

## **COLLECTIVE BARGAINING & WORKER REPRESENTATION**

Course Number: 37:578:560:90

Professor Carla A. Katz, Esq.  
SPRING 2022  
carla.katz@rutgers.edu

This course will explore and analyze all aspects of unions, collective bargaining, including the legal and political environment, the participants, the process of negotiations, and the outcomes and impacts of collective bargaining. We will also discuss alternative forms of worker representation in the United States. The course is meant to be an overview of both conventional forms of union membership, negotiations, labor law, dispute resolution, and emerging representation and advocacy strategies.

Each week will focus on a key element or a particular specialized area and will run from Thursday morning until Wednesday 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 Thursday morning. You will receive a weekly message outlining what the week ahead entails. NOTE: Syllabus subject to change.

### **Course Learning objectives**

**After this course, the student is able to:**

VI) Application – Demonstrate an understanding of how to apply knowledge necessary for effective work performance (Part of Knowledge Theory, Practice and Application).

Course specifics: Knowledge of the role of labor unions; collective bargaining practices; basic labor law.

VII) Professional Development – Demonstrate an ability to interact with and influence others in a professional manner, and to effectively present ideas and recommendations.

Course specifics: Communication skills, influence tactics, and professionalism for union or management bargainers.

### **Labor Studies and Employment Relations Department:**

Make an argument about a matter in the field using contemporary and/or historical evidence (Goal 4).

Work productively in teams, in social networks, and on an individual basis (Goal 13).

### **School of Management and Labor Relations:**

Communicate effectively at a level and in modes appropriate to an entry level professional (Goal I).

Demonstrate an ability to interact with and influence others in a professional manner, and to effectively present ideas and recommendations (Goal VII).

### **Additional Course Objective(s) from the Instructor:**

Understand and implement principles of bargaining and negotiation

Analyze key aspects of employment relations, including through the lens of current political and ideological debates.

### **Method of Instruction**

This course is delivered online through the Learning Management System, Canvas. There will be no Face-to-Face classroom sessions. The course is delivered mostly in *asynchronous* mode. This means the learning activities and communication takes place outside of real-time. There is no live presentation or lecture. However, this course requires one synchronous exercise—a collective bargaining simulation—which is REQUIRED. You do not have to log in at any specific scheduled time; you may log in at your convenience. There may be times when the instructor conducts a live chat session to address questions. In that case, you will be notified in advance, so you can schedule the time.

### **Student Responsibilities**

Online learning requires a high level of discipline, dedication, and time management skills. While online learning offers you flexibility and convenience to learn from anyplace, anytime, *you are still expected to adhere to the all due dates.*

You are expected to:

- Have a reliable computer, and access to the Internet
- Log in to Canvas for your course *on a daily basis*
- Check for any announcements, update to the syllabus, assignments, and/or discussions and respond accordingly
- Actively participate in the Discussion Forum
- Complete the assigned readings
- Complete the assigned exercises and projects
- Adhere to all due dates

### **In case of computer failure**

Make sure you have an alternative plan to access your Canvas class in case your computer crashes (it happens). An extra computer at home, your work computer, or computer at your local library are a few alternatives. *Always* backup your course documents on an external device, such as, a flash drive. It is also highly recommended that you print and keep a paper copy of each week's activities, in case you lose access to the Internet.

### **Assignments**

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

Student Info Sheet:	10 points
Forum 1:	15 points
Forum 2:	20 points
Forum 3: Woodville	25 points
Forum 4: Zinnia Debrief	20 points
CB Worksheet	20 points
Labor Law Worksheet	20 points
Midterm Exam:	235 points
Negotiation Plan:	75 points
Zinnia Exercise:	225 points
Zinnia MOA:	25 points
Peer Evaluations	10 points
Final Exam:	300 points

**Total: 1000 points**

### **Academic Integrity**

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

<http://academicintegrity.rutgers.edu/academic-integrity-policy/>

Some assignments will be processed through Turnitin.

### **Class schedule**

The schedule of readings and assignments is below. I may move some topics and/or readings to adjust the emphasis as a result of the class discussion. However, exam dates and assignment deadlines should not change. You should complete all readings for each week. Your participation will be reflected in the forum discussions.

