

AMERICAN LABOR LAW
37:575:340/38:578:550
Fall 2024
Sundays, 6:30 p.m. – 9:30 p.m.

Instructor: Peter DeChiara
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Office Hours: by appointment on Zoom
Class Location: on Zoom

This course provides an overview of American labor law, including the law relating to union organizing, collective bargaining, contract enforcement, strikes, and relations between unions and their members.

Texts:

- (1) Peter DeChiara, *Text for American Labor Law Course* (2021) (available on Canvas)
- (2) Michael Gold, *An Introduction to Labor Law, 3d Edition* (2014) (Cornell University Press) (available at the Rutgers library)

Course Requirements:

Class attendance (by Zoom) is required. Students are expected to keep their video on during class.

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 be based on a close reading of legal materials.

There will be a midterm exam and a final exam.

Grades will be based on performance on the two exams and on class participation/attendance. Midterm = 35%, Final = 45%, Attendance = 10%, Participation = 10%.

Learning Objectives:

- Apply employment relations legal concepts, and substantive institutional knowledge, to understanding contemporary developments related to work. (Labor Studies Department goal 2).
- Understand basic legal doctrines, policies and historical development of American labor law.
- Read and analyze legal decisions and statutory materials related to American labor law.
- Understanding context. Evaluate the context of workplace issues, public policies, and management decisions The law is a major context of labor-management relations.
- Application. Demonstrate an understanding of how to apply knowledge necessary for effective work performance. Knowledge of how law is applied in situations related to union representation of employees in this class, an essential skill for employment relations professionals (SMLR Learning objective VI).

Schedule:

Class #1 (Sept. 8) -- **Introduction to the course and to the American legal system**

DeChiara, Introduction (p.1)

Class #2 (Sept. 15) -- **Historical Background of American Labor Law**

Gold, Chapter 1 (pp.10-13)

DeChiara, Chapter 1 and, in the Appendix of Statutes (p.213), the excerpts of the United States Constitution, the Sherman Antitrust Act and the Norris-LaGuardia Act

Class #3 (Sept. 22) -- **The National Labor Relations Act**

Gold, Chapter 2 (pp.14-top of p.17), Chapter 3 (pp.36-40)

DeChiara, Chapter 2 and, in the Appendix of Statutes (p.213), Sections 1, 2 and 7 of the National Labor Relations Act. Also, look at NLRB forms (pp.220-21).

Class #4 (Sept. 29) – **Defining Employee Rights under the NLRA**

Gold, Chapter 2, middle p.19-top p.25, Chapter 4, middle p.49-middle p.50

DeChiara, Chapter 3 and, in the Appendix of Statutes (p.213), Section 8(a) of the National Labor Relations Act

Class #5 (Oct. 6) -- **Creation of the Bargaining Relationship**

Gold, Introduction, pp.8-9, Chapter 2, pp.25-top p.26, Chapter 3, pp.40-42, 45-47, Chapter 4, p.52-middle p.54

DeChiara, Chapter 4 and, in the Appendix of Statutes (p.213), Sections 8(c) and 9(a) of the National Labor Relations Act, and NLRB Petition form (p.221)

Class #6 (Oct. 13) -- **The Collective Bargaining Process**

Gold, Chapter 5, p.62-top p.65, pp.71-76

DeChiara, Chapter 5 and, in the Appendix of Statutes (p.213), Sections 8(a)(5), 8(b)(3) and 8(d) of the National Labor Relations Act

Class #7 (Oct. 20) – **MIDTERM EXAM**

Class #8 (Oct. 27) -- **Use of Economic Weapons**

Gold, Chapter 6, p.77-p.83

DeChiara, Chapter 6

NO CLASS ON NOVEMBER 3

Class #9 (Nov. 10) -- **Enforcement of Collective Bargaining Agreements**

Gold, Chapter 7, p.86-middle p.90, middle p.92-top p.96

DeChiara, Chapter 7 and Article XI and XII of Sample Collective Bargaining Agreement (p.223).

Class #10 (Nov. 17) -- **Relationship between Unions and Employees**

Gold, Chapter 2, p.25-top p.28, 31-33

DeChiara, Chapter 8 and, in the Appendix of Statutes (pp.213), Sections 101 and 102 of the Labor-Management and Reporting and Disclosure Act

During this week, we will discuss the duty of fair representation, which prohibits labor unions from engaging in racial, sexual and other forms of invidious discrimination

Class #11 (Nov. 24) -- **Public-Sector Labor Law**

DeChiara, Chapter 9 and Interest Arbitration Award, p.250

NO CLASS ON DECEMBER 1 (Thanksgiving Recess)

Class #12 (Dec. 8) -- **Labor Law Reform**

DeChiara, Chapter 10; Cowie excerpt (p.265); *State of Working America* slides (p.273)

Class #13 (Dec. 15) – **Final Exam**