

COLLECTIVE BARGAINING AND WORKER REPRESENTATION

Fall 2024

Professor Rebecca Givan

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Office Hours: By appointment

Member, [Rutgers AAUP-AFT](#).

This course will explore and analyze the environment, participants, process, outcomes and impacts of collective bargaining. Each week will focus on a key element or a particular specialized area and will run from Tuesday morning until Monday evening. The class requires that you read and view all course materials within the assigned week. Additionally, students will participate in a required synchronous mock contract negotiation.

The course will start each week on Tuesday morning. You will receive a weekly message outlining what the week ahead entails. NOTE: Syllabus subject to change.

Books:

There is one required book for this course:

Steven Greenhouse, *Beaten Down, Worked Up: The Past, Present and Future of American Labor*. Knopf Doubleday, 2019. Abbreviated as “Greenhouse.”

We will read excerpts from several other books, including:

John W. Budd, *Labor Relations: Striking a Balance* (4th edition), abbreviated as “Budd”

Michael R. Carrell and Christina Heavrin, *Labor Relations and Collective Bargaining: Public and Private Sectors* (10th edition), abbreviated as “Carrell”

There is a Canvas site for the course, and readings will be posted there.

Assignments: Note - you must complete all assignments to receive credit for the course.

Discussion Forums: 20%

Weekly reaction papers: 20%

Memo 1: (October 21st): 20%

Memo 2: (November 18th): 20%

Live Collective Bargaining exercise, including written components and participation: 20%

Note: There are some ungraded assignments which you are still required to complete. The following assignments are required but ungraded:

Syllabus quiz

Student Information Sheet

Labor law quiz

Reaction papers are **due by midnight on Mondays at the end of the module** for

the nine weeks for which we have readings assigned (there are no reaction papers due for the weeks in which we are only doing the bargaining simulation). You must turn in a reaction to the readings that addresses one or more aspect of one or more reading. You should not simply describe the reading- these papers should be a thoughtful response that critiques the reading or places it into some broader context (for example with other ideas and readings from the class or from current events). **You can either skip two weeks' reaction papers OR have your lowest reaction paper grades dropped from your final grade calculation (or choose one skip and one dropped grade).**

For all written assignments, please use 1" margins, double spacing and a 12-point font. All papers should be uploaded to Canvas.

Academic Integrity:

You are responsible for understanding and following the Rutgers University Policy on Academic Integrity. Information on the policy is available here:

<https://academicintegrity.rutgers.edu/sites/default/files/pdfs/current.pdf>

Written assignments will be submitted via Canvas and processed through Turnitin.

Mutual Respect

All class participants (students, instructor, guests) are expected to treat each other with respect at all times. You should engage actively in the course and refrain from making assumptions about classmates. Throughout the class, you will be encountering ideas that may contradict and challenge some of your own. I am confident that together, we can find ways to productively engage in exploring these topics respectfully and critically.

Accessibility:

Rutgers University welcomes students with disabilities into all of the University's educational programs. In order to receive consideration for reasonable accommodations, a student with a disability must contact the appropriate disability services office at the campus where you are officially enrolled, participate in an intake interview, and provide documentation:

<https://ods.rutgers.edu/students/documentation-guidelines>. If the documentation supports your request for reasonable accommodations, your campus's disability services office will provide you with a Letter of Accommodations. Please share this letter with your instructors and discuss the accommodations with them as early in your courses as possible. To begin this process, please complete the Registration form on the ODS web site at:

<https://webapps.rutgers.edu/student-ods/forms/registration>.

Title IX Resources and Mandated Reporting:

Rutgers faculty are committed to helping create a safe learning environment for all students and for the university as a whole. If you have experienced any form of gender or sex-based

discrimination or harassment, including sexual assault, sexual harassment, relationship violence, or stalking, know that help and support are available. Rutgers has staff members trained to support survivors in navigating campus life, accessing health and counseling services, providing academic and housing accommodations, and more. The University strongly encourages all students to report any such incidents to the University. Please be aware that all Rutgers employees (other than those designated as confidential resources such as advocates, counselors, clergy and healthcare providers as listed in Appendix A to [Policy 10.3.12](#)) are required to report information about such discrimination and harassment to the University. This means that if you tell a faculty member about a situation of sexual harassment or sexual violence, or other related misconduct, the faculty member must share that information with the University's Title IX Coordinator. If you wish to speak to a confidential employee who does not have this reporting responsibility, you can find a list of resources in Appendix A to University Policy 10.3.12. For more information about your options at Rutgers, please visit endsexualviolence.rutgers.edu

For access to resources including victim and mental health services, academics, and emergency financial assistance, see <https://smlr.rutgers.edu/academic-programs/current-students>

Class Schedule:

The schedule of readings and assignments is below. We may need to move some topics (and readings) to accommodate guest speakers or adjust the emphasis as a result of class discussion. However, exam dates and assignment deadlines will not change. You should complete all readings before class, and come to class ready to discuss what you have read. In general, lectures will not repeat the material in the readings, but build on this material, although you are encouraged to ask questions about the readings during class.

