

Employment Law

Instructor: Rosemarie Cipparulo, Esq.

Contact: Use Course Inbox Email Tool

Course Number: 37:575:315:T1

Semester: Summer 2023

Employment Law is a fully online course delivered on the Canvas Learning Management System (LMS.) Students requiring technical assistance should contact the help desk:

Need technical assistance?

Helpdesk: Rutgers Office of Information and Technology

Email: <https://it.rutgers.edu/help-support>

Call: 833-OIT-HELP

24 hrs./7 days a week

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

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 and employment relations.

Analyze a contemporary global issue in their field from a multi-disciplinary and intersectional perspective;

Analyze issues of social justice related to work across local and global contexts.

Professional Development – Demonstrate an ability to interact with and influence others in a professional manner, and to effectively present ideas and recommendations;

Develop effective presentation skills appropriate for different settings and audiences;

Develop capabilities to work and lead in a multicultural and diverse environment;

Work productively in teams, in social networks, and on an individual basis;

Develop cultural agility competencies;

Demonstrate lifelong personal and professional development skills.

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*. 4th Edition. West Nutshell Series. (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 topic 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 : Contemporary Issues: Employment Discrimination or Employee Rights. The class will submit their second writing assignment on June 11.

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.

All students must make 4 comments on the writing assignment 2.

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 10. 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 – 7: Assessed in the mid-term exam in week 7 of the class. Weeks 7 - 10: Assessed in the final exam in week 11.

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 90 minutes 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:** Four 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

859 – 800 Points = B

Good

899 – 860 Points = B+

759 – 700 Points = C

Satisfactory

799 – 760 Points = C+

Poor

699 - 600 Points = D

599 and below = F

POLICIES AND PROCEDURES

Class Sessions

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

The course begins on Tuesday, May 30.

A weekly message will be posted on the Announcements page by **12 pm every Tuesday**. Information about content or assignment procedure is available within the weekly message.

Due Dates

Writing Assignments must be completed by 11:59 pm Eastern Time the day the assignment is due.

Deadlines are listed on the course calendar.

Writing Assignment Late Penalties: up to 24 hours late (12 midnight - 11:59 pm) - 10% of the value of the assignment; up to 48 hours late (12 midnight – 11:59 pm) - 20% of the value 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. Because 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 Announcement and 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 Tuesday mornings. Students are advised to open and read the message on Tuesdays.

COURSE SCHEDULE

Weeks 1 - 2

Topic 1: Course Overview Reading

Syllabus, Calendar, Grading

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

Video

Instructor Welcome and Course Overview (Prof. Rosemarie Cipparulo)

Topic 2: Understanding the Court System

Reading

Internet Resource

"Understanding the Federal Courts" (<http://www.uscourts.gov/FederalCourts.aspx>)
[Links to an external site.](#) "Welcome to the New Jersey Court System" (<http://www.judiciary.state.nj.us/process.htm>)
[Links to an external site.](#))

Topic 3: Anatomy of an Employment Lawsuit

Reading

Sample Complaint filed in NJ Superior Court Internet Resource

"Civil Cases" (<http://www.uscourts.gov/FLinks to an external site.ederalCourts/UnderstandingtheFederalCourts/HowCourtsWork/CivilCases.Links to an external site.aspx>)

Video

Instructor Created Overview (Prof. James Cooney)

Assignment:

Choose Topic for Second Writing Assignment by June 6.

Writing Assignment #1 – by end of week 2 (11:59 p.m. June 12; Biography:
Introduction & Connection with Employment Law Topics

Week 3

Topic 1: Remedies

Reading

Nutshell, pp. 531-553

Video

Remedies (Prof. James Cooney)

Topic 2: 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

Employment at Will (Prof. James Cooney)

Week 4

Topic 1: 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>Links to an external site.)

Topic 2: Drug Testing

Reading

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

Assignment:

Forum #1 begins June 20. First comment due June 22 and all three comments due by 11:59 p.m. June 26.

Week 5

Topic 1: Title VII of the Civil Rights Act of 1964 [Reading](#)

Nutshell, pp. 229-264

Topic 2: 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>[Links to an external site.](#)

[Video](#)

EEOC (Prof. James Cooney)

Topic 3: 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)

Assignment:

Students should be working on Writing Assignment 2.

Week 6

Topic 1: National Origin Discrimination [Reading](#)

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

Topic 2: Disability Discrimination

[Reading](#)

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

[Video](#)

Disability Myths (Profs. Rosemarie Cipparulo and Lisa Schur)

Topic 3: 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 Part 1 (Prof. James Cooney) Religious Discrimination Part 2 (Prof. James Cooney)

Assignment:

Writing assignment 2 due by 11:59 p.m. July 10.

Week 7

Topic 1: Sexual Harassment and Discrimination Reading

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

Video

Sexual Harassment (Prof. Lisa Schur)

Mid-term exam

Exam open 12:01 a.m. July 20 – 11:59 p.m. July 22. Graded exam available after exam period closes.

Week 8

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:

Every student must make four Peer Comments on Writing Assignment 2 – 4 Comments by the end of week 8 – 11:59 p.m. July 24.

Week 9

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>Links to an external site.

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=20130022095250Links to an external site.

Video

Workplace Bullying (Prof. Rosemarie Cipparulo)

Topic 3: 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>Links to an external site.)

N.J. Attorney General, "The New Jersey Family Leave Fact Sheet"

(<http://www.state.nj.us/lps/dcr/downloads/flafactsheet.pdf>Links to an external site.)

Assignment:

Forum #2 opens at 12:01 a.m. July 25 and closes 11:59 p.m. August 1. First Comment due by July 27.

Week 10

Topic 1: Non-Compete & Confidentiality Agreements Reading

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

Topic 2: 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/Links to an external site.](http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1888620/Links%20to%20an%20external%20site)

Week 11

Final Exam Preparation/Complete Exam

Final exam open 12:01 a.m. Tuesday, August 8 through 11:59 pm Monday, August 10. Graded exam available after exam period closes.