

Labor Arbitration
Sample Syllabus
Rafael Gely

Text:

ADR in the Workplace: A Coursebook, by Cooper, Nolan & Bales 2nd Ed. (West Group, 2005)

Grade:

The final grade will be calculated based on your performance in various class exercises (total number depending on class enrollment) and a final project (either a final exam or writing project).

Course Description:

This course focuses on the labor arbitration process both in the private and public sectors. The course explores the legal foundations of arbitration, as well as several decades of evolving experience under labor arbitration regimes.

Readings:

Introduction

- The Labor Relations Process - Unions and collective Bargaining History and Background (2-15)
- The Grievance Arbitration Process (16-32)

The Legal Context of Labor Arbitration

- Creation of Federal Common Law (33-45)
- Courts and Arbitration (45-99)
- Injunctions (99-111)
- Deferral to Arbitration (112-143)
- Duty of Fair Representation & Collective Bargaining (144-170)
- The Role of External Law in Arbitration (170-198)

The Labor Arbitration Process

- Evidence (199-216)
- Due Process of Arbitration (216-239)
- Discovery (240-247)
- The Role of Precedent (247-266)

Subjects of Labor Arbitration

- Arbitrability (267-278)
- Discipline and Discharge (278-336)
- Management Rights (336-349)
- Past Practice (350-363)
- Seniority (363-385)
- Wages and Hours (386-406)
- Fringe Benefits (406-423)
- Subcontracting (424-445)

Union Security (445-468)

Labor Arbitration in the Public Sector

State and Local Government (469-509)

The Federal Government (509-521)

Criticisms of Labor Arbitration (547-591)

Comparing Labor Arbitration and Individual Employment Arbitration (592- 616)