Week 1 – Tuesday September 3 – Monday September 9

Introductions

Film: *At the River I Stand* (58 minutes)

- Create Profile in Tending to Account Associated Tasks
- Respond to Instructor Message
- **Complete Student Information Sheet**
- **Complete syllabus quiz**

Week 2 Tuesday September 10 - Monday September 16

What is collective bargaining?

Reading:

Greenhouse, Chapter 7

Chapter 1 in Harry Katz, Thomas Kochan and Alexander Colvin, *An Introduction to U.S. Collective Bargaining and Labor Relations* 5th Ed. (2017).

[Collective Bargaining Agreement worksheet due.](#)

[Reaction paper due](#)

Recommended reading: Chapter 2 in Harry Katz, Thomas Kochan and Alexander Colvin, *An*

Introduction to U.S. Collective Bargaining and Labor Relations 4th Ed.

Listen: Podcast: Getting Curious with Jonathan Van Ness #84: What Do Trade Unions Actually Do? with Prof. Rebecca Givan

Week 3 Tuesday September 17 - Monday September 23
20th and 21st Century Collective Bargaining

Film *Final Offer*

Reading:

Greenhouse, Chapter 2

Budd, Chapter 7 excerpt (236-246)

Smiley, Erica and Gupta, Sarita. *The Future We Need: Organizing for a Better Democracy in the Twenty-First Century*. Ithaca: Cornell University Press. 2022. Part 1 (Chapters 1-3, pp11-43).

<https://bit.ly/3Z5Ej4q>

Reaction paper due

Forum 1

Week 4 Tuesday September 24 - Monday September 30

The bargaining environment: law

Reading:

Greenhouse, Chapters 11 & 15

Budd, Chapter 4 (107-144)

Richman, Shaun “Misjudging Labor” *New York Review of Books*, August 10, 2024.

Greenhouse, Steven “How corporations crush new unions” *The New Republic*, December 18, 2023. <https://newrepublic.com/article/177557/trader-joes-union-busting-bargaining-table-first-contract>

Listen: Podcast episode *The Daily*, December 27, 2022

How Two Friends Beat Amazon and Built a Union: An Update

<https://www.nytimes.com/2022/12/27/podcasts/the-daily/new-york-amazon-union.html>

Watch: *Last Week Tonight: Union Busting* (23 minutes)

<https://www.youtube.com/watch?v=Gk8dUXRpoy8>

Reference material: National Labor Relations Act <https://www.nlrb.gov/guidance/key-reference-materials/national-labor-relations-act>

Reaction paper due

Labor law quiz

Week 5 Tuesday October 1 – Monday October 7

The bargaining environment: political economy

Reading:

Greenhouse, Chapters 13 & 18

Alex Gourevitch, "The Sound of the Police," *Jacobin*, January 11, 2015.

<https://www.jacobinmag.com/2015/01/the-sound-of-the-police/>

Givan, Rebecca Kolins. 2019. "How Democrats learned to stop worrying and love teachers" *The Hill*, April 3, 2019. <https://thehill.com/blogs/congress-blog/education/437263-how-democrats-learned-to-stop-worrying-and-love-teachers>

Rad, Abdul Nasser, David S. Kirk, and William P. Jones. "[Police Unionism, Accountability, and Misconduct.](#)" *Annual Review of Criminology* 6 (2023): 181-203.

Reaction paper due

Forum 2

Week 6 Tuesday October 8th- Monday October 14th

Negotiation basics

Reading:

Budd, Chapter 7 excerpt (246-258)

Selections from Babcock and Laschever *Women Don't Ask*. Princeton: Princeton University Press, 2003. Introduction and Chapter 1.

Selection from Roger Fisher and William Ury, *Getting to Yes: Negotiating Agreement without Giving In*. New York: Penguin, 1991 (pages 17-106)

Reaction paper due

Week 7 Tuesday October 15th – Monday October 21st

1st Memo

Based on current news issue

Week 8 Tuesday October 22nd– Monday October 28

Bargaining for economics

Reading:

Carrell, Chapters 7 & 8

Film: *American Factory* (2019), 109 minutes.

