Labor Relations and Collective Bargaining

HRIR 8071 (4 credits)  
Spring 2004  
Section 1: 3:45-5:25, Monday and Wednesday  
2-233 Carlson School of Management  
Section 2: 1:45-5:25, Thursday  
2-207 Carlson School of Management

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The inequality of bargaining power between employees who do not possess full freedom of association or actual liberty of contract, and employers who are organized in the corporate or other forms of ownership association substantially burdens and affects the flow of commerce, and tends to aggravate recurrent business depressions, by depressing wage rates and the purchasing power of wage earners in industry and by preventing the stabilization of competitive wage rates and working conditions within and between industries (The Wagner Act (1935), Section 1).

This course examines labor relations and collective bargaining, especially the three major processes: union organizing (how labor unions are formed), bargaining (how union contracts are produced), and contract administration (how grievances are resolved). To understand the operation of these processes, the first part of the course analyzes the framework in which collective bargaining takes place—the legal, historical, economic, and global environment, the structure and goals of the participants, and alternatives models of the employment relationship. The latter part of the course examines international comparisons and important changes that have occurred in the last few decades, such as pressures for employee involvement and flexibility. The course concludes with prospects for the future. The focus of the course is private sector labor relations, but public sector comparisons are highlighted where appropriate.

Course Goals: The basic goals of this course are to develop an understanding of:

$ Why employees, employers, and society may or may not desire unions (past, present, and future), and the relationship between these views and fundamental assumptions about markets and employment relationship conflict.

$ The effect of worker representation on the operation of the workplace, firm, economy, and society.

$ The major labor relations processes (union organizing, bargaining, and contract administration) and how they are influenced by a variety of factors (legal, economic, demographic, etc.).
Required Textbooks and Other Materials


Recommended Supplementary Reading


Electronic Information Sources: There are numerous electronic information sources relevant to this course. On the World Wide Web, the AFL-CIO, Industrial Workers of the World, NLRB, and numerous unions and professional associations have informative sites. Many U.S. laws and court decisions are available at www.law.cornell.edu. Course materials, links, and the online discussion forum can be accessed from ClassNet and the HRIR 8071 website at www.laborrelations.cc.

Grading

<table>
<thead>
<tr>
<th>Category</th>
<th>Weight</th>
<th>Date(s)</th>
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<tbody>
<tr>
<td>Participation: Class Discussion</td>
<td>10%</td>
<td>continuous</td>
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<tr>
<td>Debate</td>
<td>20%</td>
<td>various</td>
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<tr>
<td>Labor Law Exam</td>
<td>20%</td>
<td>section 1: March 8, 2004 section 2: March 4, 2004</td>
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<tr>
<td>NLRB Decision Posting</td>
<td>15%</td>
<td>March 26, 2004</td>
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<tr>
<td>Bargaining Exercise</td>
<td>15%</td>
<td>various</td>
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<tr>
<td>Final Exam</td>
<td>20%</td>
<td>TBA</td>
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Attendance and Participation: Our aim in this class is to increase your understanding of the nature and relevance of labor relations through participation and involvement. Attendance in general, and participation in class discussions specifically, are important components of the learning process in this course. Please read the appropriate materials before class and *bring those materials with you to class* for discussion. It is important to bring the textbook to class each meeting. Attendance at all class meetings earns a participation grade of “B.” This grade can be reduced by excessive absences and can be increased by relevant contributions to class discussions.
Debates: An in-class debate between two teams on a specific issue (see the course outline for specific weeks and topics). For each debate, one team will be assigned to argue the affirmative case and one side will argue the negative. The debate will follow this structure:

- Affirmative opening (5 minutes)
- Negative opening (5 minutes)
- Affirmative rebuttal (5 minutes) (by the team member who did not present the opening)
- Negative rebuttal (5 minutes) (by the team member who did not present the opening)
- Class questions and discussion

Prior to the debate, each team must hand in a 1-2 page argument sheet which outlines your major arguments and the facts supporting each argument. This sheet should also outline the anticipated major arguments of the other side and your rebuttal. Additional guidelines, instructions, and hints are on the course website at www.laborrelations.cc.

NLRB Decision Posting: A briefing of a National Labor Relations Board (NLRB) decision posted electronically to the HRIR 8071 ClassNet Class Discussions forum by 4:00 p.m. on March 26, 2004 (week 9). The class will be divided into small groups and each group assigned an NLRB decision. Each group is required to write a brief of this decision summarizing the facts of the case, the important points of law, and the significance (legal and practical). This brief is to be posted in the HRIR 8071 ClassNet discussion area so that the rest of the class can read and respond to it. Please read Professor Budd’s example in the ClassNet discussion area. The group is responsible for responding to questions about the posting and monitoring the discussion in a timely fashion.