## Required Books

### **The following two (2) books are required. The Spatz book will be posted online.**

1. Roger Fisher and William Ury, *Getting to Yes: Negotiating Agreement without Giving In*. New York: Penguin, 1991. Widely available used. Any edition is acceptable.
2. Donald Spatz. *Contract Costing for Union Negotiators* (with CD). Union Communication Services, 2011. Available from Union Communication Services

All other readings will be posted on the site in the module for that week.

We will read excerpts from several other books, including:

- Harry Katz, Thomas Kochan and Alexander Colvin, *An Introduction to Collective Bargaining and Labor Relations* 4<sup>th</sup> Ed., abbreviated as "KKC".
- John W. Budd *Labor Relations: Striking a Balance* (4<sup>th</sup> edition), abbreviated as "Budd"
- Michael R. Carrell and Christina Heavrin *Labor Relations and Collective Bargaining: Public and Private Sectors*, tenth edition, abbreviated as "Carrell"
- Thomas Berkeley and Arthur Colosi *Collective Bargaining: How it Works and Why*.

**REQUIRED Bargaining Exercise: This assignment requires mandatory participation.** A synchronous collective bargaining simulation in which small groups of union and management teams negotiate the terms of a new collective bargaining agreement using "The Zinnia and Service Workers Local H-56." This exercise is accessible online. Teams for this exercise will be assigned by Prof. Katz.

Before the initial bargaining session, each team will construct a negotiation plan to be submitted to Professor Katz. Each negotiation plan should include a bargaining agenda. The bargaining agenda contains the team's threat point (i.e., the minimum [maximum] acceptable contract changes the union [company] would accept without a strike) and also what the team reasonably hopes to settle for. Both economic and noneconomic items should be included in the agenda. Blank templates are available on the exercise's website. Costs should be estimated for the economic items in the packages. Bargaining agendas are not binding during negotiations but are used to facilitate preparation. To help with costing various proposals, an Excel spreadsheet is available on the website. A list of sub-committee member must also be included in the negotiation plan.

Every team member should lead the team on at least one individual issue. Potential issues include wages, health insurance, retirement, notice procedures, successorship, and others.

Any pair of teams that does not complete an agreement by the end of the negotiations period will be deemed to be on strike and must write a strike paper. A full schedule and discussion regarding the process we will use for this simulation will be provided.

## Schedule of Assignments

### **Week 1: Introduction and History of Collective Bargaining** **Thursday January 20 - Wednesday January 26**

#### **Read:**

- Chapter 1, "A Framework for Analyzing Labor Relations" in Katz, Harry C, Thomas A Kochan, and Alexander JS Colvin. 2015. *Labor Relations in a Globalizing World*: Cornell University Press.
- Chapter 2, "The Historical Evolution of the U.S. Industrial Relations System" KKC.

**Film:** *Final Offer*

#### **Assignments:**

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

### **Week 2: What is a Collective Bargaining Agreement (CBA)?** **Thursday January 27-Wednesday, February 2**

**Read:** Locate and read a Collective Bargaining Agreement as described in the Collective Bargaining worksheet.

**Assignment:** **Complete the Collective Bargaining Worksheet**, It is due on before the end of Week 3 (Feb. 10)

**Discussion:** Go to Forum #1 and share your thoughts on the film "Final Offer"

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

### **Week 3: The Bargaining Environment Part 1: The Law** **Thursday February 3-Wednesday February 9**

**Assignment Due:** Collective Bargaining Agreement Worksheet

#### **Read:**

- Budd Chapter 4 (109-148)
- Colosi and Berkeley Section 5, The Battle (33-52)
- National Labor Relations Board *Basic Guide to the National Labor Relations Act* (1997)

