

EMPLOYMENT LAW
(Fall 2023)

Instructor: James M. Cooney, Esq.
Rutgers University, Labor Studies & Employment Relations Department, SMLR
Course #37:575:315 (3 Credits)
Class Meets “Live” Online - Saturdays, 9:00 AM – 12:00 PM (U.S. Eastern Time)
Tel: 848-932-8560; E-mail: jacooney@rutgers.edu
Virtual Office Hours: By appointment

Class Meeting Times: Classes will *meet virtually online via Zoom* at 9:00 AM on Saturdays. Attendance is required and will be taken each week.

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. See Canvas site for details.

Recording: Students are not permitted to videotape or otherwise record any lecture or course activity, absent prior express consent and authorization by the Instructor. See Canvas site for details.

Students With Disabilities & Other Policies: See Canvas site for details.

Class Schedule:

SEPT. 9: -Course Overview

NO READINGS

SEPT. 16: -Federal & State Court Systems
-Anatomy of an Employment Lawsuit
-Remedies
-Role of AI in the Law

READINGS:

“Understanding the Federal Courts”
“Remedies for Employment Discrimination”
“US judge orders lawyers to sign AI pledge”

SEPT. 23: -Employment at Will & Exceptions

READINGS:

Pierce v. Ortho Pharmaceutical
Woolley v. Hoffman-LaRoche

SEPT. 30: -Title VII; Equal Employment Opportunity Commission
-Proving Discrimination
-Race & Color Discrimination

READINGS:

McDonnell Douglas Corp. v. Green
Griggs v. Duke Power

OCT. 7: -Constitutional Issues

READINGS:

Pickering v. Board of Education
City of Ontario v. Quon

OCT. 14: -Sex Discrimination

READINGS

Bostock v. Clayton County

OCT. 21: MID-TERM EXAMINATION

NO READINGS

OCT. 28: -Sexual Harassment
-Movie: "North Country"

READINGS

"*Sexual Harassment*" (EEOC website)
Lehmann v. Toys 'R' Us, Inc.

NOV. 4: -Family & Medical Leave

READINGS:

Gerety v. Hilton Casino Resort
Cruz v. Publix Super Markets, Inc.

NOV. 11: -Polygraphs
-Disability Discrimination

READINGS:

Polkey v. Transtecs Corp.
Karraker v. Rent Center Inc.

NOV. 18: -Non-Compete & Confidentiality Agreements
-Drug Testing

READINGS:

Nike, Inc. v. McCarthy
Treasury Employees v. Von Raab

NOV. 25: NO CLASS (Thanksgiving Break)

DEC. 2: -Whistleblower Protection
-Employment-related Torts

READINGS:

Abbamont v. Piscataway Twp.

Taylor v. Metzger
DEC. 9: FINAL EXAM (not cumulative)

(Date revised: 08/15/2023)