

Course Syllabus¹

Conflict and Conflict Resolution in the Workplace
Rutgers University School of Management and Labor Relations

Prof. William Dwyer
Course No: 37:575:312 (undergraduate)
38:578:515 (graduate)
Fall, 2019

Tuesday & Thursday 1:40pm - 3:00pm
Janice H. Levin Building, Livingston Campus

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General: In recent years, 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 presence of unions in the workplace has declined, many 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 agreement provisions that often are the sources of conflict. 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.

¹ Note, this syllabus is subject to changes based on unforeseen circumstances

Format: The class will be comprised of lecture, group work and videos. In addition, a labor arbitration simulation will be assigned where students will experience what it is like to analyze a case and to write an award and opinion as a labor arbitrator.

Required Textbook: There is one textbook that is required for this course: The Complete Guide to Conflict Resolution in the Workplace M. Masters and R. Albright. Paperback: 368 pages. Publisher: AMACOM (May 13, 2002). ISBN-10: 0814417183 ISBN-13: 978-0814417188

Additional required reading assignments will be posted on Sakai at no cost.

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:

- read the assigned material before class and be prepared to discuss it.
- attend, participate and be on time for every class. Because dispute resolution skills are developed throughout the course, attendance is very important.
- 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. Do not call or email me directly to report an absence. Absences MUST 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 (wmd3@smlr.rutgers.edu).

Grades (Undergraduate students): For grading purposes, there are four components:

1. Attendance, class participation, individual and group assignments. (25%)
2. A mid-term exam. (25%)

3. A mock-arbitration exercise with the grade based upon a written arbitration opinion and award in a case involving an employee who was suspended from work. (25%)

4. A final exam that focuses primarily on material covered during the second half of the semester but also including processes/principles from the first half of the semester. (25%)

Grades (Graduate Students): For grading purposes, there are five components:

Attendance, class participation, individual and group assignments. (20%)

A mid-term exam. (20%)

A mock-arbitration exercise with the grade based upon a written arbitration opinion and award in a case involving an employee who was suspended from work. (20%)

A final exam that focuses primarily on material covered during the second half of the semester but also including processes/principles from the first half of the semester. (20%)

A team project based on research and a paper on the topic of employment arbitration (20%)

Office Hours: Students are strongly encouraged to take advantage of meeting with me to discuss any matters of concern or interest. I am available to meet in my office at the Labor Education Center on the Cook/Douglass Campus most weekdays by appointment.

Schedule of Classes:

Week 1:

Overview of the course

- Introduction to the course and course requirements
- Introductions, student backgrounds, expectations & objectives
- Sources of conflict
- Read:
 - M. Masters and R. Albright, Conflict Resolution in the Workplace, Ch.1 “Understanding Workplace Conflict” and Chapter 2 “Diagnosing Conflict”

Week 2:

Employment at Will in the Non-Union Workplace:

- Review reading assignment from previous class
- Shift change conflict exercise
- Read:
 - C. Muhl, “Employment at Will”
 - (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

- Pierce:
 - http://scholar.google.com/scholar_case?case=9748700253424262526&q=pierce+v.+ortho+pharmaceutical+corp&hl=en&as_sdt=2,31&as_vis=1

Week 3:

Alternative Dispute Resolution Procedures in the Non-Union Sector:
 Why Have Employers Established ADR Policies and Procedures?
 Overview of Processes Used for Dispute Resolution

- Guest speaker
- Read:
 - 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. 3 “The Rise of Alternative Dispute Resolution”

Week 4:

ADR in the Non-Union Workplace:
 Negotiation, Peer Review, Fact Finding, Ombuds

- Review reading assignment from previous class
- Read:
 - R. Masters, M. Albright, The Complete Guide to Conflict Resolution in the Workplace, Ch. 4 “Negotiation” and Ch. 8 “Potpourri”

Week 5:

ADR in Non-Union Workplace: Mediation

- Review reading assignment from previous class
- Read:
 - <http://www.callawyer.com/2015/12/how-do-you-explain-mediation/>
 - M. Masters and R. Albright, The Complete Guide to Conflict Resolution in the Workplace Ch. 6 “Mediation”

Week 6:

ADR in the Non-Union Workplace
 Mediation

- Review reading assignment from previous class
- Review for mid-term exam

Week 7:

Midterm Exam

- Read:
 - R. Masters, M. Albright, Conflict Resolution in the Workplace, Ch. 7 “Arbitration”
 - D. Lipsky, R. Seeber and R. Fincher: “Design of Conflict Management Systems: Emerging Systems for Managing Workplace Conflict”, Ch. 6

Week 8:

Employment Arbitration: The Process

Mandatory Employment Arbitration and Due Process

- Employment arbitration video – Sen. Franken questions arbitration attorney
- Review reading assignment from previous class
- Read:
 - M. Carrell & C. Heavrin, Labor Relations and Collective Bargaining, Ch. 5 “Negotiating an Agreement” pp. 215-232

Week 9:

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
- Read:
 - M. Carrell & C. Heavrin, “Grievance and Disciplinary Procedures”

Week 10:

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

Discipline and Discharge: Understanding Principles of Just Cause

- Review reading assignment from previous class
- Read:
 - M. Carrell & C. Heavrin, “ Ch. 12 “The Arbitration Process”
- Mock Grievance Arbitration Assignment and Film

Week 11:

Labor Arbitration Process (Continued)

- Review reading assignment from previous class
- Read:
 - R. Masters, M. Albright, Conflict Resolution in the Workplace, Ch. 3 “Dealing with Conflict”
- Mock Grievance Arbitration Assignment and Film

Week 12:

- Review reading assignment from previous class
- Read:
 - R. Masters, M. Albright, Conflict Resolution in the Workplace, Ch. 13 “Establishing an Integrated Conflict Resolution System
 - H. Katz and T. Kochan, An Introduction to Collective Bargaining and Industrial Relations, Ch. 9 “Dispute Resolution Procedures”

Week 13:

- Review reading assignment from previous class
- Review of mock arbitration case assignment

- Read
 - R. Masters, M. Albright, Conflict Resolution in the Workplace, Ch. 9 “Confronting Workplace Violence” and Ch. 10 “Resolving EEO Disputes”
- Mark Ross Arbitration Case

Week 14:

- Discussion on careers in HR and Labor/Employment Relations
- Guest Speakers on Workplace Mediation and Arbitration
- Review for final exam

Week 15:

- Final Exam

Learning Objectives. The student is able to:

Labor Studies and Employment Relations Department:

- Apply concepts from employment relations, and substantive institutional knowledge, to understanding contemporary developments related to work. (Goal 2).

School of Management and Labor Relations:

- Demonstrate an understanding of how to apply knowledge necessary for effective work performance. (Goal VI)

Additional Course Objective(s) from the Instructor:

- Demonstrate an understanding of the reasons for workplace conflict, the types of dispute resolution procedures that are used in both the union and non-union workplaces and integrated conflict management systems.

University Disability Policy: 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://ods.rutgers.edu/students/registration-form>.

Revised 8/27/19