

AMERICAN LABOR LAW (Spring 2015)

Instructor: Rosemarie Cipparulo, Esq.
Rutgers University, Labor Studies & Employment Relations Department
Course #37:575:340:01 (3 Credits)
Monday, 6:10 PM – 9:00 PM
Class Location: Scott Hall, Room 202, College Avenue Campus
Tel: 848 932-1240; E-mail: rosecip@work.rutgers.edu
Office Hours: Before & after class or by appointment

Course Description: The course will provide an overview of United States labor law, including the law relating to organizing, collective bargaining, protected union activity, strikes, and relations between unions and their members.

Grading Criteria:*

- (1) Mid-term Exam (40%)
 - (2) Final Exam (40%)
 - (3) Participation and Attendance (20%); This includes in-class case briefing and presentation.
- (*There is no extra credit.)

Course Materials: No textbook. Course reading materials will be made available online via Sakai. The Instructor reserves the right to supplement, substitute, and/or modify the reading selections by way of online postings, handouts, or otherwise.

Course Requirements: Students are expected to regularly attend class and to read the course materials prior to class. To help transform this expectation into reality, students may take short quizzes on the reading materials, prior to covering the materials in class. Dates will not be announced.

Class Schedule:

JAN. 26: -Course Overview

READINGS:

Sample Case – Wooley v. Hoffman La Roche
How to Brief a Case
Sample Case Brief

FEB. 2: -National Labor Relations Act (and amendments)
-Preemption
-National Labor Relations Board

READINGS:

Twomey pps. 57-85
Twomey pps 86-92

-*San Diego Union v. Garmon*, 359 U.S. 236 (1959)
-*New Process Steel v. NLRB*, 130 S.Ct. 2635 (2010)
-*National Labor Relations Act*
-www.nlr.gov/who-we-are

FEB 9: -Choosing a Majority Representative

READINGS:

Twomey pps. 111-132
Twomey pps. 57-85
-www.nlr.gov/who-we-are/conduct-elections –
<http://www.nlr.gov/what-we-do/conduct-elections>
NLRB v. Savair Mfg. Co., 414 U.S. 270 (1973)

FEB. 16: -Protected Activity
-Social Media Cases

READINGS:

Twomey pps. 116-119
Twomey pps. 139-149
Twomey pps. 156-160
Weingarten, Inc., 420 U.S. 251 (U.S. 1975)
-*Report of Acting NLRB General Counsel Concerning Social Media Cases*, (Memorandum OM-11-74, August 18, 2011)

FEB: 23: -MOVIE: TBA

NO READINGS

MAR 2: Collective Bargaining

READINGS:

-*NLRB v. Gissel Packing Co.*, 395 U.S. 575 (1969)
-www.nlr.gov/rights-we-protect/employerunion-rights-obligations –
<http://www.nlr.gov/rights-we-protect/employerunion-rights-and-obligations>
Twomey pps. 171-182

MAR 9: -MID-TERM EXAM

MAR. 16: NO CLASS (Spring Break)

MAR. 23: -Use of Economic Weapons

READINGS:

- NLRB v. Mackay Radio*, 304 U.S. 333 (1938)
- NLRB v. Fansteel Metallurgical Corp.*, 306 U.S. 240 (1939)
- “*The Right to Strike*” (www.nlr.gov/strikes)
- Twomey pps. 156-160*
- Twomey pps. 160-164*

- MAR. 30: -Enforcement of Collective Bargaining Agreements
-Arbitration

READINGS:

- Textile Workers v. Lincoln Mills*, 353 U.S. 448 (1957)
- D.R. Horton, Inc.*, 357 NLRB No. 184 (2012)

- Apr 6: -Duty of Fair Representation
-Agency Fee

READINGS:

- Vaca v. Sipes*, 386 U.S. 171 (1967)
- CWA v. Beck*, 487 U.S. 735 (1988)
- Twomey pps. 297-313*

- APR. 13: -Public Sector Labor Law
-Right to Work Laws

READINGS:

- Twomey pps. 320-355*
- “*Matters That Come Before the Commission*”
(www.state.nj.us/perc/html/publications.html)
- Lincoln Union v. Northwestern Co.*, 335 U.S. 525 (1949)

- APR. 20: -Proposed Labor Law Reforms
-Employee Free Choice Act

READINGS:

- www.aflcio.org/joinunion/voicework/efca/qna.cfm
- www.uschamber.com/issues/labor/employee-free-choice-act-card-check-bill

- APR. 27: FINAL EXAM (not cumulative)