LRC Research Training

Employment Law & Technology seminar
Spring 2020

LRC Reference Desk:
(619) 260-4612
lrcrefer@sandiego.edu
What we will cover

• Picking a paper topic
• Literature review
  • Evaluating sources
  • Books & articles
  • Law and other disciplines
  • USD and other libraries
• Note-taking tools and techniques
  • Perma.cc
PICKING A PAPER TOPIC
News & blogs

news.google.com

Hit a paywall?

- Check library catalog
- Lexis & Factiva have thorough news archives

Google News
Reliable Sources

Evaluate sources for:

- **Authority** – author is identified, reputable, credentialed
- **Objectivity** – fairness, lack of bias
- **Accuracy** – provides references to sources, verifiable
- **Scope** – relevant to your topic and argument
- **Currency** – may vary by topic, but make sure you know the current state of thinking in your field (even if it’s rooted in older writings)
Current Awareness Tools

Current news by practice area

- Bloomberg Law: several relevant practice centers
- Westlaw/PLC: Labor & Employment
- Lexis: several relevant practice centers

Circuit splits

- Bloomberg Law > Law School Success > Law Reviews & Journals
Privacy & Data Security: In Focus

General Data Protection Regulation
The GDPR creates a single EU-wide law on data protection intended to increase legal certainty for individuals, businesses, and data protection authorities.

California Consumer Privacy Act
The CCPA creates new consumer privacy rights and establishes a private right of action for security breaches and potential statutory damages per consumer, per incident.

Broadband Privacy
The repeal of FCC regulations that would have increased broadband customer control over personal information has prompted states to consider restrictions on ISPs' use of customer personal data.

NYDFS Cybersecurity Regulations
Certification of compliance with cybersecurity-related regulations adopted by NYDFS is required and enforceable effective February 15, 2019.
International Privacy Profiles
Evaluate the regulatory landscape in more than 65 jurisdictions.

Type name or select "All Countries" to search database.

U.S. State Privacy Profiles
Access detailed treatment of state laws and regulations in our growing collection.

Type name or select "All States" to search database.

Legal Analysis
<table>
<thead>
<tr>
<th>Top Sources</th>
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</thead>
<tbody>
<tr>
<td>Cases</td>
</tr>
<tr>
<td>Statutes</td>
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<tr>
<td>Litigation Resources</td>
</tr>
<tr>
<td>Federal and State Briefs and Motions, Combined</td>
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<tr>
<td>Federal and State Pleadings, Combined</td>
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<tr>
<td>Mega Verdicts &amp; Settlements</td>
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<tr>
<td>Arbitration Decisions</td>
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<tr>
<td>Administrative Regulations and Materials</td>
</tr>
<tr>
<td>Secondary Sources</td>
</tr>
<tr>
<td>Matthew Bender Forms &amp; Checklists</td>
</tr>
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<table>
<thead>
<tr>
<th>Practical Guidance</th>
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<tbody>
<tr>
<td>Lexis Practice Advisor®</td>
</tr>
<tr>
<td>Access practical guidance including practice</td>
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<tr>
<td>notes, forms, checklists, and articles</td>
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| Labor & Employment Practice Area               |
|                                                |

<table>
<thead>
<tr>
<th>Key Topics</th>
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<tbody>
<tr>
<td>Americans With Disabilities Act</td>
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<tr>
<td>Collective Bargaining &amp; Labor Relations</td>
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<tr>
<td>Disability Discrimination</td>
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</table>
# Labor & Employment

Search all Labor & Employment above or navigate to specific content below.

<table>
<thead>
<tr>
<th>TOPICS</th>
<th>RESOURCE TYPES</th>
<th>JURISDICTIONS</th>
</tr>
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<tbody>
<tr>
<td>Contracts</td>
<td>Leave Law</td>
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<tr>
<td>Corporate Transactions &amp; Bankruptcy</td>
<td>Policies &amp; Procedures</td>
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<tr>
<td>Discipline &amp; Internal Investigations</td>
<td>Recruitment &amp; Hiring</td>
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<tr>
<td>Discrimination, Harassment &amp; Retaliation</td>
<td>Restrictive Covenants, Confidentiality &amp; IP</td>
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<tr>
<td>Employee Data, Monitoring &amp; Privacy</td>
<td>Termination, Layoffs &amp; Plant Closings</td>
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<tr>
<td>Employment Litigation</td>
<td>Unions</td>
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<tr>
<td>Health &amp; Safety</td>
<td>Wage &amp; Hour Law</td>
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<td>Immigration</td>
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### RESOURCES

#### What's Market

Summaries, analysis, and custom reports covering a range of employment-related agreements.

