SYLLABUS

LABOR LAW
Spring Semester 2009

Class Time: W, F 12:30-1:45

Room: 103

Required Texts: Cox, Bok, Gorman and Finkin, LABOR LAW, Cases and Materials 14th (Foundation Press, 2006)

2008 Cases and Statutory Supplement to above casebook.

Recommended Treatises: While there are many study aids for Labor Law, I recommend the following two books:

Gorman and Finkin, Labor Law- Basic Text 2nd (Thomson/West, 2004)


Attendance: You should consult Law School Academic Rule 1-110 and the Law School Attendance Policy. These may be viewed on the Law School website. In Labor Law, I will circulate an attendance sheet as required by the policy. More than 4 absences may result in withdrawal from the class with a “W.” IF you become aware of a problem that will affect your attendance, you should inform me as quickly as possible.

Goals and Objectives: Labor Law is in several ways a somewhat unusual area of law. It is a modern statutory course, based primarily upon federal law. However, the statute is short, not very detailed, and the law is dominated by opinions issued by both the agency charged with enforcing the law and by federal courts. Also, the administrative process under the National Labor Relations Act is unusual. Cases begin with regional hearings, and advance to hearings before the National Labor Relations Board (“NLRB”). If the losing party resists the NLRB’s order, the case then goes directly to a federal court of appeals. Where the circuits are in conflict, the case may then go to the U.S. Supreme Court. One major goal is to understand the way this process works, not only to learn the procedure, but also to see how this process affects the development of the substantive law.
A second unusual feature of Labor Law is that the NLRB, the Agency charged with enforcement, has broad authority to “develop” law through case by case adjudication, and it has resisted using its rule making powers. A second goal of the course is thus not only to learn the basic rules, but to understand how this doctrine has developed over time using a few basic statutory policies.

A third unique feature of labor law is its orientation, not to labor standards, but to the process of labor relations. The law does not determine wages, but rather sets up a structure by which workers may, if they desire, participate as a group in the setting of wages or other terms of employment. This law facilitates an unusual combination of industrial democracy and collective action. Hence it is a goal of the course to understand this system of industrial relations in addition to the law itself.

Finally, a mature labor system usually features negotiation of collective bargaining agreements and arbitration of grievances to settle contract disputes. It is therefore a major goal of the course to understand the basic ways negotiation and arbitration are utilized to achieve the policy goals underlying our system of industrial relations.

Using the supplement: Syllabus assignments are from your casebook, and major cases from the supplement. You should regularly follow the supplement for shorter notes which supplement the law as we go. Although the cases “make” much of labor law, it is the statute that provides the starting place. You should use the supplement as you prepare for class, referring to statutory language frequently. You should also have the supplement available for reference during class.

Grading: Your grade will be based upon a three hour final examination, and upon class participation. The examinations will be graded anonymously, using the regular Hamline grading system, Academic Rule 1-107. The final grade may then be increased by one-half a grade based upon class participation that demonstrates a better grasp of the subject than that demonstrated on the examination.

Class preparation: You should, of course, be prepared in each class to discuss the cases. Also, you should work through the problems for discussion following the cases, also as they are a major part of this casebook.

Laptops: Laptops are permitted in class for appropriate uses. I assume that you know what uses are appropriate (and inappropriate).

Assignments:

1. Wednesday, January 21
   History and Evolution of Labor Laws
   Text pages 1-37

2. Friday, January 23
   Continuing Evolution of Labor Laws
   Text pages 37-67
3. Wednesday, January 28
Modern Statutes
Text pages: 72-111

4. Friday, January 30
The Right of Self Organization
Text Pages 112-144

5. Wednesday, February 4:
Election Propaganda
Text 144-178
Supplement page 7-35

6. Friday, February 6:
Election Interference
Text 178-200

7. Wednesday, February 11:
Employer Domination
Text 220-229

8. Friday, February 13:
Discrimination
Text 229-260

9. Wednesday, February 18:
Remedies for UFLP’s and Selecting the Union
Text 260-299

10. Friday, February 20:
Securing A Union Through UFLP Claim
Text 299-337

11. Wednesday, February 25:
Securing A Union Through UFLP Claim
Text 337-353
Supplement 39-59

12. Friday, February 27:
(Cont.)
Text 354-373
   Text 374-400

14. Friday, March 6: Collective Bargaining  
   Text 400-427

15. Wednesday, March 11: Subjects of Bargaining  
   Text 427-452

16. Friday, March 13: Subjects of Bargaining  
   Text 452-474

17. Wednesday, March 18: Subjects of Bargaining  
   Text 474-505

18. Friday, March 20: Role of the Strike and Bargaining Remedies  
   Text 505-530

19. Wednesday, April 1: Strikes and Picketing  
   Text 531-564

20. Friday, April 3: Strikes (Cont.)  
   Text 564-585

21. Wednesday, April 8: Employer Responses  
   Text 585-613

22. Wednesday, April 15:  
   Text 613-638

23. Friday: April 17: Organizational Picketing  
   Text 671-691

24. Wednesday, April 22: Secondary Boycotts
25. Friday, April 24:
Secondary Boycotts
Text 691-719

26. Wednesday, April 29:
Administration of CBA’s
Text 719-750

27. Friday, May 1:
Judicial Enforcement of Arbitration
Text 809-839

28. Tuesday, May 5:
Duty to Bargain During CBA
Text 914-937