

**EMPLOYMENT LAW**  
**(Fall 2020-Tuesday Afternoon ONLINE Class)**

Instructor: James M. Cooney, Esq.  
Rutgers University, Labor Studies & Employment Relations Department, SMLR  
Course #37:575:315:04; Index #15971 (3 Credits)  
Class Meets Online - Tuesdays, 1:40 PM – 4:40 PM (Eastern Time Zone)  
Tel: 848-932-8560; E-mail: jacooney@rutgers.edu  
Virtual Office Hours: By appointment

**Class Meeting Times:** Classes will *meet virtually online* at 1:40 PM on Tuesdays. Any remaining materials for the week will be provided on an *asynchronous* basis, for students to complete at a time of their choosing.

**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:** At the end of the course, 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 (virtually) on a timely and 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.

**Course Materials:** Course reading materials are found on Canvas. 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.

**Recording:** Students are not permitted to videotape or otherwise record any lecture or course 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:**

SEPT. 1: -Course Overview

#### **NO READINGS**

SEPT. 8: NO CLASS (Monday Classes Meet Instead)

SEPT. 15: -Federal & State Court Systems  
-Anatomy of an Employment Lawsuit (video)  
-Remedies (video)  
-Employment at Will & Exceptions (introduction)

#### **READINGS:**

*"Understanding the Federal Courts"*

*"Remedies for Employment Discrimination"* (EEOC)

SEPT. 22: -Employment at Will & Exceptions (continued)

#### **READINGS:**

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

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

SEPT. 29: -Title VII of the Civil Rights Act of 1964; EEOC  
-Proving Discrimination  
-Race & Color Discrimination

**READINGS:**

*McDonnell Douglas Corp. v. Green*, 411 U.S. 792 (1973)  
*Griggs v. Duke Power*, 401 U.S. 424 (1971)

OCT. 6: -Constitutional Issues

**READINGS:**

*Pickering v. Board of Education*, 391 U.S. 563 (1968)  
*City of Ontario v. Quon*, U.S. No. 08-1332 (06/17/2010)

OCT. 13: -Sex Discrimination

**READINGS**

*Bostock v. Clayton County*, 590 U.S. \_\_\_\_ (2020)

OCT. 20: MID-TERM EXAMINATION

**NO READINGS**

OCT. 27: -Sexual Harassment  
-Movie: "North Country"

**READINGS**

"*Sexual Harassment*" (EEOC website)  
*Lehmann v. Toys 'R' Us, Inc.*, 132 N.J. 587 (1993)

NOV. 3: -Family & Medical Leave

**READINGS:**

*Gerety v. Hilton Casino Resort*, 184 N.J. 391 (2005)  
*Cruz v. Publix Super Markets, Inc.*, 428 F.3d 1379 (11<sup>th</sup> Cir. 2005)

NOV. 10: -Polygraphs & Psychological Testing

**READINGS:**

*Polkey v. Trane Corp.*, 404 F.3<sup>rd</sup> 1264 (11<sup>th</sup> Cir. 2005)  
*Karraker v. Rent Center Inc.*, No. 04-2881 (7<sup>th</sup> Cir. 2005)

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

**READINGS:**

*Nike, Inc. v. McCarthy*, 379 F.3d 576 (9<sup>th</sup> Cir. 2004)

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

NOV. 24: -Whistleblower Protection  
-Employment-related Torts

**READINGS:**

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

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

DEC. 1: -Privacy Issues at the Workplace

**READINGS:**

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

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

DEC. 8: FINAL EXAM (not cumulative)

*(Date revised: 07/19/2020)*