

SYLLABUS

LABOR LAW
Spring Semester 2009

Professor Martin

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)

Higgins, The Developing Labor Law 5th with 2007 and 2008 Supplements
(BNA Books, 2006)

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

<u>13. Wednesday, March 4:</u>		Negotiating A Collective Bargaining Agreement Text 374-400
<u>14. Friday, March 6:</u>		Collective Bargaining Text 400-427
<u>15. Wednesday, March 11:</u>		Subjects of Bargaining Text 427-452
<u>16. Friday, March 13</u>		Subjects of Bargaining Text 452-474
<u>17. Wednesday, March 18:</u>		Subjects of Bargaining Text 474-505
<u>18. Friday, March 20:</u>		Role of the Strike and Bargaining Remedies Text 505-530
	Spring Break	
<u>19. Wednesday, April 1:</u>		Strikes and Picketing Text 531-564
<u>20. Friday, April 3:</u>		Strikes (Cont.) Text 564-585
<u>21. Wednesday, April 8:</u>		Employer Responses Text 585-613
	Easter Break	
<u>22. Wednesday, April 15:</u>		Text 613-638
<u>23. Friday: April 17:</u>		Organizational Picketing Text 671-691
<u>24. Wednesday, April 22:</u>		Secondary Boycotts

Text 691-719

25. Friday, April 24:

Secondary Boycotts

Text 719-750

26. Wednesday, April 29:

Administration of CBA's

Text 809-839

27. Friday, May 1:

Judicial Enforcement of Arbitration

Text 839-873

28. Tuesday, May 5:

Duty to Bargain During CBA

Text 914-937