AMERICAN LABOR LAW ONLINE 38:578:550:90

Instructor: Carla A. Katz, Esq.
Rutgers University, Labor Studies & Employment Relations Department
Tel: 908-310-4747 E-mail: ckatz@work.rutgers.edu
Spring Semester 2014

American Labor Law is a fully online course. Students requiring technical assistance should contact the help desk:

Using Pearson Learning Studio (eCollege) platform: Course tools or addressing exam issues, call 877-7RUTGER (877-778-8437) 24 hours a day/ 7 days a week. Email: help@ecollege.rutgers.edu

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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.

Course Materials:

All readings for this class are online in the shell. Many of the readings are from the text Labor and Employment Law: Text and Cases, 15th Edition, by David Twomey, published by South-Western/ Cengage Learning.

You will also be required to view the full-length film entitled “Norma Rae” which can be borrowed from the Carey Library at the Labor Education Center or purchased inexpensively on line.

Students will also read court decisions and internet-based resources. Required readings are uploaded into the course shell or a link to the material is available. Students must also watch videos and PowerPoint presentations uploaded into the course shell. The Instructor reserves the right to supplement, substitute, and/or modify the reading selections by way of online postings, handouts, or otherwise.

Writing Assignments-Legal Hypotheticals: The course requires two (2) legal writing assignments. The assignments will be in the format of legal hypotheticals and will require the student to spot legal issues, reflect on the relevant course material, research relevant law and present an informed opinion as to the legal issues identified. Writing assignments will all be submitted in the dropbox.

Case Briefs: One of the skills you will learn (or hone) in this course is case briefing. You will turn in seven (7) case briefs but I would encourage you to brief as many of the cases as you can. The cases you that require briefing are indicated in blue and by
(BRIEF) next to the listed case in the syllabus. The cases to be briefed are also listed under the assignment section for that week. Case briefs help students (and lawyers) better understand the essential information of each case. They will be helpful to you when you study for exams. Case briefs will be submitted online into a dropbox.

**Forum Posts:** There will be five (5) forums (threaded discussions). Some of forums will be in the form of “case questions” which require specific answers to questions posed about law cases you will reach. Other forums will ask students to read a journal or news article on a recent development in American Labor Law and then post an original opinion regarding the material. Each forum post specifies when it is due. You will lose points for lateness.

**Grading Criteria:**

Your final grade is based on a 1,000-point system. Each assignment is worth a specific number of points. Your total points accumulated determine your final grade.

1. Legal Hypotheticals (2 total) 175 points each 350 points
2. Case Briefs (7 total) 15 points each 105 points
3. Forum Posts (5 total) 25 points each 125 points
4. Exams (Midterm & Final) 210 points each 420 points

Total: 1,000 points

**POLICIES AND PROCEDURES**

**Class sessions:** A weekly message will be sent to each student as well as uploaded into the course weekly messages files in document sharing by 10 a.m. every Thursday. Information about course content or assignment procedure is available in the weekly message.

**Instructor Email Checking Policy:** Instructor will check email regularly. If you send a comment or a question, all efforts will be made to respond within 24 hours.

**Students Email Checking Policy:** It is the responsibility of every student to check for incoming course-related messages or materials daily. The weekly message is sent Thursday mornings and students are advised to open and read the message as soon as possible thereafter.
COURSE SCHEDULE

WEEK 1: Thursday, January 23-Wednesday January 29, 2014

TOPIC: Course Overview

VIEW: Instructor Welcome and Course Overview (Prof. Carla A. Katz)

READINGS:
- Syllabus, Calendar, Grading
- Tech FAQ’s (Computer and Internet requirements, how to use course tools and request technical assistance)

ASSIGNMENTS:
- RESPOND to Instructor’s Welcome Email by January 30, 2014
- TAKE POLL: Reflect on the issues raised in Gomper’s “What does Labor Want?” and then answer the poll questions relating the concerns raised in that paper to those of today’s labor movement. (This is an ungraded exercise).

WEEK 2: Thursday, January 30-Wednesday, February 5, 2014

TOPIC: How to Read a Legal Opinion and Brief a Case

VIEW: Powerpoint: “How to Read a Legal Opinion” Video of Prof. Katz on “How to Brief a Case”

READINGS:
- How to Brief a Case Using IRAC, Prof. Katz
- Sample Case Brief for-New Process Steel v. NLRB, 130 S.Ct. 2635 (2010)

ASSIGNMENT:
CASE BRIEF #1: Using the IRAC method described in the reading for Weeks 1 and 2 please brief the following case, which can be found in your online materials in Week 4:

All Case Briefs should use the following format as described in the earlier readings and be succinct but cover all of the areas effectively.