**Assignment:** Complete Labor Law Worksheet

**Discussion:** Forum #2

**Week 4: The Bargaining Environment: Political Economy**  
**Thursday February 10-Wednesday February 16**

**Read:**

- Lewin, David, Jeffrey J. Keefe, and Thomas A. Kochan. "The new great debate about unionism and collective bargaining in US State and local governments." *Ind. & Lab. Rel. Rev.* 65 (2012): 749-975.
- Keefe, J. (2010) Debunking the Myth of the Overcompensated Public Employee. EPI Briefing Paper 276. Economic Policy Institute, Washington, DC.
- Givan, Rebecca Kolins. 2013. "Why Teachers Unions Make Such Useful Scapegoats." *New Labor Forum*.
- Katz, Kochan, Colvin, Chapter 4
- SCOTUSBLOG

**View:**

- Are Unions Good for the Economy? Prof. Katz on Big Think
- Labor Viewpoint on the Janus v. AFSCME case: Prof. Katz on Cavuto Live

**Listen:**

- Jane McAlevey on Labor Organizing after Janus

**Week 5: Negotiation Basics**  
**Thursday February 17-Wednesday February 23**

**Read:**

- Budd, Chapter 7 (excerpt 246-268)
- Introduction and Chapter 1 from Babcock and Laschever *Women Don't Ask*. Princeton: Princeton University Press, 2003
- Fisher and Ury *Getting to Yes* (read all of the book)

**View:** The Secret to Gaining the Upper Hand in Negotiations

**Week 6: Midterm Exam**  
**Thursday February 24-Wednesday March 2**

**Exam will be open on Monday, March 1 from 10 a.m. through Wednesday, March 3 at 11:59 p.m.**

**Week 7: Bargaining Structure, Economics, and Contract Costing**

**Thursday March 3-Wednesday March 9**

**Read:**

- Budd Chapter 7
- Colosi and Berkeley: Section 6, The Table Process Examined; Section 13, Table Manners; Section 16, Table Tactics
- Carrell Chapters 7 & 8
- Spatz *Contract Costing for Union Negotiators (Book in entirety)*

**Assignment:**

- Forum #3: Hypothetical: Woodville HealthCare Bargaining

**SPRING BREAK: MARCH 12 THROUGH MARCH 20**

**Week 8: Grievance, discipline, and other non-economic issues.**

**Thursday March 10 -Wednesday March 23 (includes Spring Break)**

**Read:**

- Carrell Chapters 11 and 12

**Week 9: Alternate Forms of Worker Representation and Bargaining**

**Thursday March 24 -Wednesday March 30**

**Read:**

- Givan, Rebecca Kolins. 2006. "Side by Side We Battle Onward? Representing Workers in Contemporary America." *British Journal of Industrial Relations*.
- Lerner, Stephen. 2010. "An Injury to All: Going Beyond Collective Bargaining as We Have Known It ." *New Labor Forum*.
- Sneiderman & Fascione. 2018. "Going on Offense During Challenging Times."
- McCartin, Joseph. 2016. "Bargaining for the Common Good." *Dissent*.
- Fine, Janice. 2011. "Worker Centers: Entering a New Stage of Growth and Development. *New Labor Forum*.

**Assignment:**

- Review Zinnia Bargaining Simulation Materials
- Prepare Negotiation Plan

**Week 10: Zinnia Bargaining Simulation Preparation**

**Thursday March 31-Wednesday April 6**

**Read:** All materials on the Zinnia Website, including secret memos

**Assignment:** Negotiation Plan (created by each team and submitted by every student) is due by Midnight Wednesday, April 6

**Week 11: Zinnia Bargaining Simulation**

**Thursday April 7--Wednesday April 13 (Actual Dates of the Simulation TBD)**

**Assignment:** Participate in Zinnia Exercise & submit Peer Evaluations

**Week 12: Debrief of Zinnia Exercise; Current State of Collective Bargaining**

**Thursday April 14-Wednesday April 20**

**Read:**

- Harold Meyerson, Labor at a Crossroads, The Seeds of a New Labor Movement, American Prospect

**Forum Discussion:** Forum # 4: Debrief of the Zinnia Exercise

**Assignment:** Submit Memorandum of Agreement from Zinnia Exercise

**Week 13: Final Exam Study: Thursday April 21-Wednesday April 27th**

**Week 14: Final EXAM will be open: Monday, May 2 from 10 a.m. through Wednesday, May 4 at 11:59 p.m.**