Conflict and Conflict Resolution in the Workplace

Rutgers University School of Management and Labor Relations
Course No: 37:575:312

Instructor: Felice Busto (Phone: 732 776-6507; email: fbusto@rcn.com)
Time: Tuesdays: 7:15-10:05 pm
Location: Cook Douglas Lecture Hall, Room 102

Objectives: Over the last decade, the field of alternative dispute resolution ("ADR") has grown dramatically in resolving all types of conflicts. As the role of unions in the workplace has declined, non-union employers have moved to provide their employees with a forum to resolve disputes. As a result, grievance and other ADR procedures, long used in the unionized sector, have increased exponentially in the non-union sector. This course will explore the reasons for workplace conflict and compare the types of dispute resolution procedures that are used in both the union and non-union workplaces. Although the class is focused on processes that are used to resolve labor and employment disputes there will also be an emphasis on substantive laws and collective bargaining agreements that are the source of many conflicts. Some background and knowledge of employment or labor law is useful but not required.

The class will also explore communication and negotiating skills that will be beneficial regardless of your major or career path. We all spend a third of our lives at work and experience a variety of workplaces, supervisors and co-workers who have different methods of addressing or avoiding conflict. Dispute resolution skills are also beneficial in our everyday lives where disagreements run the gamut of where to go to dinner to serious interpersonal conflicts.

Format: The class will be comprised of lecture, group work, videos and a guest practitioner of employment or labor law. In addition, there will be a "hands on" employment mediation exercise and a grievance arbitration that students will present in teams before experienced labor arbitrators.

Readings: There is a textbook "The Complete Guide to Conflict Resolution in the Workplace" by Marick F. Masters and Robert R. Albright that will be available at the Rutgers Bookstore. Additional readings and handouts will be available online at the Rutgers University "Sakai website at http://sakai.rutgers.edu

Class and Class Preparation:
Class will include lectures, small group discussions, simulations and in-class assignments. Student participation is very important in this class and therefore you are expected to:

- Attend and be on time for class (cell phones turned OFF—no texting during class). Because the skills for mediation and arbitration are

developed throughout the course, attendance is very important! Also, the group exercises depend on the attendance and participation of all members. Please advise me *in advance* if you expect to be absent so that I may adjust the group members.

- Read the assigned material before class and be prepared to discuss;
- Take careful notes and obtain notes if you are forced to miss a class;
- Laptops will not be necessary during class
- Get the name & email address of a classmate in case you need to find out about a homework assignment; if you will be absent email the assignment so that it is timely—late homework will NOT be accepted;
- Participate in class discussions and group activities—explain your views but listen and consider the views of others. Diversity of views and opinions are strongly encouraged. If it is difficult for you to speak up in class, try your hand in the smaller groups.

Evaluation:
For purposes of grading there are four components of the course:

1. Attendance, class participation, and in-class individual and group assignments **(25%).** Homework will be a combination of pass/fail and graded assignments.

2. One mid-term exam (closed book--a combination of short answer, objective and essay items given in class) **(25%)**

3. A mock-arbitration exercise— a grade composed of your group preparation and presentation of a grievance involving a terminated employee. (**25%)**

4. A second mid-term concentrating on material since the first midterm. (**25%).**

NOTE: Attendance is mandatory for the preparation and presentation of the mediation and arbitration exercises because they are dependent on the teamwork of all members of a group.

Office Hours: By Appointment

Description of Classes:

Class 1: Jan. 18, 2011

Overview of the Course

Introduction to the Course and Course Requirements
Student Backgrounds, Expectations & Objectives
Sources of Conflict

Readings:

Masters Albright, Conflict Resolution in the Workplace, Ch.1 "Understanding Workplace Conflict" pages 11-26; (hereinafter "CIW TEXT")

Class 2: Jan. 25, 2011

Understanding Conflict: Is Conflict Inevitable, Avoidable or Both?

Biological Roots of Conflict and Power and Conflict
Power, Rights and Interests:
Approaches to Dealing with Conflict

Readings:

Wheeler, "The Theory's Second Pillar. . ." (Sakai)

Coleman, "Power and Conflict" (Sakai)

Class 3: Feb. 1, 2011

Effects of Conflict in the Workplace
Introduction to the Non-Union Workplace: Employment at Will-- Exceptions and Laws Prohibiting Discrimination

Readings:

CIW Text, "Diagnosing Conflict" pages 29-64

David Twomey, "Labor & Employment Law" Ch 16: "Employment Relationships Contractual and Tort Theories" (Sakai)

<u>Class 4:</u> **Feb. 8, 2011**

Alternative Dispute Resolution Procedures in the Non-Union Sector:
Why Have Employers Established ADR Policies and Procedures?
Overview of Processes Used for Dispute Resolution

Readings:

Rowe, "Dispute Resolution in the Non-Union Environment" (Sakai)

<u>Class 5</u>: **Feb. 15, 2011**

ADR in Non-Union Workplace: Mediation
Negotiations: Adversarial or Interest Based?
Introduction to Mediation

Readings:

CIW Text, Ch. 4 "Negotiation" pages 99-116;

CIW Text Ch. 6 Mediation

Film: Termination Tempest: Mediation at Work

<u>Class 6</u>: **Feb. 22, 2011**

ADR in the Non-Union Workplace:

Mock Mediation: The No Sweat Spa

Readings:

CIW Text, Ch. 10, "Resolving EEO Disputes"

<u>Class 7</u>: **Mar. 1, 2011**

ADR In the Non-Union Workplace:

Employment Arbitration: How it Works
Mandatory Employment Arbitration and Due Process Issues
Other ADR Processes

Readings:

CIW Text, Ch. 7 “Arbitration” pages 163-177

CIW Text, Ch. 8 “Potpouri”

<u>Class 8</u>: Mar. 8, 2011

Mid-Term Exam

<u>Class 9</u>: Mar. 22, 2011

Dispute Resolution Processes in the Union Workplace:
The Union as Exclusive Representative & the Duty of Fair Representation
The Grievance Process & Role of Union Stewards

Readings:

(TBA)

<u>Class 10</u>: Mar. 29, 2011

Dispute Resolution in the Union Sector: Grievance/Labor Arbitration
Introduction to Labor Arbitration
Discipline & Discharge; Standards for Just Cause
Contract Interpretation Disputes

Film: Seven Tests of Just Cause

Readings:

Carrell & Heavrin, Ch. 11 “Grievance and Disciplinary Procedures” (9th edition) (Sakai)

<u>Class 11</u>: April 5, 2011

Labor Arbitration Process (continued)
Mock Arbitration Preparation:
Opening and Closing Statements, Direct and Cross-Examination

Readings:

Carrell & Heavrin, Labor Relations and Collective Bargaining, Ch. 12 "The Arbitration Process" (Sakai)

Class 12: April 12, 2011

Mock Grievance Arbitrations

Class 13: April 19, 2011

Mediation, Fact-finding and Interest Arbitration in the Private and Public Sectors

Guest Speaker

Readings:

Katz and Kochan, Ch. 9 "Dispute Resolution Procedures" (Sakai)

Class 14: April 26, 2011

Strikes, Slowdowns, Sickouts and Other Forms of Disputes in the Union Sector

Readings:

Katz and Kochan, Ch. 8 "The Negotiations Process and Strikes" (Sakai)

Class 15: May 5, 2011

Second Midterm/Final Exam

******Draft Syllabus Subject to Updates & Revisions**

FB 11/8/10