Greenhouse, Chapters 3 & 16

Spatz *Contract Costing for Union Negotiators* (read pp1-26)

Forum 3, Contract Costing forum

Reaction paper due, noon.

Week 9 Tuesday October 29th– Monday November 4th

Strikes

Reading:

Greenhouse, Chapters 8 and 20

Blanc, Eric. "The Chicago Teachers' Strike Ten Years On: Organizing for the Common Good,

Then and Now” *New Labor Forum* 2022 Vol. 31 Issue 3 Pages 62-69
Rosenblum, Jonathan [“The UAW’s “Stand Up Strike” Strategy Led to a Huge Win—and Not Just for Autoworkers”](#) *The Nation*, November 3, 2023.

Reaction paper due, noon

Week 10 Tuesday November 5th- Monday November 11th
Grievance, discipline and other non-economic issues

Reading:

Carrell, Chapters 11 & 12

Avendaño, Ana. "Sexual harassment in the workplace: Where were the unions?." *Labor Studies Journal* 43.4 (2018): 245-262.

Reaction paper due, noon.

Week 11 Tuesday November 12th – Monday November 18th
2nd Memo – Arbitration case

You are the arbitrator. Read the posted arbitration case – you have the arbitrator’s summary of the issues but you do not have their final ruling. You must submit a memo that applies each of the seven tests to the case, and then presents a ruling and, if applicable, a remedy.

Week 12 and Thanksgiving week Tuesday November 19th – Monday December 2nd
Bargaining prep

Week 13 Tuesday December 3rd - Monday December 9th
Bargaining simulation live, time as assigned

Week 14 and finals week Tuesday December 10th - Monday December 16th
Bargaining reflection and wrap up

Reading:

Greenhouse Chapter 21

Sarita Gupta, Stephen Lerner and Joseph A. McCartin “It’s Not the 'Future of Work,' It’s the Future of Workers That’s in Doubt” *The American Prospect* August 31, 2018.

<https://prospect.org/article/its-not-future-work-its-future-workers-doubt>

Reaction paper due, noon.

Forum 4 (bargaining debrief)

Recommended: Mark Zuckerman *Finding Workers Where They Are: A New Business Model to Rebuild the Labor Movement* The Century Foundation, February 6, 2019.

<https://production->

[tcf.imgix.net/app/uploads/2019/02/07121413/19Zuckerman_WorkersFinalPDF.pdf](https://production-tcf.imgix.net/app/uploads/2019/02/07121413/19Zuckerman_WorkersFinalPDF.pdf)

Collective Bargaining Agreement (CBA) Worksheet

Choose a collective bargaining agreement that is interesting or relevant to you. **Read the entire CBA.** Take notes on the following questions. Come to class with your notes as well as the CBA (in electronic form or hard copy). You must upload your notes to Canvas (the answers to these questions) no later than **midnight Monday September 16.** Choose a CBA that is of interest to you, as you will return to this contract throughout the semester. The CBA you choose should be currently in effect, or if expired, be the last agreement that exists for this unit (i.e. no successor agreement has been negotiated).

You can find many collective bargaining agreements online by searching for the name of the employer and/or the union and “collective bargaining agreement” or “CBA.” Many CBAs also appear on the employer or union local’s website. You can also find a large number of CBAs online on the US Department of Labor’s website, at <http://www.dol.gov/Olms/regs/compliance/cba/index.htm>

What is the date of the CBA?

Who are the two (or more) parties to the CBA?

What are the start and end dates of the CBA? How long is the contract?

Are there any provisions for contract re-openers or extensions in particular circumstances?

Is this work in the public or private sector?

How many job classifications are there? What are they?

Are skilled and unskilled workers treated differently?

Is there a no-strike clause in the contract?

Is there an agency fee/ agency shop clause in the contract?

Are there specific performance/productivity goals or incentives in the contract? What are they?

What are the wage increases for each year of the contract? Is the wage increase the same for all workers?

Is there a COLA (Cost Of Living Adjustment) in addition to the other wage increase/s? How is it stated/ calculated?

What is the health insurance plan- how much do employers and employees pay, what kind of coverage do they receive, are dependents covered (and at what cost)?

Is there a pension plan? If yes, how is it structured? If no, is there a 401K or other retirement plan?

Is there a provision for life insurance?

How many vacation days do workers get? Which workers, and after how many years of employment?

How many paid holidays are there?

How many sick and personal days is each worker allowed?

Is there a provision for Jury Duty?

Is there a provision for parental leave? What is the policy?

Are there any unusual provisions in the CBA?