AMERICAN LABOR LAW  
37:575:340:02 (3 Credits) 

RUTGERS SCHOOL OF MANAGEMENT AND LABOR RELATIONS  
FALL 2013  

Professor Contact Information 

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Editor Adjunct Law Profs Blog  
http://lawprofessors.typepad.com/adjunctprofs/  

Most students will find me very accessible. I do not have set office hours. If a student wants to meet with me, please send me an email and we can make arrangements to meet either before or after class. 

Class Location and Times  

Monday evening from 7:40 pm-10:30 pm  
College Avenue Campus-Scott Hall Rm. 203  

September 9, 16, 23, 30  
October 7, 14, 21, 28  
November 4, 11, 18, 25  
December 2, 9 [FINAL EXAMINATION IN CLASS]  

Required Text  


   Students are required to bring the text to class in whatever format they decide to purchase the text. You can purchase the actual book, an e-book, or rent the book at a substantial savings from the publisher (your choice) Of course, you might be able to find a used book online and I will encourage the bookstore to order used copies. Please make sure that you purchase the correct edition.  

2. Cases and Materials cited herein available on Rutgers SAKAI, http://skai.rutgers.edu Students are required to bring these materials to class as well.  


Course Overview

The course will cover the historical development of American Labor Law and provide a comprehensive analysis of areas of jurisdiction, election procedures, filing of unfair labor practices, discrimination due to union participation, strikes and lock-outs, duty of fair representation, arbitration and public-sector labor law. The goal of the course is to educate students about the fundamentals of American Labor Law, to discuss the implications of the law in current events and to introduce students to the practice of law.

This class is designed to provide practical information which students should find useful if they decide upon a career in management and labor relations and/or decide to go to law school. Most importantly, I hope that students not only learn the material, but find the class enjoyable and the readings interesting.

Course Requirements

You are required to read the assigned material before class and to always be prepared. It goes without saying that you should not be absent or late. If you are late or leave early, you will be charged with ½ of an absence.

Students are strongly encouraged to participate in class discussions. Your class participation as well as attendance are part of your final grade. Students are encouraged to take careful notes and are permitted, but not required, to share class notes with each other. If a student finds practicing on prior exams helpful there is an interactive quiz which you may take on the book publishers web site, but please do not email me your results as it will not be graded. You are not required to take this interactive quiz. Another way to prepare for the examinations is to answer the questions in back of each chapter. I suggest, but do not require, that you go over these questions with other classmates.

Evaluation and Grading

1. Participation, Attendance and Current Events- 25%

Labor Relations issues are an important part of the political debate that is going on in this country. This is a particularly exciting time to take American Labor Law. Accordingly, I plan to incorporate current event topics from time to time into class. To that end, students are strongly encouraged to voluntarily bring to the classes attention important developments that relate to labor relation and law. The New York Times, www.nytimes.com (and specifically reporter Steven Greenhouse) often generates articles about important topics. Another way to find relevant material is to review some of the various blogs that are on the internet such as mine, Adjunct Law Prof Blog, http://lawprofessors.typepad.com/adjunctprofs/ or Workplace Prof Blog, http://lawprofessors.typepad.com/laborprof_blog/ Students interested in public

If you want to help lead a discussion (and thereby, potentially increase your grade) about a current events topic, please let me know at least 72 hours in advance. There is no guarantee that we will be able to incorporate your topic or that it will be relevant to the class. It is doubtful that a student can get a B+ or better without discussing in detail at least one current event topic.

When presenting, the student should be prepared to explain the article and whether he or she agrees with the author and why. The student should also explain how this article relates to American Labor Law and our class.

2. Midterm Examination- 25%
3. Final Examination- 50%

ASSIGNMENTS (Subject To Change and Adjustment)

Important! You need to stay current on the readings. There will be more readings in this class than you’re probably used to. As we only meet once a week, you need to plan your study time accordingly. While I will strive to complete the readings as indicated, please do not assume that each number represents a week’s worth of reading as variances are likely to take place, particularly when we discuss current events. Please also pace yourself so you have a reasonable amount of reading to do each week. The examination will cover the material discussed in the book regardless of whether it was covered in class as well as material discussed in class.

1. INTRODUCTION

What Does Labor Want?

“We want more school houses and less jails; more books and less arsenals; more learning and less vice; more constant work and less crime; more leisure and less creed; more justice and less revenge; in fact, more of the opportunities to cultivate our better natures, to make manhood more noble, womanhood more beautiful and childhood more happy and bright.”
These in brief are the primary demands made by the trade unions in the name of labor.

These are the demands made by labor upon modern society and in their consideration is involved the fate of civilization."


- Introduction to Legal System and to the NLRA (Lecture)
- How to Brief A Case, Text xxv-xxvii (2 pages)
- Overview of Employment and Labor Law, Text 3-12 (9 pages)

2. **THE RISE OF ORGANIZED LABOR AND INTRODUCTION TO NATIONAL LABOR RELATIONS ACT**

- Text 347-364 (17 pages)


{also available on SAKAI}

**NLRA**, {available at [www.nlrb.gov](http://www.nlrb.gov) and on SAKAI}- (pay particular attention to Sections 1, 2(2), 2(11), 7, 8(a), 8(b) & 9).

3. **INTRODUCTION TO THE NATIONAL LABOR RELATIONS ACT CONTINUED**

- Text 364-382 (18 pages)


4. **THE NATIONAL LABOR RELATIONS ACT**

-Text 383-389 (6 pages)


5. **THE UNIONIZATION PROCESS**

-Text 393-416 (23 pages)
-includes, **Community Of Interest Test, Buckhorn, Inc., 343 NLRB 201 (2004)**. (Text 402-404) (3 pages); **Bargaining Orders, National Steel, Inc., 344 NLRB No. 121 (2005)** (page 412) (1 page).

6. **UNFAIR LABOR PRACTICES**

-Text 421-444 (23 pages)


7. **MIDTERM EXAMINATION**

8. **UNFAIR LABOR PRACTICES, STRIKES AND LOCKOUTS**

-Text 445-467(22 pages) & 505-511 (6 pages)

9. COLLECTIVE BARGAINING

- Text 473-499 (26 pages)

10. THE ENFORCEMENT AND ADMINISTRATION OF THE COLLECTIVE BARGAINING AGREEMENT

- Text 539-560 (21 pages)

- Just Cause, In Re Kansas City, 129 Lab. Arb. (BNA) 1089 (Russell C. Neas 2011) (6 pages) {available on SAKAI}

11. THE RIGHTS OF UNION MEMBERS

- Text 577-583 (16 pages) & 587-600 (13 pages)

12. PUBLIC SECTOR LABOR RELATIONS-STATE GOVERNMENT EMPLOYEES & THE RIGHT TO STRIKE

Text 621-622 (1 page) & 630-636 (6 pages) & 640 (1 page)

- **Right to Strike-California**, *County Sanitation District v. LA County Employees’ Assn.*, 214 Cal. Rptr. 424 (1985) (20 pages-edited) [available on SAKAI]


- Dan Amira, *Mayor Bloomberg Flirts With Violating The Taylor Law*, New York Magazine, July 24, 2012 [available on SAKAI](1.5 pages)

13. TBA

15. **FINAL EXAMINATION-LAST CLASS December 9, 2013** (during normal class time)

Last Revised April 21, 2013