GRIEVANCE PROCESSES AND ARBITRATION

Spring 2012
Course No. 38/578/575/01
Thursdays at 7:20 p.m. - 10:00 p.m.
Room 166, Labor Education Center

Professor Joyce M. Klein
Phone: (732) 775-5677
E-mail: joycemklein@gmail.com

Objectives: The grievance arbitration process and procedures will be examined. Through the reliance on text, hypothetical examples, and student experiences presenting and attending mock and actual arbitration hearings, students will gain an understanding of the grievance arbitration process as well as an overview of the substance of arbitration practice.

Text: Elkouri & Elkouri, How Arbitration Works, BNA (6TH ed. 2003)

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

Students will prepare written evaluations of hypothetical situations, which will account for **20%** of the final grade. The first assignment will be distributed on **February 23, 2012** and will be due on **March 1, 2012**. The second assignment will be distributed on **March 9, 2012** and will be due on **March 22, 2012**.

Students will attend one arbitration hearing, prepare an award based upon the hearing, and lead a classroom discussion (approximately 20 minutes) of the hearing process, the student's rationale and the resulting award. This presentation and the written award will account for **25%** of the final grade. The written award will be due one week after the student's classroom presentation, except that all written awards must be submitted by the last day of class.

Students will prepare for and participate in one mock grievance mediation exercise and one mock arbitration exercise. The mock mediation exercise will take place entirely in class. The mock arbitration exercise will require out-of-class preparation and will account for **15%** of the final grade.

Students will complete a take home final exam, which will account for **25%** of the final grade. The exam will be distributed on **April 26, 2012** and will be due on **May 3, 2012**.

The remaining **15%** of the final grade will be based upon attendance and participation. Participation includes contribution to class discussions and participation in both the in-class mock mediation exercise and the mock arbitration exercise. Although the mock mediation exercise will not be graded, failure to participate in this exercise will be considered in your participation grade.

January 19	**Overview of Dispute Settlement** Rights versus Interests (versus Economics) Contracts and Negotiability
January 26	**Arbitration, its history, development and setting** Legal Status of Arbitration Grievance Mediation and Alternative Dispute Resolution Elkouri & Elkouri, p.p. 1-19; Chapter 2
February 2	**The Grievance Process** The arbitrator and how a dispute gets to arbitration. Elkouri & Elkouri pp.141-162; 171-196; and Chapter 5
February 9	**Scope of Arbitration and Arbitrability** Elkouri & Elkouri Chapters 3 and 6
February 16	**Procedures, Techniques and Evidence** **(Grievance Mediation—in class exercise)** Elkouri & Elkouri Chapter 7 and pp. 339-385; 403-426
February 23	**Discipline and Discharge** Elkouri & Elkouri Chapter 15 (Hypothetical analysis exercise distributed)
March 1	**Interpreting Contract Language and Substantive Rules of Law** (Hypothetical analysis exercise due) Elkouri & Elkouri Chapters 9 and 10

March 8	**Precedent Value of Awards & Custom and Practice** Elkouri & Elkouri Chapters 11 and 12 (Second hypothetical analysis distributed)
March 22	**Management Rights** Elkouri & Elkouri Chapter 13 (Mock arbitration exercise distributed) (Second hypothetical analysis due)
March 29	**Seniority & Safety and Health** **Employee Rights and Benefits** Elkouri & Elkouri Chapters 14, 16 and 17
April 5	**Employee Rights and Benefits continued** Elkouri & Elkouri Chapter 17
April 12	**Remedies & Arbitration** **(Mock Arbitration)** Elkouri & Elkouri Chapter 18
April 19	**Arbitration Presentations**
April 26	**Arbitration Presentations** (Take home final distributed)
May 3	**Take home final due (no class)**