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

NetID or Rutgers Email Problems: Call 732-445-HELP (4357)

Course Description: The primary focus of the course will be federal regulation of union-employer relationships under the National Labor Relations Act (NLRA). We will cover union organizing, the collective bargaining process, issue of contract administration and interpretation, actions taken against individuals due to their collective activity or union sympathies, and which in which a bargaining relationship may end. The course will begin by examining the reasons and justifications for current American labor law; the structure and procedures of the National Labor Relations Board (NLRB); and, the most common unfair labor practice cases including anti-union discrimination and interference with employees’ ability to engage in collective activity. We will look at union attempts to organize employees and the regulation of both union and employer conduct during organizing drives. We will address the collective bargaining relationship and the duties and restraints imposed by the NLRA. Finally, we will examine other issues, including rules dealing with union activity and internal governance, grievance and arbitration matters, and preemption of state law.

Course Materials:


You will also be required to view several full-length films. They include the following: Norma Rae (1979), Morristown: In the Air and Sun (2007), and Matewan (1987). All of these can be borrowed from the Carey Library at the Labor Education Center or purchased or streamed inexpensively or free 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.

**Academic Integrity:** All students are required to read the Rutgers Academic Integrity Policy. A copy is provided here. Plagiarism will not be tolerated. All material (sentences, paragraphs, etc.) taken from another source must be cited. No exceptions. [http://academicintegrity.rutgers.edu/files/documents/AI_Policy_2013.pdf](http://academicintegrity.rutgers.edu/files/documents/AI_Policy_2013.pdf)

**EVALUATION**

Your final grade will have a variety of components including the following:

**Midterm and Final Examinations:** This course will have a midterm examination covering the course material up to that point. It will also have a final examination that covers material from the entire course. Both exams will be closed book.

**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.

**Problem Solving Forum Posts:** Since this course takes a problem-based approach to learning the material, most weeks will have a problem for you to grapple with based on the materials assigned for that week. Your answers to these forums will be posted in the form of a threaded discussion. Each problem forum is due prior to 10 a.m. the following Thursday. You will lose points for lateness.

**Class Participation:** Since this an online course, your participation consists of entering the shell regularly and in a timely fashion, staying current with the readings, participating in all assignments and forums, and responding to my emails. The Professor will determine your participation grade based on your total course work.

**Case Briefs (Optional):** One of the skills you will learn (or hone) in this course is case briefing. 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 briefing is optional for the course but I suggest you make some attempts.

Use the following format for briefing cases:

1. Name of the Case
2. Procedural History
3. Statement of Facts
4. Issues (Questions Presented)
5. Rule (Statement of the Law)
6. Application or Analysis
7. Conclusion
8. Concurring and/or Dissenting Opinions

**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. Midterm Examination 250 points
2. Final Examination 275 points
3. Legal Hypotheticals (2 @ 75 points each) 150 points
4. Problem-Based Forums (11 @ 25 points each) 275 points
5. Class Participation 50 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 21-Wednesday January 27, 2016

TOPIC Course Overview

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

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

ASSIGNMENTS
  o RESPOND to Instructor’s Welcome Email by January 27, 2016. Tell me a little about yourself, why you are taking the course, what experience you might have with labor studies and/or law.
  o 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 28-Wednesday, February 3, 2016

TOPIC The Struggle for Control over The Employment Relationship: What is Labor Law and is it Still Relevant?

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

READINGS
  o Secunda & Hirsch, Chapter 1: Section 1: What is Labor Law including:
    ▪ Wilma Liebman, Decline and Disenchantment: Reflections on the Aging of the National Labor Relations Board
    ▪ The Dunlop Commission on the Future of Worker-Management Relations-Final Report
  o How to Brief a Case Using IRAC, Prof. Katz
ASSIGMENTS

- FORUM 1: Secunda, Chapter 1, Problem #1: Is Labor Law Still Relevant? (Problem Materials: Liebman and Dunlop Commission Report)

WEEK 3: Thursday, February 4-Wednesday, February 10, 2016

TOPIC A Brief Overview of the American Labor Movement

VIEW

- Film: Norma Rae (1979) (Story involving the struggle to unionize a textile mill in North Carolina) Available online or at the Carey Library in the Labor Education Center

READINGS

- Secunda & Hirsch, Chapter 1, Section 2: A Brief Overview of the American Labor Movement; and Chapter 1, Section 3: Unionization and Collective Bargaining: Justification and Critique

ASSIGNMENT

- FORUM 2: Secunda, Chapter 1, Unionization and Collective Bargaining: Justification and Critique; Problem # 2: Should I seek Unionization? (Problem Materials: Norma Rae and Readings)

WEEK 4: Thursday, February 11-Wednesday February 17, 2016

TOPIC The Organization, Procedure, and Jurisdiction of the NLRB, PT. 1

VIEW

- PowerPoint--Understanding Federal and State Courts

READINGS

- Twomey, National Labor Relations Act, Ch. 4, pp. 57-85
- Secunda and Hirsch, Chapter 2: The Organization, Procedures, and Jurisdiction of the NLRB:
  - Section 1: Organizational Structure, pp. 25-29
  - Section 2: NLRB Procedures, pp. 29-34
  - Section 3: Jurisdictional Limits (Part 1); pp. 34-47

