

COURSE SYLLABUS AND READINGS

Reading assignments with page designations are contained in Cox, Bok, Gorman & Finkin, Cases and Materials on Labor Law (15th ed.). Principal cases and text notes are identified. Students also should review the secondary case discussions and related problems that are found on the listed pages. Additional reading is contained in the Statutory and Case Supplement ("Supp"). Recent decisions also may be identified for additional reading. The instructor will be available for consultation by appointment, and can be reached by phone at (510) 273-8755. Email communications can be sent to "winmedarb@aol.com."

January 10

Part One: The Evolution of Labor Relations Laws

40-77	The Wagner Act
	The Taft-Hartley Act
	The Landrum-Griffin Act
	NLRB Jurisdiction, Organization and Procedure
Supp	N-LG Sec. 2; NLRA Secs. 1 - 6; LMRA Sec. 1; LMRDA Sec. 2

January 17

Part Two: The Establishment of the Collective Bargaining Relationship

I. Protection of the Right of Self-Organization

A. Interference, Restraint and Coercion

Supp	NLRA Secs. 7, 8(a)(1)-(5), 8(b)(1)-(3), 8(c)
79-86	Republic Aviation
92-106	Lechmere
	The Union's Quest for Equal Access
121-150	Elections - Threats of Reprisal
	Gissel Packing

158-165 Midland National Life Insurance
Inflammatory Appeals
Exchange Parts
Union Misconduct
Empirical Postscript

January 24: No Class

January 31 [+20 Min.]

B. Company Domination and Assistance

165-184 Report of Senate Comm.
Electromation
ILGWU (Bernhard-Altmann)
Note on Neutrality

C. Discrimination

184-190 Budd Mfg.
199-214 Judicial Review of Board Factfindings
Adkins Transfer
Darlington Mfg.
Note on Supervisors

D. Remedies for Unfair Labor Practices

Supp NLRA Secs. 10(a)-(j), (m), 11, 12
214-225 Phelps Dodge
Notes Re: Remedies

February 7

II. Selection of the Bargaining Representative

A. Grounds for not Proceeding

Supp NLRA Secs. 9, 14(c)
225-231 Text

B. Representation and Unit Issues

231-235, Notes on Significance, Criteria, Location
244-245, 248-251
251-254 Multiemployer Bargaining
261-267 Joint Employer Comment
General Electric

III. Securing Bargaining Rights in ULP Proceedings

273-294 Gissel Packing
 Linden Lumber

February 14

Part Three: Negotiation of the Bargaining Agreement

I. Exclusive Representation and Majority Rule

Supp NLRA Sec. 9(a)
313-328 J.I. Case
 Emporium Capwell

II. The Duty to Bargain in Good Faith

Supp NLRA Sec. 8(d)
337-370 A-1 King Size Sandwiches
 Duty to Disclose Information
 Detroit Edison
 Insurance Agents
 Katz

February 21

III. Subjects of Collective Bargaining

377-419 Cox and Dunlop on Regulation
 American National Insurance
 Borg-Warner
 Mandatory-Permissive Distinction
 Fibreboard
 Waiver by Contract or Past Practice
 First National Maintenance

IV. Bargaining Remedies

446-458 H.K. Porter
 Ex-Cell-O

February 28 [+20 Min.]

Part Four: Strikes, Picketing and Boycotts

I. Rights of Employee Protesters Under the NLRA

A. Protected and Unprotected Concerted Activity

457-474	City Disposal Systems
482-504	Eastex
	Unprotected Concerted Activity
	Local 1229, IBEW (Jefferson-Standard)

B. Employer Responses to Concerted Activity

Supp	NLRA Secs. 8(g), 13
504-507	Mackay Radio & Telegraph
512-523	American Shipbuilding
	Great Dane Trailers
529-548	Laidlaw
	Refusals to Cross Picket Lines
	Metropolitan Edison
	Unfair Labor Practice Strikes

March 6 [+20 Min.]

II. Constitutional Limitations on Government Regulation

A. Fifth and Fourteenth Amendments

548-551	Text
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B. Picketing and Freedom of Communication

35-39	Thornhill
551-557	Vogt

III. The National Labor Relations Act

A. Organization and Recognitional Picketing

Supp	NLRA Sec. 8(b)(7)
580-584	Organization and Recognitional Picketing

B. Secondary Pressure

1. Under Taft-Hartley

Supp 600-608	NLRA Sec. 8(b)(4), 8(e) Text Denver Bldg. & Const. Trades Council
611-619	Douds Local 761, IUE (General Electric)

2. Consumer Appeals

619-635 557-563	Fruit & Vegetable Packers (Tree Fruits) DeBartolo
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C. Union Unfair Labor Practices

669-674 Supp	Text re: Violence, Remedies NLRA Secs. 10(k)-(l)
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March 13

Part Five: Administration of the Collective Bargaining Agreement

I. Judicial Enforcement of Agreements

Supp 675-744	LMRA Secs. 301, 303; N-LG Secs. 4, 7 The Collective Agreement and Grievance Arbitration Lincoln Mills American Mfg. Warrior & Gulf Litton Financial Printing Enterprise Wheel Eastern Associated Coal Judicial Enforcement of the No-Strike Clause Boys Markets Individual and Union Liability
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March 20

II. Role of the NLRB and the Arbitrator

A. Alleged Violations of the Contract and the Act

744-775	Concurrent Jurisdiction NLRB Deference to Arbitration Olin
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NLRB Deference in Representation Cases
Judicial Deference under Title VII
United Technologies

B. Mid-Term Duty to Bargain

782-804 Jacobs Mfg.
 Johnson-Bateman
 Milwaukee Spring

Part Six: Successorship

809-812 Gorman, Basic Text

March 27: No Class

April 3

Part Eight: Federalism and Labor Relations

I. Preemption of State Labor Law: Overview

873-910 Garmon
 Farmer
 Lodge 76, IAM
 Chamber of Commerce

II. Specific Applications - Bargaining and Contract
Enforcement

B. Collective Bargaining

914-922 Metropolitan Life

C. Enforcement of Collective Agreements

935-948 Lingle
 The Retaliatory Lawsuit

April 10

Part Nine: The Individual and the Union

I. The Right to Fair Representation

A. Source and Enforcement of the Union's Duty

953-962 Text
328-336 Limits of Majority Rule
 Steele

B. The Duty in Contract-Making

962-972 Air Line Pilots

C. The Individual Grievant

972-993 Vaca

April 17

II. Union Security

A. Union Security and Dues

Supp NLRA Secs. 8(a)(3), 8(b)(2), 14(b)
1000-1018 General Motors
 Street
1023-1037 Ellis
 State Right to Work Laws

B. Special Benefits for Union Officials

1046-1052 Local 900, IUE (Gulton Electro-Voice)

III. Discipline of Union Members

A. Effect of the NLRA

1057-1071 Scofield
 Pattern Makers

B. LMRDA Provisions

Supp LMRDA Secs. 101 - 102, 401 - 403

April 25 or 26 [To be arranged]

1075-1087 Reconsidering the Labor Act (Recommended)
Course Review