Access Now

#### Multi-State Charts

Resources to help employers see how state laws vary on specific labor and employment law issues.

Access Now

#### Global Guides and Cross-Border Topics

Resources on global Labor & Employment law and practice.
State Q&A
State-specific Labor & Employment resources and comparison tools. Examples include:
- Background Check Laws
- Leave Laws
- Non-Compete Laws
- Wage & Hour Laws

Recent Labor & Employment Updates

**Employer's Destruction of Requested Video Surveillance Should Preclude Nonexistence Defense in Failure to Provide Information Case: NLRB Division...**  
1/21/2020

In Greektown Casino, LLC, the Division of Advice of the National Labor Relations Board's (NLRB) Office of the General Counsel released an advice memorandum dated December 20, 2019 concluding that an unfair labor practice (ULP) complaint should issue against the employer for failing to provide...

**What's Market Executive Employment Agreements for the Week Ending January 22, 2020**  
1/21/2020

A list of executive employment agreement summaries recently published by What's Market. What's Market provides a continuously updated database of executive employment agreements that allows you to search agreements using filters, such as the employer's industry, the executive's position, and the...

**Registered Nurses Working in Non-Clinical Roles May Qualify for Professional Exemption Under the FLSA: Second Circuit**  
1/15/2020
<table>
<thead>
<tr>
<th>Practice areas</th>
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</thead>
<tbody>
<tr>
<td>Admiralty &amp; Maritime</td>
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<tr>
<td>Antitrust*</td>
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<tr>
<td>Bankruptcy*</td>
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<tr>
<td>Capital Markets*</td>
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<tr>
<td>Commercial Law</td>
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<tr>
<td>Construction Law</td>
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<tr>
<td>Corporate Counsel*</td>
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<td>Corporate Governance*</td>
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<td>Corporations</td>
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<td>Criminal Law</td>
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<td>Data Privacy*</td>
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<td>Employee Benefits &amp; Executive Compensation</td>
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<td>Employment*</td>
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<td>Energy &amp; Environment*</td>
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<td>Estate Planning</td>
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<td>Family Law</td>
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<td>Finance &amp; Banking*</td>
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<td>Government Contracts</td>
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<td>Health Law*</td>
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<td>Immigration*</td>
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<td>Insurance Law*</td>
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<tr>
<td>Intellectual Property*</td>
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<tr>
<td>Medical Litigation</td>
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<tr>
<td>Mergers &amp; Acquisitions*</td>
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<tr>
<td>Military Law</td>
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<td>Municipal Law</td>
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<tr>
<td>Native American Law</td>
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<td>Pension &amp; Retirement Benefits</td>
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<td>Products Liability*</td>
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<td>Real Property</td>
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<td>Securities Enforcement &amp; Litigation*</td>
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<tr>
<td>Tax*</td>
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<tr>
<td>Workers Compensation</td>
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</table>

* Practitioner Insights
Employment

Search all Employment above or browse to specific content below.

Employment Resources

- Select all content
- No items selected
- Clear Selection
- Specify content to search

- Cases
- Trial Court Orders
- Statutes & Court Rules
- Regulations
- Sample Agreements
- Administrative Decisions & Guidance
- Practical Law
- Secondary Sources
- Forms
- Briefs
- Trial Court Documents
- Expert Materials
- Jury Verdicts & Settlements
- Proposed & Enacted Legislation
- Proposed & Adopted Regulations
- Arbitration Materials

Practitioner Insights for Employment

Employment Analysis

NLRB Permits, Again, Employers to Restrict Use of Email – Maybe
JD Supra (Blog)
LITERATURE REVIEW
A survey of books, scholarly articles, and any other sources relevant to a particular issue, area of research, or theory.

