

AMERICAN LABOR LAW
37:575:340:01/38:378:550:01
Fall 2018
Sundays, 10:00 a.m. – 12:55 p.m.

Instructor: Peter DeChiara
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Office Hours: by appointment
Class Location: Labor Education Center, Cook/Douglass Campus, Room 115

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* (available on Sakai)
- (2) Michael Gold, *An Introduction to Labor Law, 3d Edition* (2014) (Cornell University Press) (available at the Rutgers Bookstore, as well as from other vendors)

Course Requirements:

Class attendance is required.

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, so it is necessary for students to bring the assigned reading material to class.

There will be an in-class mid-term exam and an in-class second (final) exam.

Grades will be based on performance on the two exams and on class participation/attendance.

Learning Objectives:

- Apply employment relations legal concepts, and substantive institutional knowledge, to understanding contemporary developments related to work.
- 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.

Schedule:

Class #1 (Sept. 9) -- Introduction to the course and to the American legal system
DeChiara, Introduction (p.1) and *New York Times* article (p.280).

Class #2 (Sept. 16) -- Historical Background of American Labor Law
Gold, Chapter 1 (pp.10-13)
DeChiara, Chapter 1 and, in the Appendix of Statutes (p.214), the excerpts of the United States Constitution, the Sherman Antitrust Act and the Norris-LaGuardia Act

Class #3 (Sept. 23) -- 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.214), Sections 1, 2 and 7 of the National Labor Relations Act. Also, look at NLRB forms (pp.221-22).

Class #4 (Sept. 30) – 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.214), Section 8(a) of the National Labor Relations Act

Class #5 (Oct. 7) -- Creation of the Bargaining Relationship/Preparation for Mid-Term
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.214), Sections 8(c) and 9(a) of the National Labor Relations Act, and NLRB Petition form (p.222)

Class #6 (Oct. 14) -- In-Class Mid-Term Exam

Class #7 (Oct. 21) -- 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.214), Sections 8(a)(5), 8(b)(3) and 8(d) of the National Labor Relations Act

Class #8 (Oct. 28) -- Use of Economic Weapons
Gold, Chapter 6, p.77-p.83
DeChiara, Chapter 6

Class #9 (Nov. 4) -- 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. 11) -- 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.214), Sections 101 and 102 of the Labor-Management and Reporting and Disclosure Act

Class #11 (Nov. 18) -- Public Sector Labor Law

DeChiara, Chapter 9 and Interest Arbitration Award, p.252

Class #12 (Dec. 2) -- Labor Law Reform; Review for Second Exam

DeChiara, Chapter 10; Cowie excerpt (p.266); *State of Working America* slides (p.275)

Class #13 (Dec. 9) – Final Exam