Conflict and Conflict Resolution in the Workplace
Course No: 37:575:312
Rutgers University School of Management and Labor Relations
Spring 2012

Instructor: Felice Busto (Phone: 732 776-6507; email: fbusto@rcn.com)
Time: Thursdays 2:50-5:50 p.m.
Location: Campbell Hall, Room A2 (617 George St.)

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.

The first half of the course examines dispute resolution in the non-union sector and the second half explores the processes used 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 communication and negotiating skills that are 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 and videos. In addition, there will be a “hands on” employment mediation exercise and a mock grievance arbitration that students will present in teams before 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 and be on time for class** (cell phones turned OFF—no texting or emailing is permitted during class). Because the skills for mediation and arbitration are developed throughout the course, attendance is very important!

♦ Read the assigned material **before** class and be prepared to discuss;

♦ Students are expected to be familiar with the University’s Policy on Academic Integrity and follow it: [http://academicintegrity.rutgers.edu](http://academicintegrity.rutgers.edu)

**Absences:** Please report any absence **in advance** unless you have an unexpected illness or emergency. Absences should be reported by using the university absence reporting website [https://sims.rutgers.edu/ssra](https://sims.rutgers.edu/ssra) to indicate the date and reason for your absence. An email will be automatically sent to me.

♦ If you absent try 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**;

**NOTE:** Attendance is mandatory for the mock mediation and arbitration exercises as they depend on the collaboration of all team members.

**Class Participation**

♦ In-class meetings will include 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.

**Communications**

I will communicate class announcements via email. If you need to reach me email is the best method. I am an adjunct faculty member and arbitrate and mediate during the day but I will do my best to get back to you as soon as possible.

**Course Evaluation**

For purposes of grading there are five components of the course:
1. Attendance, class participation, and in-class individual and group assignments (25%). Homework will be graded with check, check plus or check minus.

2. One in class mid-term (30%)

3. A mock-arbitration exercise—a team grade based upon your group’s preparation and presentation of a grievance involving a terminated employee. (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

Description of Classes:

Class 1: Jan. 19, 2012

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

Readings:
M. Masters and R. Albright, Conflict Resolution in the Workplace, Ch. 1 “Understanding Workplace Conflict” p. 11-26

Class 2: Jan 26, 2012

Employment at Will in the Non-Union Workplace:
Guest Professor: James Cooney

Readings:
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
Class 3: Feb. 2, 2012

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:

W. Ury, J. Brett and S. Goldberg, Getting Disputes Resolved, Ch. 1 “Three Approaches to Resolving Disputes:” Interests, Rights and Power


Class 4: Feb. 9, 2012

ADR in the Non-Union Workplace:
Negotiation, Peer Review, Factfinding, Ombuds, ENE

Readings:

R. Masters, M. Albright, The Complete Guide to Conflict Resolution in the Workplace, Ch. 5 “Negotiation” pp. 99-115 and Ch. 8 “Potpourri”

Class 5: Feb. 16, 2012

ADR in Non-Union Workplace: Mediation

Readings:

M. Masters and R. Albright, The Complete Guide to Conflict Resolution in the Workplace Ch. 6 “Mediation” pp. 141-162

Film: Termination Tempest: Mediation at Work
Class 6: Feb. 23, 2012

Mock Mediation: Sexual Harassment at the No Sweat Spa

No Reading Assignment

Class 7: March 1, 2012

ADR in the Non-Union Workplace:

Employment Arbitration: The Process
Mandatory Employment Arbitration and Due Process

Readings:

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 8: March 8, 2012 (Midterm)

***** MARCH 15 NO CLASS!!!!! SPRING BREAK

Class 9: Mar. 22, 2012

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

Readings:


Class 10: Mar. 29, 2012

Dispute Resolution in the Union Sector: Grievance/Labor Arbitration
Discipline and Discharge: Understanding Principles of Just Cause
Readings:


Class 11: Apr. 5, 2012

Labor Arbitration Process (Continued)

How to Prepare Your Case for Arbitration: Direct and Cross Examination, Opening and Closing Statements

Readings:


Class 12: April 12, 2012

Mock Grievance Arbitration Preparation

Class 13: Apr. 19, 2012 (NOTE: LOCATION/TIME CHANGE!!!)

Mock Grievance Arbitrations

Location: Labor and Education Center, 50 Labor Center Way, ROOM 115
Time: 3:20 pm

Class 14: April 26, 2012

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

Readings:

H. Katz and T. Kochan, An Introduction to Collective Bargaining and Industrial Relations, Ch. 9 “Dispute Resolution Procedures”

FINAL EXAM May 4, 2012 (12-3pm)