- Helps you formulate your thesis and locate your arguments within the larger field of study.
Reliable Sources

- Evaluate sources for:
  - **Authority** – author is identified, reputable, credentialed
  - **Objectivity** – fairness, lack of bias
  - **Accuracy** – provides references to sources, verifiable
  - **Scope** – relevant to your topic and argument
  - **Currency** – may vary by topic, but make sure you know the current state of thinking in your field (even if it’s rooted in older writings)
BOOKS
www.sandiego.edu/law/library

Search LRC

Search Catalog  Databases A-Z  By Subject

employee privacy in workplace

Library Account | Classic Catalog | Find Legal Journals | Course Reserves | Past Exams

UPCOMING EVENTS

JAN 24
VITA Training
Wednesday, January 24, 2018 // 5 P.M.
Pardee Legal Research Center, Main Computer Lab, room 122

Week hours
January 21st - 27th

- Library
  Today's hours: 8 a.m. - 12 a.m.
  + View more hours

- Reference
  Today's hours: 12 p.m. - 4 p.m.

Sorry we are offline, but le...
Searching the catalogs

**USD’s online catalog** find items located in the LRC and also in the Copley Library collection.

- Remember that the catalog can be used to find not just materials in our print collection, but it also provides direct access to materials in our subscription databases, and it also links to websites!

- You can search **USD’s online catalog** from LRC’s homepage
Results 1 - 25 of 31 for employee privacy in workplace

Refine by:

- Format
  - PRINT BOOK (17)
  - E-Books (11)
  - MICROFM BOOK (2)
  - CD-ROM (1)

- Location
  - Copley Library (6)
  - Legal Research Center (25)

- Search Found In
  - Title (15)
  - Subject (3)

- Availability
  - At the library (31)
  - Online (11)

- Collection
  - Electronic Publications (12)
  - Books (28)

1. Employment and labor law: resource materials / editor-in-chief, Peter M. Fankén
   PRINT BOOK | 1995
   Available at LRC Reading Room (KF3319.3 .E47 1995 v.1) plus 1 more

2. Your rights in the workplace / Barbara Kate Repa, J.D
   PRINT BOOK | 2014
   Available at LRC Reading Room (KF3455 .R47 2014)

3. Perspectives on privacy: increasing regulation in the USA, Canada, Australia and European countries / edited by Dieter Dörr and Russell L. Weaver
   PRINT BOOK | 2014
   Available at LRC Reading Room (K3264.C65 P47 2014)
Searching the catalogs

Circuit Catalog:

- USD is a member of a library consortium, the Circuit
- borrow materials from SDSU, UCSD, Cal State San Marcos, & the San Diego County & City Libraries.
- greatly increases the universe of materials that are accessible to you!
- delivered to LRC in 24–48 hrs.—pickup at Circulation desk

Access: You can link to the Circuit catalog through Sally (click on the hyperlinked Circuit logo) or go to:
http://circuit.sdsu.edu
Circuit

58 results found. Sorted by relevance | date | title.

KEYWORDS (1-50 of 58)

1. Computers in the workplace: employer surveillance vs. employee right to privacy
   1 videocassette (97 min.): sound, color;

2. The employer's legal handbook
   Steingold, Fred S., 1936- author.
   Berkeley, California: Nolo, [2017]
   482 pages;

3. Insider threat: prevention, detection, mitigation, and deterrence
   Gelles, Michael G.
   1 online resource

4. The employer's legal handbook
   Steingold, Fred S., 1936- author.
   Berkeley, California: Nolo, 2015.
   481 pages;

5. Perspectives on privacy: increasing regulation in the USA, Canada, Australia and European countries

Basic Search Tips
Keyword
Title
Author
Subject

Advanced Search
Advanced Keyword

Other Searches
Biomedical Subject (Medical Subject Headings)
Children's books by subject
Genre

Number Searches
LC Call No.
Dewey Call No.
Government Document No.
OCLC No.

Search Help
Search Help
Searching the catalogs

Interlibrary Loan (ILL):

• If you can’t find an item at USD or through the Circuit, we may be able to get it through interlibrary-loaned from another library
• Check [http://www.worldcat.org](http://www.worldcat.org) or come ask a reference librarian
• Delivered to LRC anywhere from 3 days to 3 weeks—make your request early!

