American Labor Law
37:575:340:80
Spring 2013

Instructor: Felice Busto
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Office Hours: By Appointment
Class Location: Western Monmouth Educational Center – Freehold
Mondays, 6-8:40 pm

The course is designed to provide an overview of the legal system and legal doctrines that govern labor relations in the United States. The subject of American labor law, includes the laws relating to organizing, collective bargaining, contract enforcement, strikes and relations between unions and their members. Students will read and evaluate statutes and legal decisions. Students will also learn about the forces that have shaped American labor law and discuss the implications of the law in current events.

TEXT: Patrick J. Cihon & James Ottavio Castagner, Employment & Labor Law (South-Western Cengage Learning 7th Edition 2011) ISBN-10: 1439037272 ISBN-13: 9781439037270. Note: Students are required to bring the text (or copies of chapters) to class in whatever format they decide to purchase. This textbook is also available from Cengage.com as an eBook or eChapters. Chapters may be purchased individually. Readings are from Chapters 12 to 19 only. The text of the NLRA is Appendix H: p. 774-786. Supplemental readings will be distributed through Sakai or as handouts throughout the semester.

Class Preparation:
Class will include lectures, discussion and in-class assignments. Student participation in discussing the cases and other material is very important. To prepare for class you are expected to:

♦ Attend and be on time for class: cell phones and other electronic devices (other than computers for notetaking) are to be turned OFF and put away during class—no texting or internet is permitted during class). This is very distracting to your instructor and other students and participation grades will be impacted by failing to adhere to this policy.

♦ Read the assigned material before class and be prepared to discuss in class;

♦ Students are expected to be familiar with the University’s Policy on Academic Integrity and follow it: http://academicintegrity.rutgers.edu

Absences: Please report any absence in advance unless you have an unexpected illness or emergency. Absences should be reported by using the university absence reporting website https://sims.rutgers.edu/ssra to indicate the
date and reason for your absence. An email will be automatically sent to me and you do not need to email me.

If you absent obtain notes from a classmate; At our first class, exchange email addresses with a classmate in case you need to find out about a homework assignment; if you will be absent email the assignment to me before class so that it is timely—late homework will NOT be accepted;

Course Evaluation:

1. **Participation and Assignments** – 30% Attendance and participation in class discussions are important. Assignments will consist of briefing the major cases included in the weekly readings. Briefs should be brought to class and not submitted electronically. If there is a different weekly assignment during the semester it will be posted on Sakai under “Assignments”.

**Extra Credit:** Students who wish to receive extra credit may volunteer to do an assignment consisting of research and an oral presentation to the class on a current event relating to labor law and unions. The New York Times [www.nytimes.com](http://www.nytimes.com) covers important labor law topics regularly. You can also find recent cases and press releases from the NLRB’s website [www.nlrb.gov](http://www.nlrb.gov). Another useful resource is Workplace Prof Blog [http://lawprofessors.typepad.com/laborlprof_blog/](http://lawprofessors.typepad.com/laborlprof_blog/) In selecting a topic, consider the subject matter of the class and why the topic is important to it.

2. **Midterm Exam** – 30%

3. **Final Exam** – 40% (The final exam will concentrate on the 2nd half of the semester but will also include material from the entire course.)

**Class 1:** Monday, January 28, 2013

Introduction to the Legal System
Guide to Briefing Cases
The Rise of Organized Labor & its Regulatory Framework

Reading: Cihon, Ch. 12, p. 333-348

**Class 2:** Monday, February 4, 2013

Introduction to the National Labor Relations Act
Jurisdiction
What is an “Employer” and “Employee”
Exempt Employees
Reading: Cihon, Ch. 13, p. 348-end
NLRA, Sections 1 and 2.
**Class 3:** Monday, February 11, 2013

The Unionization Process
Elections; Bargaining Units and Craft and Class

Reading: Cihon, Ch. 13
NLRA Sections 7 and 9

**Class 4:** Monday, February 18, 2013

NLRA and Unfair Labor Practices
Concerted Activity
Employer Interference with Unions
Employer Domination of Unions
Union Unfair Labor Practices

Reading: Cihon, Ch. 14 to p. 430
NLRA: 8(a)(1) and (2) and 8(b)(1)(A) and 8(b)(1)(B)

**Class 5:** Monday, February 25, 2013

NLRA and Unfair Labor Practices
Discrimination Based on Union Activity 8(a)(3)
Other Unfair Labor Practices
Remedies for Unfair Labor Practices

Reading: Cihon, Ch. 14, p. 430-end

Guest Speaker: TBA

**Class 6:** Monday March 4, 2013

Collective Bargaining and the Duty to Bargain
NLRA 8(a)(5)

Reading: Cihon, Ch. 15

**Class 7:** Monday, March 11, 2013  Midterm Examination

**Monday, March 18, 2013 – SPRING BREAK – NO CLASS**

**Class 8:** Monday, March 25, 2013

Picketing and Strikes
Unfair Labor Practice and Economic Strikes
Reading:  Cihon, Ch. 16 487-506  
NLRA:  8(b)(4), 8(b) (7), 8(e) and 10(j)

**Class 9:** Monday, April 1, 2013

Informational Picketing  
Jurisdictional Disputes  
The NLRA and Arbitration

Reading:  Cihon, Ch. 16 p. 506-end  
NLRA:  8(b)(4)(d)

Guest Speaker:  Gary Kendellen,  Arbitrator and Former Director, NLRB Newark Region

**Class 10:** Monday, April 8, 2013

Enforcement and Administration of the Collective Bargaining Agreement

Reading:  Cijon, Ch. 17 to p. 535

**Class 11:** Monday, April 15, 2013

Enforcement of the Agreement (Continued)  
Bankruptcy and Retirement Benefits

Reading: Cijon, Ch. 17 p. 535-end

**Class 12:** Monday, April 22, 2013

The Rights of Union Members  
Duty of Fair Representation and Agency Shop

Reading:  Cihon, Ch. 18

**Class 13:** Monday, April 29, 2013

Public Sector Labor Relations

Reading:  Cijon, Ch. 19

**Class 14:** Monday, May 6, 2013

TBA

**Class 15:** Monday May, 13, 2013 Final Examination