- www.nlrb.gov/who-we-are/conduct-elections

ASSIGNMENT

WEEK 5: Thursday, February 18-Wednesday, February 24, 2016

TOPIC The Organization, Procedure, and Jurisdiction of the NLRB, PT. 2

READINGS
  o Secunda & Hirsch: Chapter 2, Section 3: Jurisdictional Limits (Part II), pp. 47-74
  o Inside Higher Ed: “NLRB Returns to Issue of Graduate Student Unions at Private Institutions”

ASSIGNMENT

WEEK 6: Thursday, February 25-Wednesday, March 2, 2016

TOPICS Protected Concerted Activities Under Section 7 NLRA and Social Media

VIEW
  o PowerPoint--NLRB and Social Media

READINGS
  o National Labor Relations Act, Ch. 4, Twomey, Labor and Employment Law, pp. 102-111
  o Secunda & Hirsch, Chapter 4, Section1: Concertedness, pp. 159-184
  o Report of Acting NLRB General Counsel Concerning Social Media Cases, (Memorandum OM-11-74, August 18, 2011)
  o Three D, LLC d/b/a Triple Play Sports Bar and Grille, 361 NLRB No. 31. (August 22, 2014)
  o BNA: “Second Circuit Backs NLRB on Facebook Firings”

ASSIGNMENTS
Legal Hypothetical Writing Assignment #1 (Eddy Employee and the Social Media Firings) Due by Wednesday, March 2, 2016 at midnight. Upload assignment into Dropbox.

WEEK 7: Thursday, March 3-Wednesday, March 9, 2016

TOPIC Domination and Anti-Union Discrimination (Unfair Labor Practices)

VIEW

PowerPoint: Employer Unfair Labor Practices

READINGS

Secunda, Chapter 3, Section 1 (Employer Domination) and Section 2 (Anti-Union Discrimination) pp. 99-157

NLRB v Weingarten, Inc., 420 U.S. 251 (U.S. 1975)

ASSIGNMENTS


SPRING BREAK: SATURDAY, MARCH 12-SUNDAY MARCH 20, 2016

WEEK 8: Thursday, March 10-Wednesday, March 23, 2016

MIDTERM EXAM

Exam open Monday, March 21, 2016 at 12 noon through midnight on Wednesday, March 23, 2016. Graded exam available shortly after the exam period closes.

WEEK 9: Thursday, March 24-Wednesday, March 30, 2016

TOPICS Organizing a Union: Election Conduct and Free Speech

Collective Bargaining

VIEW
Movie, *Matewan* (1987) (film based on true events that illustrates the levels of violence and other extreme hostility that existed in some pre-NLRA union campaigns)

**READINGS**

- Secunda, Chapter 5, Sections 1, pp. 205-225; and Section 2, pp. 225-260
- National Labor Relations Act, Ch. 4, *Twomey, Labor and Employment Law*, pp. 111-132
- *H.K. Porter Co., Inc. v. NLRB*, 397 U.S. 99 (1970);
- [www.nlrb.gov/rights-we-protect/employerunion-rights-obligations](http://www.nlrb.gov/rights-we-protect/employerunion-rights-obligations)

**ASSIGNMENT**


**WEEK 10: Thursday, March 31-Wednesday April 6, 2016**

**TOPICS**  Strikes, Lockouts, Permanent Replacements

**VIEW**

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

**READINGS**

- Secunda, Chapter 9, Section 1, pp. 437-446
- “The Right to Strike” ([www.nlrb.gov/strikes](http://www.nlrb.gov/strikes))

**ASSIGNMENT**


**WEEK 11: Thursday, April 7-Wednesday, April 13, 2016**

**TOPIC**  Duty to Bargain in Good Faith; Enforcement of CBAs

**READINGS**
Employer Unfair Labor Practices, Ch. 5, Twomey, Labor and Employment Law, pp. 171-182
- Secunda, Chapter 7, Exclusivity and the Duty to Bargain in Good Faith: Surface Bargaining pp. 354-368

ASSIGNMENT

WEEK 12: Thursday, April 14-Wednesday, April 20, 2016

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

ASSIGNMENT

Legal Hypothetical Writing Assignment #2 (ULPs and Strike Issues) Due by Wednesday, April 20, 2016 at midnight. Upload assignment into Dropbox.

WEEK 13: Thursday, April 21 through Wednesday, April 27, 2016

TOPIC: Preemption

VIEW:
- PowerPoint on Preemption

READINGS:
- Secunda, Chapter 11, Labor Law Preemption Doctrines, pp. 529-
- National Labor Relations Act, Ch. 4, Twomey, Labor and Employment Law, pp. 86-92, including the following cases:

**ASSIGNMENT**

- FORUM 11: Secunda, Chapter 11, Section 1: Problem #1: Worker Freedom Laws and Captive Audience Meetings, Take 1 (Problem Materials: San Diego Union v. Garmon, 359 U.S. 236 (1959); Secunda, Toward the Viability of State-Based Legislation to Address Workplace Captive Audience Meetings in the U.S.)

**WEEK 14  FINAL EXAM  Thursday, April 28 through Monday, May 2, 2016**

**FINAL EXAM-May 5-6, 2016**

Classes end Monday, May 2, 2016. Reading Days are May 3 and 4, 2016.

Your Final Exam opens Wednesday, May 4, 2016 at midnight and stays open through midnight on Friday, May 6, 2016. Graded exam available after the exam period closes.