Use the following format for briefing cases:
1. Name of the case and Procedural History
2. Statement of Facts
3. Issues (Questions)
4. Rule (Statement of the Law)
5. Application
6. Conclusion

CASE BRIEF #1 is Due by Wednesday, February 5, 2014 at midnight.

WEEK 3: Thursday, February 6-Wednesday, February 12, 2014

TOPICS: Introduction to Legal System and to the NLRA
National Labor Relations Act-Administration, Procedures, Jurisdiction
National Labor Relations Board

VIEW: PowerPoint--Understanding Federal and State Courts

READINGS:
- National Labor Relations Act, Ch. 4, Twomey, Labor and Employment Law, pp. 57-85
- A Day’s Strike Seeks To Raise Fast Food Pay, New York Times, July 31, 2013
- Fast Food Fight, New York Times, August 7, 2013
- www.nlrb.gov/who-we-are/conduct-elections

ASSIGNMENT:
FORUM #1 (CASE QUESTIONS): Answer one case question from the following cases: NLRB v. Jones & Laughlin Steel Corp.; NLRB v. Catholic Bishop of Chicago; NLRB v. Town and Country Electric, Inc.; NLRB v. Yeshiva University. You must choose a question that no other student has answered until all questions have been answered. Forum #1 begins on Thursday, February 6, 2014 at 12 noon and your case question answer is due by Sunday, February 9, 2014 at midnight.

WEEK 4: Thursday, February 13-Wednesday February 19, 2014

TOPIC: Preemption

VIEW: PowerPoint entitled Preemption
READINGS:

- National Labor Relations Act, Ch. 4, Twomey, Labor and Employment Law, pp. 86-92, including the following cases:
  - Golden State Transit Corp. V. Los Angeles, 475 U.S. 608 (1986);


ASSIGNMENT:

FORUM #2: As you know from last week’s readings, fast food workers have recently staged a number of “demonstration strikes” to call attention to the low wages and the need for fairness in their industry. Do you think such “strikes” are a good way for low-wage workers to achieve fairness? Why or why not?

Forum #2 begins on Thursday, February 13, 2014 at 12 noon. Your first comment is due by Sunday, February 16, 2014 at midnight and your second comment is due by Tuesday, February 18, 2014 at midnight.

WEEK 5: Thursday, February 20-Wednesday, February 26, 2014

TOPICS: Protected Concerted Activity
          Determining Employees’ Choice of Majority Representative
          NLRA and Social Media

VIEW: Powerpoint--NLRB and Social Media

READINGS:

- National Labor Relations Act, Ch. 4, Twomey, Labor and Employment Law, pp. 102-111

- Report of Acting NLRB General Counsel Concerning Social Media Cases,
  (Memorandum OM-11-74, August 18, 2011)

ASSIGNMENT:

Legal Hypothetical Writing Assignment #1 Due by Wednesday, February 26, 2014 at midnight. Upload assignment into Dropbox.
WEEK 6: Thursday, February 27-Wednesday, March 5, 2014

TOPICS:  Collective Bargaining  
          Election Conduct and Free Speech

READINGS:
  o National Labor Relations Act, Ch. 4, Twomey, Labor and Employment  
    Law, pp. 111-132
  o H.K. Porter Co., Inc. v. NLRB, 397 U.S. 99 (1970);
  o Hoffman Plastic Compounds, Inc. v. NLRB, 122 S.Ct. 1275 (2002);
  o www.nlrb.gov/rights-we-protect/employerunion-rights-obligations

WATCH:
Film Norma Rae which can be borrowed from the Carey Library at the Labor Education  
Center or found cheaply online for purchase.

ASSIGNMENT:  
CASE BRIEF # 2: NLRB v. Gissel Packing Co., 395 U.S. 575 (1969). This case brief is due by Wednesday, March 5, 2014 at midnight.

WEEK 7: Thursday, March 6-Wednesday, March 12, 2014

TOPICS:  Strikes, Lockouts, Permanent Replacements

VIEW:  Film Clip: “Flint Sit Down Strike”  
        PowerPoint entitled “The Right to Strike”

READINGS:
  o Legality of Strikes, Ch. 7, Twomey, Labor and Employment Law, pp. 245-267.
  o NLRB v. Mackay Radio, 304 U.S. 333 (1938) (BRIEF 3)
  o NLRB v. Fansteel Metallurgical Corp., 306 U.S. 240 (1939)
  o “The Right to Strike” (www.nlrb.gov/strikes)

ASSIGNMENT:  
CASE BRIEF # 3: NLRB v. Mackay Radio. This case brief is due by Wednesday,  
March 12, 2014 at midnight.

SPRING BREAK: SATURDAY, MARCH 15-SUNDAY MARCH 23, 2014

WEEK 8:  Thursday, March 13-Wednesday, March 26, 2014
MIDTERM EXAM
Exam opens Monday, March 24, 2014 at 12:00 a.m. through 11:59 p.m. on Wednesday, March 26, 2014. Graded exam available shortly after the exam period closes.

