Class:       LIR 858 Collective Bargaining

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Course Text Book:

An Introduction to Collective Bargaining & Industrial Relations by Harry Katz and Thomas Kochan.

Course pack – Available for sale at Kinko’s at 626 Michigan Avenue, East Lansing

Course Objectives:

1. Study the historical development of trade unions in the United States and how that development may be used as a predictor of the future and contribute to an understanding of current dynamics.

2. Develop an understanding of the changing continuum that represents the U.S. Collective Bargaining System.

3. Develop an understanding of the effects that a changing global economy has on the current collective bargaining system.

4. Understand the function of the collective bargaining agreement.
5. Understand the collective bargaining process from both an adversarial and a collaborative viewpoint.

Class Outline:

I. The Changing Collective Bargaining Continuum

A. Assessing Collective Bargaining’s Performance

1. Labors’ Goals
   - Improving quality of working life

2. Companies’ Goals (relative to labor costs)
   - Maintaining competitiveness (a/k/a – flexibility of operations)

3. Public Interest (NLRA – neutrality, freedom of choice, minimize obstructions/disruptions to commerce)
   a. Assessing Labors’ Goals
   b. Assessing Companies’ Goals
   c. Assessing Public Interest
   d. Current Conditions
   e. Future
   f. Predictions
   g. Myths & Realities of the Movement & the Process

Reading Assignment:


See Course pack

II. Yesterday, Today and Tomorrow - Predicting the Future by Viewing the Past

A. Craft Economy

1. Union structure

2. Job content and worker qualification

3. Bargaining strategy

4. Contract administration
   a. Union role
   b. Management role

5. Strike strategy
6. Leadership Style
   a. Skill
   b. Non-political
B. Cross-over Period Economy

1. Construction

2. Industrial plants

C. Mass Production Economy

1. Conditions

2. Job Content and worker qualification
   a. Scientific management
   b. Results of scientific management

3. Bargaining structure
   a. Seniority
   b. Mass action

4. Contract administration
   a. Union role
   b. Management role

5. State strategy

6. Union structure
   a. Labor federation
   b. Mass production unions

7. Leadership styles
   a. Political

D. The Service Economy

1. Breakdown
   a. Public sector
   b. Private sector

2. Job content and worker qualifications
   a. Professional
   b. Technical
   c. Clerical
   d. New scientific management

3. Bargaining strategy and structure
   a. Corporate strategy
   b. Holding companies
c. Contingent work force  
d. Legacy cost  
e. Business transformation
4. Contract administration
   a. Role of supervision

5. Strike Strategy
   a. Illegal - Public sector
   b. Lack of effectiveness

6. Union structure
   a. The association
   b. The role of women and minorities

7. Leadership style
   a. Formal education

Reading Assignment:


Course pack

III. Legal Framework for Collective Bargaining

   A. National Labor Relations Act
      • Preamble - Government's interest in free flow of commerce
      • Section 7 - Employee free choice
      • Sections 8 (a)(5), 8(b)(3), and 8(d) - Collective bargaining
      • Section 13 - Right to strike

   B. Review
      • 71 Harv. L. Rev. 1409 (1958) - Cox Archibald, "The Duty to Bargain in Good Faith."
      • H.K. Porter Co. v. NLRB 397 U.S. 99 (1970) (duty to bargain deferred)
      • NLRB v. Katz, 369 U.S. 736 (1902) (unilateral change)
      • Medo Photo Supply Corp. v. NLRB, 321 U.S. 678 (1944) (direct dealing)
IV. The Labor Contract

A. What is a labor contract?

B. What is in side of the document?

C. How does it work?

D. Adversarial Process:
   - Management Rights
   - Past Practice
   - Letters of Understanding
• Zipper Clause
• Maintenance of Standards
• Discipline and Discharge
• Work Rules, Policies and Procedures
• Grievance Procedures - Arbitration
E. Cooperative Process:

- Management Rights vs. Cooperation
- Principle vs. Rigidity
- Problem Solving Process
- Length and Size
- Internal Dispute Resolution Procedure
- Living Agreement

Reading Assignment:


Course pack

V. The Negotiations Process

A. Adversarial Process

1. Paper and people - What makes the process click?
2. Assessing the organizations, unions and management
3. Assessing the bargaining team membership
4. Structuring the team for success
5. The spokesperson
6. Proposals and counter-proposals
7. Strategies
8. Ground rules
9. Organizing the bargaining sessions
10. Research/Old contract assessment/Costing
11. After action review process
B. Cooperative Process

1. Win-Win, mutual gains bargaining

2. Strategic bargaining

3. Target specific bargaining

4. Trend lines

Reading Assignment:


Course pack

VI. Union and Management Economic Weapons

A. Review of the law governing self help

B. Pressure Points:

1. Strike
   a. Public
   b. Private

2. Lockout

3. Slowdown

4. Sit Down

5. Sit In

6. Blue Flu

7. Work to Rule

8. Speed Up

9. Up the Quality

10. Cartoons
11. Grievance and arbitration mills
12. Unfair labor practice changes
13. Other governmental agencies
14. Dues check-off
Reading Assignment:


Course pack

VII. Dispute Resolution Processes

A. Processes for negotiations problems
   1. Mediation
   2. Fact finding
   3. Interest arbitration - See legal
   4. Mediation/arbitration

B. Public vs. Private Sector Approaches

C. Processes for Contract Problems
   1. Grievance mediation
   2. Grievance arbitration
   3. Round table consensus

D. Role of State & Federal Mediation Agencies

E. Preventive Mediation Processes

Reading Assignment:


Course pack

VIII. Negotiations and Day-to-Day Relationships

A. Old organizational methods

B. New organizational methods
1. Self-managed teams

2. Employee involvement

3. QWL

4. Total quality management

C. The law and political reality

Reading Assignment:


Course pack

IX. Bargaining Issues 2005

A. Outsourcing and its impact

B. Needs of a diverse workforce vs. the uniformity of the labor agreement

C. FMLA

D. Training and education

E. Technology vs. job flexibility

F. Involvement vs. the Collective Bargaining Agreement vs. the ADA

G. Complex health care issues

H. Employee drug testing & genetic testing

I. Other than a full-time workforce

J. Productivity and flexibility

K. Benefit legacy

L. Trade treaties

M. Cross-Border/Int. Labor Relations
Reading Assignment:


Course pack

**Grades:**

1. 30% - Final Exam - Take-home essay; due on last day
2. 20% - Project Paper - topics will be passed out at the first class. Due on last day.
3. 40% - Series of 14 questions. One for each class. Due the following class.
4. 10% - Class participation. To be explained.