Bargaining Exercise: A 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 on the Web at www.thezinnia.com.

An initial bargaining session must take place no later than April 4, 2004. Before this meeting, each team must construct a negotiation plan. Each negotiation plan should include a bargaining agenda which 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. These 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. Each team must submit their negotiation plan to Professor Remington by April 2, 2004 (week 10).

The strike deadline is 11:59 p.m. on May 2, 2004 (week 14). Any pair of groups that does not complete an agreement by 48 hours before the deadline must seek mediation from Professor Remington. Failure to mediate and/or failure to reach agreement by the deadline will result in a grade of C for the exercise.
Key Terms: A list of key terms and concepts for the course is on the course website. Students are encouraged to download this list and create their own glossary of terms. This will help you understand the important elements of the course, and is a good study aid for the tests.

Team Teaching: Both sections of HRIR 8071 are co-taught by Professors Budd and Remington. We are jointly responsible for the entire course, but Professor Budd will generally focus on the first half of the course and Professor Remington will generally focus on the second half. Professor Budd will lecture, lead classroom discussions, hold office hours, and grade the in-class exercises in the first half (before Spring break); Professor Remington will assume these responsibilities for the second half (after Spring break). Professor Budd will handle the Labor Law Exam and the NLRB Decision Posting Exercise; Professor Remington will handle the Bargaining Exercise and the Final Exam.

Classroom Expectations: Professors and students are expected to behave professionally at all times. The professors will respect the students, and each student is expected to be respectful of the professors and their fellow students. Professional behavior includes, but is not limited to, the following:

Honesty. Do your own work. Plagiarizing from other students, books and journals, the internet, and other sources is a serious offense and is not acceptable. Be sure to fully cite your work. Make honest contributions to your group projects (do not be a free rider).

Preparation. Come to class prepared to listen, learn, and participate. Attend group meetings prepared to make full contributions and to help other group members make valuable contributions.

Politeness. Ask questions and contribute to class discussions in a positive, inclusive, and respectful manner. Respond to dissenting views with respect and reason. Respect your classmates and your group members.

Attentiveness. Turn off and do not answer your cell phone. Laptop computers are welcome for class-related purposes such as note taking. Other activities are inappropriate and exhibit disrespect towards the instructors and other students. Limit individual conversations, eating, and other distractions to break times. Focus on the tasks at hand during group meetings.

Timeliness. Complete assignments on time. Be on time for group meetings and for class. Unforeseen events occur and students have multiple demands on their time (such as interviews). If you must arrive late or leave early, do so without walking in front of any speakers. Provide advance notice to the instructors whenever possible. Reserve the seats by the door for those who must arrive late or leave early.
Course Outline

I. Introduction: The Objectives, Practices, and Challenges of Labor Relations
Week 1 (Section 1: January 21-26; Section 2: January 22)


II. Intellectual Foundations: The Labor Problem and Labor Unions
Weeks 1b-2a (Section 1: January 26-28; Section 2: January 22-29)

*Labor Relations: Striking a Balance*, chapter 2.

III. Labor Relations Outcomes: The Environment, Individuals, and Ethics
Week 2 (Section 1: January 28 – February 2; Section 2: January 29)

*Labor Relations: Striking a Balance*, chapter 3.

Discussion: Is a legal union avoidance campaign is consistent with the SHRM Code of Ethics?

IV. The Evolution of the American Labor Relations System
Week 3 (Section 1: February 4– 9; Section 2: February 5)


V. U.S. Labor Law
Weeks 4-6a (Section 1: February 11–25; Section 2: February 12-26)

*Labor Relations: Striking a Balance*, chapter 5.

Debate (week 4—section 1: February 16; section 2: February 12): Resolved that U.S. soldiers should be allowed to join unions.

Debate (week 5—section 1: February 23; section 2: February 19): Resolved that the “Slave Labor Act” is an accurate moniker for the Taft-Hartley Act.
Case Discussion:
Let’s Do Lunch: Insubordination or Protected Activity? (Box 5.23)
Fired for Poor Driving, or Talking with a Union Organizer? (Box 5.24)
Is Body Language Protected Activity? (Box 5.25)

VI. Labor and Management: Strategies, Structures, and Rights
Week 6b (Section 1: March 1; Section 2: February 26)


VII. Union Organizing
Week 7 (Section 1: March 3–8; Section 2: March 4)


Debate (week 7—section 1: March 8; section 2: March 4): Resolved that closing a plant after a successful union organizing campaign is ethical.

