

Rutgers University School of Management and Labor Relations  
Conflict and Conflict Resolution in the Workplace  
Course No: 37:575:312:01  
Spring, 2013  
Instructor: Bill Dwyer  
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Time: Tuesdays 7:15 pm – 10:05 pm  
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**Objectives:** Over the last decade, the field of alternative dispute resolution (“ADR”) has grown dramatically for resolving a wide range of conflicts, including those that arise in the workplace. As the role of unions in the workplace has declined, non-union employers have opted to provide their employees with a forum to resolve disputes that otherwise would go unresolved or would require lengthy and expensive litigation. 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.

The first half of the course primarily examines dispute resolution in the non-union workplace while the second half explores the processes used to resolve disputes in the union sector. 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 include a focus on communication and negotiating skills that are beneficial regardless of your major or career path. We spend nearly 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 may range from selecting a place to go to dinner to serious interpersonal conflicts.

**Format:** The class will be comprised of lecture, group work and videos. In addition, there will be a “hands on” mock grievance arbitration where students will experience what it is like to write an award and opinion as a labor arbitrator.

**Readings:** There is no textbook required. Readings will be posted online at <https://sakai.rutgers.edu/portal>

**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, participate and be on time for every class. Cell phones are to be turned OFF. Texting and emailing is not permitted during class. Because dispute resolution skills are developed throughout the course, attendance is very important!
- Read the assigned material before class and be prepared to discuss it.
- Students are expected to be familiar with the University's Policy on Academic Integrity and follow it: <http://academicintegrity.rutgers.edu>

Absences: Attendance is required. Please report any absence in advance unless you have a sudden and 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.

If you must be absent it is your responsibility to obtain notes from a classmate. Get the 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.

Class Participation: In-class meetings will include class discussions and group activities. You are encouraged to 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 doing so in the smaller groups.

Communications: I will communicate class announcements via email. If you need to reach me email is the best method ([william.dwyer@rutgers.edu](mailto:william.dwyer@rutgers.edu)).

Course 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 graded with a check, check plus or check minus.
2. One in class mid-term. (30%)
3. A mock-arbitration exercise with the grade based upon an arbitration opinion and award in a case involving an employee who was suspended from work. (20%)
4. A final exam concentrating on material covered during the second half of the semester but also including processes/principles from the first half of the semester. (25%)

Office Hours: Scheduled by Appointment

## Schedule of Classes:

### Class 1: January 22, 2013

#### Overview of the Course

- Introduction to the Course and Course Requirements
- Student Backgrounds, Expectations & Objectives
- Sources of Conflict
- Readings (to be discussed next class):
  - M. Masters and R. Albright, Conflict Resolution in the Workplace, Ch.1 “Understanding Workplace Conflict” p. 11-26

### Class 2: January 29, 2013

#### Employment at Will in the Non-Union Workplace:

- Review reading assignment from previous class
- Readings (to be discussed next class):
  - D. Twomey, Labor & Employment Law. Ch. 16 “Employment Relationships”, pp. 583-588
  - (2 cases are also assigned: the links are provided below):
  - Woolley:
    - [http://scholar.google.com/scholar\\_case?case=13252924286881016662&q=woolley+v.+hoffman&hl=en&as\\_sdt=2,31&as\\_vis=1](http://scholar.google.com/scholar_case?case=13252924286881016662&q=woolley+v.+hoffman&hl=en&as_sdt=2,31&as_vis=1)
  - Pierce:
    - [http://scholar.google.com/scholar\\_case?case=9748700253424262526&q=pierce+v.+ortho+pharmaceutical+corp&hl=en&as\\_sdt=2,31&as\\_vis=1](http://scholar.google.com/scholar_case?case=9748700253424262526&q=pierce+v.+ortho+pharmaceutical+corp&hl=en&as_sdt=2,31&as_vis=1)

### Class 3: February 5, 2013

#### Alternative Dispute Resolution Procedures in the Non-Union Sector:

#### Why Have Employers Established ADR Policies and Procedures?

#### Overview of Processes Used for Dispute Resolution

- Review reading assignment from previous class
- Readings (to be discussed next class):
  - W. Ury, J. Brett and S. Goldberg, Getting Disputes Resolved, Ch. 1 “Three Approaches to Resolving Disputes:” Interests, Rights and Power
  - D. Lipsky, R. Seeber, and R. Fincher: Emerging Systems for Managing Workplace Conflict, Ch. 2 “Forces of Change” pp. and Ch. 3 “The Rise of Alternative Dispute Resolution” pp. 75-105.