WEEK 9: Thursday, March 27-Wednesday, April 2, 2014

TOPICS: Protection of Employee Rights & Employer Unfair Labor Practices
Discrimination as to Hire and Tenure:

VIEW: PowerPoint: Employer Unfair Labor Practices

READINGS:

- Employer Unfair Labor Practices, Ch. 5, Twomey, Labor and Employment Law, pp. 139-149  *NLRB v Weingarten, Inc.*, 420 U.S. 251 (U.S. 1975) (BRIEF 4)
  - *IBM Corp.*, 174 LRRM 1537 (BNA 2004)
  - *D.R. Horton, Inc.*, 357 NLRB No. 184 (2012)

ASSIGNMENTS:
FORUM #3: Read Journal Article, “Employee Privacy Law and the Developmenting Law Relating to Employee Medical Information and "Other" Private Matters” by David P. Twomey. Your first post should reflect your thoughts on the substance of the article. Your next two posts should be comments on other student posts.

Forum # 3 begins on Thursday, March 27, 2014 at 12 noon. Your first comment is due by Sunday night, March 30th at midnight and all three comments due by April 2, 2014 at midnight.

CASE BRIEF # 4:  *NLRB v Weingarten, Inc*. This case brief is due by Wednesday, April 2, 2014 at midnight.

WEEK 10: Thursday, April 3-Wednesday April 9, 2014

TOPIC: Duty of Employer to Bargain; Enforcement of CBAs
READINGS:

- Employer Unfair Labor Practices, Ch. 5, Twomey, Labor and Employment Law, pp. 171-182

ASSIGNMENT:
FORUM #4 (Case Questions): Answer one of the case questions for this section as a forum post. You may only answer a question that another student has not answered unless all questions have already been completed. The questions are regarding the following cases: Fireboard Paper Products Corp. v. NLRB; First National Maintenance Corp. v. NLRB; Southern Nuclear Operating Co. v. NLRB.

Forum #4 begins on Thursday, April 3, 2014 at 12 noon and your case question answer is due by Sunday, April 6, 2014 at midnight.

WEEK 11: Thursday, April 10-Wednesday, April 16

TOPICS: Union’s Duty of Fair Representation; Agency Fee

VIEW: PowerPoint—Regulating Internal Union Conduct

READINGS:

- Regulating Internal Union Conduct. Ch. 9, Twomey, Labor and Employment Law, pp. 297-313

ASSIGNMENTS:
CASE BRIEF #5: Vaca v. Sipes. This case brief is due by Wednesday, April 16, 2014 by midnight.

WRITING ASSIGNMENT #2: Hypothetical begins on Thursday, April 10, 2014 at 12 noon. Your written answers are due by Wednesday, April 16, 2014 at midnight.

WEEK 12: Thursday, April 17-Wednesday, April 23, 2014

TOPICS: Public Sector Labor Law; Right to Work Laws

VIEW: PowerPoint entitled Public Employee Labor Law
Video Clips on Public Worker Protests

READINGS:

- Public Employment and Labor Law, Ch. 10, Twomey, Labor and Employment Law, pp. 329-355
Professional Air Traffic Controllers Organization v. FLRA, 110 LRRM 2676 (D.C. Cir. 1982); (BRIEF 6)

“Matters That Come Before the Commission”
www.state.nj.us/perc/htlm/publications.html)


Union Security and Right to Work Laws, Twomey, Labor and Employment Law,
Ch. 5, pp. 160-164

ASSIGNMENTS:
CASE BRIEF # 6: Professional Air Traffic Controllers Organization v. FLRA. This case brief is due by Wednesday, April 23, 2014 by midnight.

CASE BRIEF # 7: Lincoln Union v. Northwestern Co. This case brief is due by Wednesday, April 23, 2014 by midnight.

WEEK 13: Thursday, April 24, 2014 through Wednesday, April 30, 2014

TOPICS: Proposed Labor Law Reforms; Employee Free Choice Act

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

ASSIGNMENT:
FORUM #5: Imagine that you are a staff person for a union in charge of organizing. Post one original comment regarding your thoughts on what labor law reforms are needed to help today’s workforce and your union. You must also make two substantive comments on other student posts.

Forum #5 begins on Thursday, April 24, 2014 at 12 noon. Your first comment is due by Sunday night, April 27, 2014 at midnight and all three comments due by April 30, 2014 at midnight.

WEEK 14 FINAL EXAM Thursday, May 1, 2014-Monday, May 5, 2014 (Last Day of Classes)

FINAL EXAM
Exam opens Monday, May 5, 2014 at 12:00 a.m. through 11:59 p.m. on Wednesday, May 7, 2014. Graded exam available shortly after the exam period closes.