COURSE OUTLINE

On the following pages is a tentative outline of the topics that we will be covering during the semester (While there may be several modifications as the semester progresses, I will do my best to follow this outline in this order). I have listed the topics we will be covering as well as the cases that relate to each topic. You are to read the assigned cases and prepare your case write-ups before class and they must be typed.

This outline should help you see how the various components of the course relate to each other and how the cases we will be reading (and discussing) fit into the issues in the course. I would suggest strongly that you refer to this outline frequently. It is my experience that doing so will help you immensely.

A NOTE ABOUT DATES:

As of now, it is impossible for me to determine in advance the dates on which we will get to various topics and pages in the readings. Thus, at the end of each class session, I will give you an indication of how far I expect to get in the next few sessions day. PLEASE REMIND ME IF I FORGET. In addition, the order of topics currently listed may change. You will be given much notice of any changes.
I. Labor History and the Labor Law

PLEASE READ http://www.uwstout.edu/cas/socsci/tyson/laborhis.htm

A. Common Law Issues
B. Antitrust Law
C. Norris LaGuardia Act
D. The NLRA (Primer: 1-5) (hereinafter, “p“ refers to the Primer of Labor Relations)

II. Unions today (structure, process, etc)

A. What do Unions Do?

III. The Union Organizing Process

A. Union Begins Contacting Employees (p: 19-23)
   1. Definition of employee §2(3) §2(11)(Case 5 old - H.O.)
   2. Coverage of employer §2(2) (Case 3)
B. Union Begins Building Support Among Employees and Obtaining Signatures on Authorization Cards
   1. Types of Cards
C. Union Asks For Recognition -- Petition Filed (p: 45-47)
   1. Who may file -- §9(c)
D. Board Determines QCR and Defines Bargaining Unit
   1. Standards of Jurisdiction (Hilgert: 6-7)
   2. Contract bar rule §§9(c)(3) (p: 61-63)
   3. Bargaining Unit §9(b) (p: 47-56) (Case 2 old, 4 - H.O.)
E. Pre-election Campaign Takes Place (p: 25-33)
   1. Excelsior List
   2. Solicitation rules (Case 26, Case 1)
   3. Campaign Tactics §8(a)(1) (Cases 4, 5, 22, ???) (p: 57-60)
4. Free Speech §8(c) (Case 6,)

5. Polling employees (III-3, H.O.)

6. Union election conduct §8(b)(1)(Case 8, 10)

7. 24 hour rule Peerless Plywood (Supp Case III-2, H.O., Case 9)

F. Election Held (p: 56-61)

1. Voter Eligibility

2. Gissel bargaining orders (p: 64)

G. Union security -- Right to Work §14, §19 (Case 33, 35) (p: 93-101)

H. Other Employer and Union ULPS

1. §8(a)(2) (Case 27, 11) (p: 39-42)

2. §8(a)(3) (Case 13, 15) (Runaway Shop (p: 33-36)

3. §8(a)(4)

4. §8(b)(1) (Case 32)

I. Decertification (Case 31) (p: 63-64)

IV. Economic Weapons of Management and Labor

A. The meaning of "concerted activity" under §7 (Cases 14, 19, III-8 H.O.)

B. Constitutional Protections for strikes, picketing, etc. (p: 127-130)

C. Norris-LaGuardia Act (p: 103-105)

D. Recognitional Picketing (§8(b)(7)) (p: 105-108)

E. Secondary Boycotts (§8(b)(4)) (p: 108-117) (Case 36 - in class)

1. ambulatory situs

2. reserved gates

3. ally doctrine

4. publicity proviso

5. inter-union disputes (Case 37)

F. Other Strike Related Matters §13 (p: 117-124)
1. Types of Strikes & Reinstatement (Cases 21)

2. Strike Replacements

3. Union discipline (Case 34)

G. Lockouts (p: 124 - 126)

VI. Collective Bargaining

A. The Duty to Bargain §8(a)(5) §8(b)(3) §8(d)

1. Bargaining Subjects Case 18, 20, 28) (p: 67-76)

2. The Nature of the Duty to Bargain in Good Faith (p: 76-91) (Case 29)

3. Bargaining Remedies (p: 91)

B. Successorship Issues (Case 17 - Old, H.O)

1 Bargaining Exercise (Rackham, Other Reserve Readings TBA)

VII. Enforcement of the collective bargaining agreement

A. Nature of the CBA & the Grievance Procedure

1. What is a CBA?

B. Grievances and Grievance Procedures (Case 29, 28)

1. Arbitration (Interest vs Grievance) (p: 134-136)

C. Judicial Enforcement of CBAs (p: 130-146)

1. Jurisdiction

2. Courts and Arbitration

3. Individual Suits under §301 (LMRA)

4. Duty of fair rep. (Case 29 - Old, H.O) (p:89-91)

5. Injunctions Under '§301 (p:122-123)

6. NLRB's Role During CBA (Case 27) (p:136-130)

D. Arbitration Cases