[http://www.sandiego.edu/law/library/find-resources/ill/](http://www.sandiego.edu/law/library/find-resources/ill/)
LAW ARTICLES
Law articles

- Lexis
- Westlaw
- Google Scholar

Unpublished or forthcoming
- SSRN
- Bepress
employee workplace privacy

Articles  Case law

Recommended articles

Competency-Based Education: A Framework for a More Efficient and Safer Aviation Industry
F. Mendonca, J. Keller, B. Dillman

See all recommendations

Stand on the shoulders of giants
Workplace privacy: Employee relations and legal implications of monitoring employee e-mail use

BA Friedman, LJ Reed - Employee Responsibilities and Rights Journal, 2007 - Springer

The tradeoff between employees' workplace privacy and employers' need to protect company assets, safeguard proprietary information, and avoid costly litigation has been receiving increased attention (Lee and Kleiner 2003; Mello 2003; National Workplace ... "

E-monitoring in the workplace: privacy, legislation, and surveillance software


... advances. This article examines the employer/employee workplace privacy relationship, identifies the existing federal and state law governing workplace privacy, and discusses the rapidly developing monitoring software market ...

Employee perceptions of invasion of privacy: A field simulation experiment.

PD Tolchinsky, MK McCuddy, J Adams... - Journal of Applied ..., 1981 - psycnet.apa.org

... Page 6. EMPLOYEE PRIVACY 313 variables we have introduced here as well as other variables yet to be included ... Reference Notes 1. McChriston, B. Testimony at Department of Labor hearings on workplace privacy. Washington, DC, January 7, 1980 ...

Workplace surveillance and employee privacy: Implementing an effective computer use policy

S Cox, T Goette, D Young - Communications of the IIMA, 2005 - scholarworks.lib.csusb.edu

Organizations face growing liability with regard to employee use of electronic resources. To mitigate the risk of liability, companies must develop and implement a computer-use policy outlining proper use of organizational electronic resources. This paper examines critical ...
1. **Employee Monitoring in the Digital Era: Managing the Impact of Innovation**

   *2019 ENTRENOVA Conference Proceedings,*
   Number of pages: 10  •  Posted: 12 Dec 2019

   **Cliona McParland** and **Regina Connolly**
   Dublin City University and Dublin City University
   Keywords: privacy, monitoring, trust, surveillance, empowerment, workplace, behaviours

2. **Data Mining and the Challenges of Protecting Employee Privacy Under U.S. Law**

   *40 Comp. Labor Law & Pol'y Journal 405 (2019),*
   Number of pages: 17  •  Posted: 16 Oct 2019

   **Pauline Kim**
   Washington University in St. Louis - School of Law
   Keywords: privacy, employment, workplace privacy, algorithms, AI, data mining, personal information
Search strategies

- Use multiple search techniques
  - keyword (natural language & Boolean)
  - subject
  - browse
- Ask a librarian
- Build from the sources you’ve already found
  - look at sources cited by those sources
  - use a citator (Shepard’s or KeyCite) to find sources that have cited to sources you’ve already found
1996 article by Kim

PRIVACY RIGHTS, PUBLIC POLICY, AND THE EMPLOYMENT RELATIONSHIP

Pauline T. Kim Ohio State Law Journal (Approx. 62 pages)

Document Citing References (80) Table of Authorities Powered by KeyCite

57 Ohio St. L.J. 671
Ohio State Law Journal 1996
Pauline T. Kim

Copyright (c) 1996 by the Ohio State University; Pauline T. Kim

PRIVACY RIGHTS, PUBLIC POLICY, AND THE EMPLOYMENT RELATIONSHIP

Two well-established common law doctrines increasingly are coming into conflict. The first protects individuals from unreasonable intrusions on their privacy. The second authorizes an employer to fire its employees at will, unless a clear agreement exists to the contrary. As employees have begun to assert their common law right of privacy in the workplace, their claims have collided headlong with the doctrine of employment at will.

The conflict became apparent during the legal struggles over the permissibility of drug testing of employees. In Rains v. Rains County Hospital, 535 S.E.2d 91 (N.C. 2000), the North Carolina Court of Appeals held that employees have a privacy interest in testing for drugs in the workplace.