### Class 4: February 12, 2013

#### ADR in the Non-Union Workplace:

#### Negotiation, Peer Review, Fact Finding, Ombuds

- Review reading assignment from previous class
- Readings (to be discussed next class):
  - R. Masters, M. Albright, The Complete Guide to Conflict Resolution in the Workplace, Ch. 4 “Negotiation” pp. 99-115 and Ch. 8 “Potpourri”

Class 5: February 19, 2013

ADR in Non-Union Workplace: Mediation

- Review reading assignment from previous class
- Readings (to be discussed next class):
  - M. Masters and R. Albright, *The Complete Guide to Conflict Resolution in the Workplace* Ch. 6 “Mediation” pp. 141-162

Class 6: February 26, 2013

ADR in the Non-Union Workplace

Employment Arbitration: The Process

Mandatory Employment Arbitration and Due Process

- Employment arbitration video – Sen. Franken questions arbitration attorney
- Review reading assignment from previous class
- Review for mid-term exam
- Readings (to be discussed next class):
  - R. Masters, M. Albright, *Conflict Resolution in the Workplace*, Ch. 7 “Arbitration”
  - pp. 163-179
  - D. Lipsky, R. Seeber and R. Fincher: *Emerging Systems for Managing Workplace Conflict*, Ch. 6 pp. 198-224

Class 7: March 5, 2013

Midterm Exam

Class 8: March 12, 2013

Dispute Resolution Processes in the Union Workplace

The Union as Exclusive Representative & the Duty of Fair Representation

History and Legal Landscape of Labor Arbitration

The Grievance Process

- Review reading assignment from previous class
- Readings (to be discussed next class):
  - M. Carrell & C. Heavrin, *Labor Relations and Collective Bargaining*, Ch. 5 “Enforcement of the Collective Bargaining Agreement” pp. 215-232 and Ch. 11 “Grievance and Disciplinary Procedures” pp. 477-487

No class (Spring break): March 19, 2013

Class 9: March 26, 2013

Dispute Resolution in the Union Sector: Grievance/Labor Arbitration Process

Discipline and Discharge: Understanding Principles of Just Cause

- Review reading assignment from previous class
- Readings (to be discussed next class):
  - M. Carrell & C. Heavrin, “Grievance and Disciplinary Procedures” p. 487-497 and Ch. 12 “The Arbitration Process” pp. 503-510, 525-528

Class 10: April 2, 2013

Labor Arbitration Process (Continued)

- Review reading assignment from previous class
- Readings (to be discussed next class):
  - M. Carrell & C. Heavrin, “ Ch. 12 “The Arbitration Process” p. 515-525

Class 11: April 9, 2013 Readings:

- Review reading assignment from previous class
- Readings (to be discussed next class):
  - R. Masters, M. Albright, Conflict Resolution in the Workplace, Ch. 11 “Dealing with the Unions”
- Mock Grievance Arbitration Assignment and Film

Class 12: April 16, 2013

- Review reading assignment from previous class
- Readings (to be discussed next class):
  - R. Masters, M. Albright, Conflict Resolution in the Workplace, Ch. 13 “Establishing an Integrated Conflict Resolution System”
- Mock Grievance Arbitration Assignment and Film

Class 13: April 23, 2013

- Review reading assignment from previous class
- Readings (to be discussed next class):
  - H. Katz and T. Kochan, An Introduction to Collective Bargaining and Industrial Relations, Ch. 9 “Dispute Resolution Procedures”
- Mock Grievance Arbitration papers due

Class 14: April 30, 2013

- Review reading assignment from previous class
- Review for final exam

Class 15: Final Exam (date to be announced)