PUBLIC SECTOR COLLECTIVE BARGAINING

Spring 2011
Course No. 37-575-350
Course No. 38-578-565
Thursdays 7:20-10:00 p.m.
Professor Joyce M. Klein
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Office Hours Available Upon Request
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Objectives: Analysis of major issues in public sector collective bargaining, including: its history, the legal, economic, and social underpinnings, appropriate bargaining units; the duty to bargain, the scope of bargaining, administration of the collective negotiations agreement, impasse mechanisms, and the relationship(s) between the public employer, the union, the individual employee and the public.

This course will address federal, state and local bargaining. Although a multi-jurisdictional format will be used, emphasis will be placed upon statutes, institutions and practices in New Jersey.

Throughout this course, you will be practicing skills in identifying critical assumptions, methods, and types of evidence in relationship to theoretical and practical arguments made by employers, unions, employees and the public regarding public sector collective bargaining. This course will identify and discuss the economic and political and legal theories and systems relevant to the public sector collective bargaining relationship. You will demonstrate this understanding through your written work and through a mock collective bargaining exercise.

NOTE: **PUBLIC SECTOR COLLECTIVE BARGAINING IS IN THE PROCESS OF UNDERGOING SIGNIFICANT CHANGES AND AS A RESULT THE READINGS AND THE SYLLABUS FOR THE CLASS MAY CHANGE SIGNIFICANTLY BY THE TIME CLASS BEGINS IN JANUARY 2011. THIS SYLLABUS IS ACCURATE WITH RESPECT TO TOPICS TO BE COVERED AND ASSIGNMENTS. THE READINGS MAY VARY SIGNIFICANTLY (INCLUDING THE ASSIGNED TEXT BEFORE CLASS BEGINS. IF A TEXT IS ASSIGNED IT WILL PROBABLY BE THE ONE LISTED BELOW. OTHERWISE, READINGS WILL BE AVAILABLE ON SAKAI. IF YOU HAVE QUESTIONS, PLEASE CONTACT ME.**

TEXT: Labor Management Relations in the Public Sector: Redefining Collective Bargaining, Editor John L. Bonner, (LRP 1999)

Supplemental Readings—Available on Sakai

Attendance and Grading Policies: Students are expected to attend all classes and to actively participate in all exercises and discussions.

Each student will participate in a mock collective bargaining exercise. Although bargaining sessions will take place during class, students will be required to prepare for bargaining outside of class. Students shall keep a journal of their collective bargaining experiences to be turned in at the close of the bargaining exercises. Journal entries should be 1-2 pages double-spaced for each bargaining session. The journal should address both the substance and process of the bargaining with a focus on how the public nature of the employer has influenced the bargaining positions and strategies. The mock bargaining exercise, together with the completed journals will account for **25%** of the final grade. Journals are due on or before **April 14, 2011**.

Undergraduate students will complete midterm examination on **March 3, 2011** which will account for **20%** of the final grade.

Graduate students will prepare a 10-15 page research paper on an approved topic in public sector collective bargaining and will lead a class discussion regarding the topic. The paper and class discussion, shall account for **25%** of the final grade. Sample topics include but are not limited to:

Privacy in the public sector workplace
Bargaining over the evaluation and tenure process in higher education
The scope of bargaining in the Federal sector
Freedom of speech in the public sector workplace
Union Security in the Public Sector
The limits of grievance arbitration in the public sector workplace
Scope of bargaining over specific issues—i.e. police weapons, teacher class size, etc.
Subcontracting in the public sector.
Effect of social media on public sector collective bargaining
Dynamics of collective bargaining in a recessionary environment

All students will complete a comprehensive final exam. The final exam will account for **30%** of the final grade for undergraduates. Undergraduate students will complete a final examination which will emphasize materials covered after the mid-term examination, but which will also require knowledge of materials covered in the first portion of the class. The final exam will account for **25%** of

the final grade for graduate students. Graduate students will complete a comprehensive take-home final examination, which will be distributed on **April 28, 2011** and will be due on **May 5, 2011**.

The remaining **25%** of the final grade will be based upon attendance and participation. Participation includes contribution to class discussions, participation in other group activities in class, and in the mock bargaining exercise.

January 20 Overview of Collective Bargaining in the Public Sector

January 27 Civil Service

Text, Chapters 1, 2

February 3 Political and Economic Perspectives

Public Employee Bargaining: A Political Perspective, Clyde W. Summers; The Limits of Collective Bargaining in Public Employment, Henry H. Wellington & Ralph K. Winters, Jr.; Does Public Employee Unionism Diminish Democracy?, Sanford Cohen; A Political System for a Political World – in Public Sector Labor Relations (Supplement).

February 10 Public Sector Organizing and Bargaining Units

Text, Chapter 4

Collective Bargaining in Public Employment, Grodin, Weisberger & Malin (West 2004) pp. 127-133 (Supplement)

NJ Employer-Employee Relations Act, Section 5.3 (Supplement)

February 17 Bargaining Rights of Employees

Text, Chapters 5 & 6

February 24 The Duty to Bargain

Text, Chapters 14 & 15
NJ Employer-Employee Relations Act, Section 5.4 (Supplement)

March 3 **Midterm Examination for Undergraduates.**
Graduates to meet to discuss paper topics and progress.

March 10 The Scope of Bargaining

Text, Chapter 7

Collective Bargaining in Public Employment, Grodin, Weisberger & Malin (West 2004) pp. 206 - 211 (Supplement)

(mock bargaining assignment distributed)

March 24 Impasse Resolution

Text Chapters 8 & 9

Impasse Procedures, Mediation, Factfinding; Excerpts from NJ School Boards Association publication

Labor Mediation: An Exploratory Survey, Kenneth Kressel; Factfinding: Its Values and its Limitations, William E. Simkin;

(mock bargaining session)

March 31 Impasse Resolution continued

Text Chapter 10 & 11

(mock bargaining session)

April 7 Public Sector Union-Employee Relationship
Duty of Fair Representation and Agency Fee

Text. Chapters 16 &17

Lehnert, et. al. v. Ferris Faculty Assn., et. al., 500 U.S. 507, 111 S. Ct. 1950; 114 L. Ed. 572 (1991) (Supplement)

NJ Employer-Employee Relations Act, Section 5.5, as amended (Supplement)

(mock bargaining session)

April 14 Federal Sector

Chapters 21 & 22

April 21 TBD/Grad Discussions

April 28 Grad discussions
(Take Home Final distributed for graduate students)

May 5 **Take Home Final Exam due for graduate students**
(Final for undergraduates pursuant to University Schedule)