SELECTED TOPICS

Labor and Employment
Adverse Employment Action
Employee Wrongful Discharge in Violation of Public Policy

Secondary Sources
s 1:7. Employment-at-will doctrine—Judicial erosion-Specific public policy exceptions
Oh. Empl. Prac. L. § 1:7
...A large number of states, including Ohio, have judicially adopted a public policy exception to employment-at-will, in addition to or in lieu of the contract and/or estoppel exceptions. These decisions ...

s 65. Liability for wrongful discharge of at-will employee under workplace or public safety policy and whistleblower statutes
39 Ohio Jur. 3d Employment Relations § 65
...Under the public policy exception to the doctrine of employment-at-will for purposes of an action for the wrongful termination of an at-will employee, the Ohio public policy favoring workplace safety...
Recent articles that cite Kim

<table>
<thead>
<tr>
<th>Title</th>
<th>Date</th>
<th>Type</th>
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<tr>
<td>1. 42 Causes of Action 2d 255, Cause of Action to Recover Damages for Invasion of Private Sector Employees’ Privacy by Intrusion Upon Seclusion</td>
<td>2017</td>
<td>Other Secondary Source</td>
<td></td>
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<tr>
<td>This article analyzes actions to recover damages for invasion of privacy by private sector employees against their employers and related and alternative claims. This article’s...</td>
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<tr>
<td>The leading Ohio case on invasion of privacy is Housh v. Peth. Housh established the three varieties of invasion of privacy recognized in Ohio: Unwarranted appropriation or...</td>
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<tr>
<td>3. Restatement of Employment Law s 7.07, Discharge in Retaliation for Refusing Privacy Invasion</td>
<td>2017</td>
<td>Other Secondary Source</td>
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<td>Restatement of Employment Law</td>
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<td>An employer who discharges an employee for refusing to consent to a wrongful employer intrusion upon a protected employee privacy interest under this Chapter is subject to...</td>
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<tr>
<td>4. Restatement of Employment Law s 7.07 PFD, s 7.07. Discharge in Retaliation for Refusing Privacy Invasion</td>
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<td>Restatement of Employment Law</td>
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ARTICLES FROM OTHER DISCIPLINES
Results

- Anthropology
- Art, Architecture & Applied Arts
- Biographical Information
- Biological Sciences
- Business & Economics
- Chemistry, Physics & Mathematics
- Communication & Media Studies
- Earth & Environmental Sciences
- Education
- Engineering & Computer Science
- Ethnic Studies
- History

- Languages & Literatures
- Law
- Library Science
- Music, Dance & Theatre
- News
- Nursing & Health Sciences
- Philosophy
- Politics & Government
- Psychology
- Reference
- Sociology
- Theology & Religious Studies
A few most relevant databases

Academic Search Premier
JSTOR
Oxford Scholarship Online
EconLit
Other libraries

• You may be able to access subscription databases available at other libraries by visiting campus (UCSD, SDSU)
WEB TOOLS
Link rot

Ohh... You have requested the page that is no longer there.
WASHINGTON — Supreme Court opinions have come down with a bad case of link rot. According to a new study, 49 percent of the hyperlinks in Supreme Court decisions no longer work.

This can sometimes be amusing. A link in a 2011 Supreme Court opinion about violent video games by Justice Samuel A. Alito Jr. now leads to a mischievous error message.

“Aren’t you glad you didn’t cite to this Web page?” it asks. “If you had, like Justice Alito did, the original content would have long since disappeared and someone else might have come along and purchased the domain in order to make a comment about the transience of linked information in the Internet age.”

Avoiding link rot

The Wayback Machine

Perma.cc

Perma.cc

Websites change. Perma Links don’t.
Up your Google game

The super secret Google Advanced Search page

- Limit your results
  - region
  - specific website, or portion of a website
  - domain type
  - file type
  - exclude terms
ADMINISTRATIVE LAW
Promulgating regulations

- Agency drafts proposed regulations
- Publish proposed regulations in the Federal Register (Fed. Reg. or F.R.)
- Opportunity for public comment
- Agency drafts final regulations
- Publish notice of final regulations in Federal Register
- Codify the final regulations in the Code of Federal Regulations (C.F.R.)
## Administrative law documents

