AMERICAN LABOR LAW

37:575:340
Fall 2011
Sundays, 10:00 a.m. – 12:50 p.m.

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Office Hours:	by appointment
Class Location:	Labor Education Center, Cook/Douglass Campus

This course provides an overview of American labor law, including the law relating to organizing, collective bargaining, contract enforcement, strikes, and relations between unions and their members. The purpose is to provide a basic overview of the legal system and legal doctrines that govern labor relations in the United States and to bring some critical analysis to bear on these institutions and practices.

Texts:
Michael Harper, Samuel Esteicher & Joan Flynn, *Labor Law: Cases, Materials and Problems* (6th ed. 2007) (Aspen Publishers)
Michael Harper, Samuel Esteicher & Joan Flynn, *Labor Law: Selected Statutes, Forms and Agreements* (2007) (Aspen Publishers)
Michael Gold, *An Introduction To Labor Law, Revised* (1998) (Cornell University Press)

Course Requirements:
Class attendance is required.
Students are required to do the reading for each class in *advance* of class and be prepared to discuss it during class. Class discussion will often be based on a close reading of legal materials, so it is necessary for students to bring the assigned reading to class.
There will be an in-class mid-term exam and an in-class second (final) exam.
Grades will be based on performance on the two exams and on class participation/attendance.

Class #1 (Sept 12) -- Introduction to the course and to the American legal system

Class #2 (Sept 19)-- Historical Background of American Labor Law

Gold, Chap. 1 (pp.1-4)
Harper, Chap. 2(A)(2)(a) (pp. 35-38, plus note #1), 2(A)(2)(b) (pp. 40-45, including note #1), 2(A)(3) (pp. 48-52, including notes ##1, 2), 2(B)(1) (pp. 53-56), 2(C)(1) (pp. 66-68)
Statute Book: p.1 (Sherman Act §1), p.40 (Norris-LaGuardia Act, §§1-2)
Sakai: excerpt from 14th Amendment to the United States Constitution **[#140255]**

Class #3 (Sept 26) -- The National Labor Relations Act

Gold, Chaps. 2 (pp.5-7, bottom of p.11-middle p.14, p.17), Chap. 3 (pp.18-25)
Harper, Chap. 2(D)(2)(a), (b) (pp.80-91), Chap. 3(A)(1), (2) (pp.99-101), Chap. 3(C)(2)(a) (pp.113-18, including note #1).
Statute Book: pp. 47-48 (§1 of NLGA); pp. 48-49 (§2(3)); p.53 (§7)

Class #4 (Oct. 3)-- Protection of Concerted Employee Activity

Gold, Chap. 4 (only pp. 28-29 "Solicitation on Company Property" section
Harper, Chap. 4(A)(2) (only footnote 10 on p.171; notes starting on bottom half of p.173 through top half of p.174); Chap. 4(B)(1) (p.178), Chap. 4(B)(2) (pp.178-85); Chap. 4(C)(1) (pp.207-10, 214 (note 1 only); Chap. 4(C)(3) (pp.240-43 (*Weingarten* case), p.245 (Note #8).
Sakai: *Conley Trucking* case **[#140251]**
Sakai: *Guard Publishing Co.* case **[#140252]**
Statute Book: pp.53-54 (NLRA §§8(a)(1), (a)(3) ((a)(3) only before the "provided" clause)

Class #5 (Oct 10) -- Creation of the Bargaining Relationship/Preparation for Mid-Term

Gold, Chap. 4, pp.26-31
Harper, Chap. 5(A)(1) (only pp.275-top half of 277, 285-88); Chap. 5(A)(2) (only p.311-312, notes #2-#4); Chap.5(A)(3) (pp. 317-323 (starting with "Regulation of Conduct of Election", bottom p.334-338, 348-50 (*Exchange Parts* case only); Chap. 5(B)(2) (pp.377-80, including only notes #1-#2 on pp.379-80).
Statute Book: p.61 (NLRA §§9(a) (before the "provided" language); p.57 (NLRA §8(c)).

Class #6 (Oct 17) -- In-Class Mid-Term Exam

Class #7 (Oct 24) -- The Collective Bargaining Process

Gold, Chap. 5 (pp.39-48)
Harper, Chap. 7(B)(2) (p.471-top half of p.475, pp.476-77, Note #4), Chap. 7(B)(3) (p.479-top of p.482, bottom half p.483-top half of p.485, p.488-top of p.490); Chap. 7(B)(5) (pp.504-05, Note #3, pp.506-07, Note #7).
Sakai: *Ford Motor Co.* case **[#140253]**
Statute Book: p.54 (NLRA §8(a)(5)), p.55 (§8(b)(3)); pp.57-58 (§8(d), only the language before the word *Provided*)

Class #8 (Oct. 31)-- Use of Economic Weapons

Gold, Chap. 6 (pp.49-56)
Harper, Chap. 8(A) (pp.571-top of p.574, 580-85, 589-94, including Note #1 on p.594), Chap. 4(C)(1) (pp.215-16, Note #4); Chap. 8(B)(2) (pp. 667-73, p.638 Note #2)

Class #9 (Nov 7) -- Enforcement of Collective Bargaining Agreements

Gold, Chap. 7 (pp.57-59, 63-top of p.66)
Harper, Chap. 9(A) (pp.717-18 (*Safeway* case), 722-24 (*Modern Woodcrafts* case), Chap. 9(B) (p.740-47, 761-63 (*Enterprise Wheel*)

Class #10 (Nov 14) -- Relationship between Unions And Employees

Gold, pp.7-9 ("Duty of Fair Representation"), pp.14-16 ("Union Security")
Harper, Chap. 13(B) (p.1019-top. p.1022, bottom p.1032-top p.1036), Chap. 14 (pp.1066-70 (*Salzhandler*, *Mitchell* cases), 1074-79 *Finnegan* case, *Sheet Metal* case only through p.1079).
Statute Book: p.99 (LMRDA, §§101(a)(1), (a)(2))

Class #11 (Nov 21) -- Public Sector Labor Law

Handout materials: *McLaughlin v. Tilendus*, *United Fed'n of Postal Clerks v. Blount*, *Country Sanitation v. Los Angeles* **[#140256]**; *Plainfield and Firemen's Mutual Benevolent Ass'n.* **[#140257]**
Interest arbitration exercise.

No Class Thanksgiving weekend (Nov 28)

Class #12 (Dec 5) -- Labor Law Reform; Review for Second Exam

Handout: text of "Employee Free Choice Act" bill; Wikipedia article on the bill
Handout: excerpts from Cythia Estlund, *The Ossification of American Labor Law*, 102 Columbia Law Review 1527 (2002)

Class #13 (Dec 12) -- In-Class Second Exam