Case Discussion:
Does a Meeting with a Supervisor Interfere with Employee Free Choice? (Box 7.6)
Does Community Activity Interfere with Laboratory Conditions? (Box 7.7)

VIII. Globalization
Week 8a (Section 1: March 10; Section 2: March 11)

*Labor Relations: Striking a Balance*, chapter 12.

Debate (week 8—section 1: March 10; section 2: March 11): Resolved that the NAFTA side agreement (the North American Agreement on Labor Cooperation) is an effective mechanism for protecting worker rights in a global economy.

** SPRING BREAK **

IX. Bargaining: Process, Structure, and Impasse
Weeks 9-10 (Section 1: March 22–31; Section 2: March 25 - April 1)

*Labor Relations: Striking a Balance*, chapters 8 and 9.

Case Discussion:
Does the Duty to Bargain Preclude Unilateral Wage Increases? (Box 8.11)
Replacing Strikers by Inverse Seniority: Saving Costs or Coercing Employees? (Box 9.7)
X. Contract Clauses, Administration, and Grievance Handling
Weeks 11–13a (Section 1: April 5-19; Section 2: April 8-22)


*Debate (week 11—section 1: April 7; section 2: April 8)*: Resolved that the United States should ban permanent strike replacements.

*Debate (week 12—section 1: April 14; section 2: April 15)*: Resolved that Minnesota should pass a right-to-work law.

*Case Discussion*: Grievance Discussion Cases 1-10 (Boxes 10.11 – 10.20)

XI. Employee Involvement and Flexibility
Weeks 13b–14a (Section 1: April 21-26; Section 2: April 22-29)

*Labor Relations: Striking a Balance*, chapter 11.

*Debate (week 13—section 1: April 21; section 2: April 22)*: Resolved that the TEAM Act should be enacted by the United States.

*Case Discussion:*
  - Are Issue Committees Dominated Labor Organizations? (Box 11.14)
  - Is a Plant Council a Dominated Labor Organization? (Box 11.16)

XII. Comparative Industrial Relations
Week 14b (Section 1: April 28; Section 2: April 29)


*Debate (week 14—section 1: April 28; section 2: April 29)*: Resolved that mandatory works councils should be adopted by the United States.

XIII. Concluding Thoughts and Future Directions
Week 15 (Section 1: May 3-5; Section 2: May 6)

STATEMENT ON COURSE REQUIREMENTS

1. The instructor will determine the conditions, if any, under which an "Incomplete" will be assigned instead of a grade. The instructor may set dates and conditions for makeup work, if it is to be allowed.

2. A student may not negotiate the submission of extra work in an attempt to raise his or her grade unless the instructor has made such opportunities available to all students.

3. Academic misconduct is a very serious issue with potential consequences ranging from failure in the course in question to dismissal from the University. Academic misconduct is defined broadly as any act that violates the rights of another student in academic work or that involves misrepresentation of your own work. This includes (but is not limited to) cheating on assignments or examinations; plagiarizing, which means representing as your own work any part of work done by another; submitting the same paper, or substantially similar papers, to meet the requirements of more than one course without the approval and consent of all instructors concerned; depriving another student of necessary course materials; or interfering with another student's work. Instructors may define additional standards beyond these.

4. Students with disabilities that affect their ability to participate fully in class or to meet all course requirement should bring this to the attention of the instructor during the first week of class so that appropriate accommodations can be made. Similarly, students for whom English is not their native language may request accommodation (such as additional time for examinations).

5. Student complaints or concerns about some aspect of a course sometimes arise. If possible, it is hoped that these can be resolved through an informal meeting between student and instructor. However, if a student feels this is not feasible, or if such discussion does not remedy the problem, the student may consult with the Director of Graduate Studies in 3-300 Carlson School of Management (if a graduate student) or the Director of the Industrial Relations Center, also in 3-300 Carlson School of Management (if an undergraduate student).

6. University policy prohibits sexual harassment. Copies of the University policy on sexual harassment are available at 419 Morrill Hall. Complaints about sexual harassment should be reported to the University Office of Equal Opportunity at 419 Morrill Hall.

7. Materials for this course are available in alternative formats upon request. Please contact the Director of Graduate Studies, 3-300 Carlson School of Management, (612) 624-2500.

June 16, 1998