

**IT 881 - CURRENT TOPICS IN INFORMATION TECHNOLOGY
AND EMPLOYEE BENEFITS*****TENTATIVE*
SYLLABUS
SPRING 2002**

INSTRUCTORS

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Welcome to Workplace Privacy. This seminar meets on ten Saturdays during the Spring 2002 Semester from 1:30pm – 4:30pm (please note dates listed below). We will explore this ever-changing area of law through discussions, hypotheticals, student presentations and perhaps a guest lecture or two. Your participation is essential. To receive credit for this seminar, you will need to complete three (3) written projects. The second project will also involve a brief in-class presentation.

COURSE DESCRIPTION

This seminar considers the historical foundation, regulatory mechanisms and current status of privacy rights in the workplace. We will examine a variety of issues concerning the gathering, use, dissemination and protection of information about employees and employers. Topics include:

- the use of personal information in hiring, promoting and firing employees,
- the use of personal information in awarding employee benefits,
- employee and applicant investigations and testing,
- employee monitoring and surveillance,
- confidentiality and access to personnel records, and much more.

COURSE MATERIALS

- The required textbook for this class is:

Amy L. Greenspan, *Employer's Guide to Workplace Privacy: a Handbook of Law and Strategy* (Summers Press 2001).

- Employee File:

During the second class meeting, you will be given an employee file that has been created specifically for this class. This file will serve as the basis for your assignments. Materials will be added to this file throughout the semester.

- Additional materials will be distributed prior to each class. Occasionally, on-line materials will be assigned. Topics and materials may be adjusted according to students' experience with and interests in workplace privacy issues.

Recommended texts:

Marc Rotenberg, *The Privacy Law Sourcebook 2002: United States Law, International Law, and Recent Developments* (Electronic Privacy Information Center, 2002). Available at the JMLS Bookstore.

How To Use The Federal FOI Act. Available at the JMLS Bookstore.

GRADES AND COURSE REQUIREMENTS

Grades will be based on class participation (20%) and three assigned projects (15%, 25%, and 40%).

ASSIGNMENTS – TBA

SYLLABUS

Class #1 (January 26, 2002 - 1:30pm) INTRODUCTION

In this overview, we will explore the various definitions and concepts of privacy, privacy rights, regulatory mechanisms and emerging privacy-related issues applicable to the workplace. We will look at how privacy issues arise throughout the “working life” of an individual.

Readings: Handouts emailed prior to first class.

Class #2 (February 9, 2002 - 1:30pm) FINDING THE LAW

This session will focus on the various statutory and other sources of law affecting workplace privacy issues.

Readings: Chapter 1 and handouts.

Class #3 (February 16, 2002 - 1:30pm) EMPLOYER’S USE OF APPLICANT AND EMPLOYEE INFORMATION

This class will focus on finding the appropriate balance between employer and employee interests in collecting, using and disseminating “personal information” about applicants or employees.

Readings: Chapter 3 and handouts.

1st project assigned.

Class #4 (February 23, 2002 - 1:30pm) APPLICANT AND EMPLOYEE INVESTIGATIONS

Here, we will examine the rights and responsibilities of both employers and employees in the use of various investigative techniques such as drug testing, polygraphs, genetic testing, etc.

Readings: Chapter 2 and handouts

Class #5 (March 9, 2002 - 1:30pm) EMPLOYEE MONITORING AND SURVEILLANCE

In this session, we will engage in a cost/benefit analysis of employer monitoring and surveillance of employee behavior and workplace productivity. We will also look at the various surveillance and monitoring methods and technologies used.

Readings: Chapter 4 and handouts

1st project due.

2nd project assigned.

Class #6 (March 23, 2002 – 1:30pm) USE AND MISUSE OF EMPLOYEES’ MEDICAL INFORMATION

This class will explore the collection, use and dissemination of employee health information. In particular, we will detail the federal regulations protecting the dissemination of medical information necessarily disclosed because of participation in a health insurance plan. Guest speaker(s)

Readings: Chapter 5 and handouts

Class #7 (April 13, 2002 – 1:30pm) FRINGE BENEFITS AND CONTROL OF EMPLOYEES’ WORKPLACE CONDUCT

Here, we will discuss the privacy implications of such fringe benefits as the use of a company car or laptop computer. In addition, we’ll debate whether and to what extent an employer can control an employee’s conduct in the workplace. Topics may include dress codes, smoking policies, restricting break-time activities, etc. Guest speaker(s)

Readings: Handouts

2nd project presentations.

Class #8 (April 20, 2002 – 1:30pm) EMPLOYEES' PRIVATE CONDUCT

This session will attempt to answer questions relating to the degree of control an employer can exercise over an employee's conduct outside of the workplace. Topics may include whether an employer can legally hire, fire or discipline someone for "lifestyle" choices, personal relationships between co-workers, use of alcohol, political activities, etc.

Readings: Chapter 6 and handouts

2nd project presentations continued.

Class #9 (April 27, 2002 – 1:30pm) THE EMPLOYEE'S SIDE

This class will focus on employee rights. We will examine the litigation process of a privacy case from the plaintiff/employee's perspective. Guest speaker(s).

Readings: Handouts

2nd project presentations continued.

Class #10 (May 4, 2002 – 1:30pm) PRACTICE TIPS/HOT TOPICS

In this final class, we will offer some practice tips and discuss current controversies, trends and other issues not covered in previous classes.

Final project assigned.

Due Date for final project is 5:00pm on Monday, May 13, 2002.