutgers.edu  
Virtual Office Hours: By appointment or before/after class.

**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 (10-12 pages, double-spaced) on a selected employee privacy topic. The deadline for submission of the paper is July 7, 2022 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 31:        -Course Overview  
                  -Introductions  
                  **NO READINGS**
- JUNE 2:         -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 7:         -Employee Monitoring  
                  **READINGS:**  
                  -*“Woman Fired After Disabling GPS on Work Phone”*  
                  -*“To Increase Productivity, UPS Monitors Drivers’ Every Move”*  
                  -*Deal v. Spears*  
                  -*McLaren v. Microsoft*
- JUNE 9:         -Workplace Searches  
                  -Unreasonable Disclosure of Private Facts  
                  **READINGS:**  
                  -*O’Connor v. Ortega*  
                  -*Leventhal v. Knapek*  
                  -*Borquez v. Ozer*
- JUNE 14:        -Off-Duty Conduct  
                  **READINGS:**  
                  -*Rulon-Miller v. IBM*  
                  -*Best Lock Corp. v. Review Board*
- JUNE 16:        -MIDTERM EXAM
- JUNE 21:        -Background & Reference Checks  
                  **READINGS:**  
                  -*Matthews v. GEICO*  
                  -*Frank B. Hall & Co. v. Buck*  
                  -*“Pre-Employment Inquiries and Arrest & Conviction” (EEOC)*
- JUNE 23:        -Defamation  
                  -Polygraph Testing  
                  **READINGS:**  
                  -*Tellez v. Pacific Gas & Electric Company*  
                  -*Rubin v. Tourneau, Inc.*

- JUNE 28: -Drug & Alcohol Testing  
-Medical-Related Issues  
**READINGS**  
-*Luck v. Southern Pacific Transportation Co.* -  
-*Miller v. Motorola*
- JUNE 30: -Free Speech  
**READINGS**  
-*Rankin v. McPherson*  
-*McVey v. AtlantaCare Med. System*
- JULY 5: -Social Media  
**READINGS**  
-*Pietrylo v. Hillstone Restaurant Group*  
-“*Social Media Is Part of Today’s Workplace but its Use May Raise Employment Discrimination Concerns*” (EEOC)
- JULY 7: -FINAL EXAM (not cumulative)  
-PAPER DUE

Date revised: 06/14/2022