<table>
<thead>
<tr>
<th>Regulations</th>
<th>Advisory &amp; guidance documents</th>
<th>Decisions &amp; Adjudications</th>
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<tr>
<td>Code of Federal Regulations (C.F.R.)</td>
<td>Varies widely across agencies</td>
<td>Varies widely across agencies</td>
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<td>Federal Register</td>
<td>Check agency website, Westlaw, Lexis, BloombergLaw</td>
<td>Check agency website, Westlaw, Lexis, BloombergLaw</td>
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<td>FDsys, Westlaw, Lexis, BloombergLaw</td>
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<tr>
<td>Regulations.gov for proposed regulations</td>
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</table>
The Federal Government is shut down due to a funding lapse. Congressional materials will continue to be processed and posted to FDsys/govinfo. Federal Register services will be limited to documents necessary to safeguard human life, protect property, or provide other emergency services consistent with the performance of functions and services exempted under the Antideficiency Act. The remaining collections on FDsys/govinfo are not being updated and will resume after funding is restored. We apologize for any inconvenience this may cause.
Make a difference. Submit your comments and let your voice be heard.

What's Trending

- Retention of EB-1, EB-2, and EB-3 Immigrant Workers and Program Improvements Affecting High-Skilled Nonimmigrant... Closing on Feb 29, 2016
- Instructions on Filing a Submission to FAA for applications, petitions, exemptions, and any other items for which a... 
- Protection of Stratospheric Ozone: Update to the Refrigerant Management Requirements under the Clean Air Act Closed on Jan 25, 2016
- Agency Information Collection Activities: Proposals, Submissions, and Approvals: Reporting Requirements for Responsible... Closed on Jan 25, 2016
- Regulatory Impact Assessment and Initial Regulatory Flexibility Analysis Regarding the Customer Due Diligence... Closed on Jan 25, 2016

Comments Due Soon
- Today (19)
- Next 3 Days (102)
- Next 7 Days (200)
- Next 15 Days (392)
- Next 30 Days (682)
- Next 90 Days (1,007)

Newly Posted
- Today (118)
- Last 3 Days (167)
- Last 7 Days (511)
- Last 15 Days (971)
- Last 30 Days (1,820)
- Last 90 Days (5,535)
Agency websites

There are hundreds of federal agencies. Here’s an index of federal agencies or just Google the name:

http://www.washlaw.edu/doclaw/executive5m.html

Agency websites are a wealth of information, including links to recent bills, statutes, regulations, and decisions

Agency materials are also available on Westlaw, Lexis, and BloombergLaw
NOTE-TAKING TOOLS & TECHNIQUES
Why good note-taking is important

• Bolster your argument
• Avoid inadvertent plagiarism
• Save yourself time and trouble when creating citations
What to look for

- Reference manager
- Citation support for Bluebook style
- Organize and annotate PDFs and other digital content
- Fits your research style--something you will use!!
Note-taking apps

- Evernote
- Google Drive
- Microsoft OneNote
- Dropbox
- Box
Web content management

- Evernote
- Xmarks: The #1 Bookmarking Add-on
- Microsoft OneNote: Keep tabs on your life. LiveSide.net
- diigo
- Delicious
Document AND citation management

Typical features include:

• Free or premium upgrade
• Web, client, mobile apps
• PDF storage & annotation
• Cloud & local storage
• Web content capture
• Citation style ("bibliographic utility")
Note-taking tips

If you cut & paste text from another source to look at later, immediately mark it as copied text & include citation info.
Summarizing & Paraphrasing

• Try to do it without looking at the source material
• Not enough to change a few words around, or substitute synonyms
• You literally have to rewrite the material using your own words
Citing the best source

• Don’t rely on Source A to tell you what Source B says – go back to the original
  • Don’t cite Scholar A to tell your reader what Scholar B argued
  • Don’t cite a book or an article to tell your reader what a case held
  • Don’t cite a case to tell your reader what the statute says
Research log

• Keep a log of where you’ve searched and what search terms you used (not just what you found)
• This will save you time later
Sources & additional resources

Comparing reference managers:

- https://www.library.wisc.edu/services/citation-managers/comparison-chart
- http://library.law.yale.edu/research-management-and-citation

Setting up Bluebook style:

- https://www.law.georgetown.edu/library/research/citation-tools/bluebook.cfm
Contact us

Drop by the desk:
- M–Th 9am–6pm
- F 9am–5pm
- Su noon–4pm

Email: lrcrefer@sandiego.edu
Chat: www.sandiego.edu/law/library

Call: (619) 260-4612

Jane Larrington (619) 260-4766 or jlarrington@sandiego.edu