



LABOR ARBITRATION WORKSHOP SYLLABUS

Professor Roger I. Abrams

Spring 2010

Days 1 & 2 -- INTRODUCTION: The Process and the People

A.	Walt Disney World (just cause)	3
B.	Albertson's (Jones)	11
C.	The Legal Context: The Steelworkers Trilogy	
a.	American Mfg.	20
b.	"Arbitral Therapy"	23
c.	Warrior & Gulf	25
d.	Problem: Play Ball	32
e.	Enterprise Wheel	33
D.	Code of Professional Responsibility Sec.1	37
E.	Westinghouse Electric (Seitz)	37
F.	Selecting an Arbitrator (Biographies)	40
G.	"What to Look for in an Arbitrator"	44

Day 3 -- ARBITRABILITY: The Jurisdiction of the Arbitrator

A.	Procedural Arbitrability	
1.	Ventura County (Adler)	46
B.	Substantive Arbitrability	
1.	Problem: What's an Employee to Do?	49
2.	Problem: Play Baseball (Second Inning)	49
C.	Code - Sec 2 Responsibilities	50
D.	An Aside	52

Day 4 -- FACT-FINDING AND DECISION-MAKING

A.	Velsichol	54
B.	Code - Sec. 5 Hearing Conduct	63
C.	Contract Interpretation	
1.	G. E. Wilson Co (Goldberg)	66

	2. Metropolitan District Commission (Meredith)	69
D.	Past Practice	
	1. Romeoville (Wolff)	73
E.	Interpreting Contract Provisions	82
F.	Arbitral Decision Making (Your Turn)	82
Days 5 & 6	-- DISCHARGE AND DISCIPLINE	
A.	<i>Toward a Theory of Just Cause</i>	100
B.	Inability to Do the Job	
	1. University of Florida (injured employee)	102
C.	Absenteeism	
	1. Stanford University (Nelson)	106
D.	Misconduct	
	1. IRS (Veltsos) (threat)	115
	2. Cingular Wireless (Nolan)	122
E.	Negligence at Work	
	1. Marine Corps (Calhoun)	130
F.	Disruptive Behavior at Work	
	1. Boston Globe (alcohol and drugs)	139
G.	Work Rules	148
H.	Off-Duty Misconduct	
	1. U.S. Customs (spousal abuse)	149
I.	Due Process and Equal Protection	
	1. Southwestern Bell (Nolan)	157
J.	Discipline and Discharge Problems	161
Day 7	-- MANAGEMENT RIGHTS, WAGES, OVERTIME	
A.	Orange County Schools (management directives)	165
B.	Problem: Java	170
C.	Gaylord Container Corp. (subcontracting)	171
D.	Problem - Bargaining Unit Work	179
E.	"Lights, Motors Action!" Problem	182
F.	City of Boca Raton (starting wage rate)	184
G.	Problems: Call-In Pay and Mistaken Overtime	191
H.	Industrial Maintenance Co. (overtime)	193
I.	Problem: Back-end OT work	198
J.	Code Section 6	199
K.	Problem – Computing Premium Pay	200
L.	Problem – The Bomb Scare	201
Day 8	-- VACATIONS, HOLIDAYS, FRINGE BENEFITS, EXTERNAL LAW	
A.	Unified Services (sick leave and vacations)	202
B.	Problem: Too Late for a Vacation?	210
C.	Leaves of Absence	211
D.	City of Reno (Bickner)	212
E.	Problem – Happy Christmas	217
F.	Holiday and Vacation Problems	216

G.	IRS (Veltsos II) (FMLA)	222
H.	Florida State University (1 st Amend.)	236

DAY 9 -- ARBITRATION SIMULATIONS