AMERICAN LABOR LAW (Spring 2013)

Instructor: Carla A. Katz, Esq.
Rutgers University, Labor Studies & Employment Relations Department
Course #37:575:340:01 and 38:578:550:01
Monday 6:40-9:30 p.m.
Class Location: Busch Campus, Science & Engineering Resource Center, Rm. 203
Tel: 908-310-4747 E-mail: ckatz@work.rutgers.edu
Office Hours: Before & after class or by appointment

Course Description: The course will cover the historical development of American Labor Law, including the law relating to organizing, collective bargaining, protected union activity, election procedures, filing of unfair labor practices, strikes and lockouts, duty of fair representation, and relations between unions and their members.

Grading Criteria:*
(1) Mid-term Exam (35%)
(2) Final Exam (45%)
(3) Quizzes (10%)
(4) Participation and Attendance (10 %)

Course Materials: No textbook. Course reading materials will be made available online via Sakai. The Instructor reserves the right to supplement, substitute, and/or modify the reading selections by way of online postings, handouts, or otherwise.

Course Requirements: Students are expected to regularly attend class, read the course materials prior to class and come to class prepared to actively participate. Students are expected to come to class with case briefs for each of the cases assigned. Additionally, there will be 2-3 (to be determined) short quizzes on the reading materials, prior to covering the materials in class, on dates to be announced. If you arrive to class late or leave early, you will be charged with ½ of an absence.

Class Schedule:

JAN. 28: -Course Overview

READINGS:
-Orin S. Kerr, How To Read A Legal Opinion, 11 Green Bag 2d 51 (2007)
-Guide to Briefing Cases (Assorted readings on Sakai)
FEB 4: - Introduction to Legal System and to the NLRA
-National Labor Relations Act-Administration, Procedures, Jurisdiction
-National Labor Relations Board

READINGS:
-National Labor Relations Act, Ch. 4, Twomey, Labor and Employment Law, pp. 51-81
-www.nlrb.gov/who-we-are

FEB. 11: - Preemption

READINGS:
-National Labor Relations Act, Ch. 4, Twomey, Labor and Employment Law, pp. 82-88, including the following cases:
-www.nlrb.gov/who-we-are/conduct-elections

FEB. 18: - Protected Activity
-Determining Employees’ Choice of Majority Representative
-Social Media Cases

READINGS:
-National Labor Relations Act, Ch. 4, Twomey, Labor and Employment Law, pp. 88-93; 97-106
-Report of Acting NLRB General Counsel Concerning Social Media Cases, (Memorandum OM-11-74, August 18, 2011)

FEB: 25: - FILM—NORMA RAE
**NO READINGS**
This is a good week to catch up on any missed readings.

**MAR. 4**
- Collective Bargaining
- Election Conduct and Free Speech

**READINGS:**
-National Labor Relations Act, Ch. 4, *Twomey, Labor and Employment Law*, pp. 106-116
-www.nlrb.gov/rights-we-protect/employerunion-rights-obligations

**MAR. 11:**
- MID-TERM EXAM

**MAR. 18:**
SPRING BREAK—NO CLASS

**MAR. 25**
- Strikes, Lockouts, Permanent Replacements

**READINGS:**
*Mastro Plastic Corp. v. NLRB*, 350 U.S. 270 (1956); *TWA v. IFFA*, 489 U.S. 426 (1989); *Ohio Power Co. v. NLRB*, 539 F.2d 575 (6th Cir. 1976);
*Minnesota LPN Association v. NLRB*, 406 F.3d 1020 (8th Cir. 2005);
-NLRB *v. Mackay Radio*, 304 U.S. 333 (1938)
-NLRB *v. Fansteel Metallurgical Corp.*, 306 U.S. 240 (1939)
-*“The Right to Strike”* (www.nlrb.gov/strikes)

**APR. 1:**
- Enforcement of Collective Bargaining Agreements
- Unfair Labor Practices

**READINGS:**
-NLRB *v Weingarten, Inc.*, 420 U.S. 251 (U.S. 1975)
- IBM Corp., 174 LRRM 1537 (BNA 2004)
- D.R. Horton, Inc., 357 NLRB No. 184 (2012)

APR. 8:  
- Duty of Fair Representation
- Agency Fee

READINGS:  
- Regulating Internal Union Conduct. Ch. 9, Twomey, Labor and Employment Law, pp. 287-300

APR. 15:  
- FILM--TBA

NO READINGS

APR. 22:  
- Public Sector Labor Law
- Right to Work Laws

READINGS:  
- Public Employment and Labor Law, Ch. 10, Twomey, Labor and Employment Law, pp.321-330; 339-349
- “Matters That Come Before the Commission”
  (www.state.nj.us/perc/html/publications.html)

APR. 29:  
- Proposed Labor Law Reforms
- Employee Free Choice Act

READINGS:  
- www.aflcio.org/joinunion/voiceatwork/efca/qna.cfn

MAY 6:  FINAL EXAM (Cumulative)