

LABOR & EMPLOYMENT RIGHTS 2011

Prof. Jim O'Reilly 556-0062 james.oreilly@uc.edu

Should You Take This Class?

In a tough job market, differentiating your skill set from others may land a job that others miss. It's true that organized labor is a small fraction of total private employment, and is about 40% of state and local government employment. If you plan a career in "people skills" lawyering, you must have the special knowledge to handle these client problems. Young lawyers need to be equipped for multi-skill practice environments. High grades in some kinder, gentler employment theory class won't make up for your inability to service airline, coal, police, rail or machinist clients. Why walk into a law job unable to fight on this highly lucrative topic? This is a Skills Class with particular emphasis on holistic, flexible role-play development of a necessary skill that most competing law job applicants will not have to offer.

Class participation is 15%, exam is 85% of grade.

***Please email early if you can't be in class. ***We use a fact pattern role-play and we try to involve all students an equivalent number of times over the semester.

Text: St.Antoine, Labor Relations Law 11th Ed. 2005. E-supplement download free.
E-Supp will be emailed to class email list after 1st class signin (no charge)

Class meets Room 208, 10:40-12 Mon/Tues; office hours by appointment 556-0062

DATE TOPIC PAGES IN TEXT & STATUTE (S=PAGE IN e-SUPPLEMENT)

- 1/18 Introduction 1-25, 871-5 & skim 29 USC 157, 158 as background
- 1/24 Definitions & Exemptions 25-35, 876-881(+E-supp. Pp. 1-4 will be given)
- 1/25 The Administrative Process, 35-39,S5, review www.nlrb.gov
- 1/31 Union Organizing 43-81, S7-S13, 882-888
- 2/1 Union Organizing 81-102, S14-S16, 343-357, 435-7
- 2/7 Defining the Unit for Representation, 221-238, S41-42, Ohio Rev. Code 4117.06
- 2/8 Election 219-221,S40-41, 238-274, 888-903
- 2/14 Free Speech & Union Shop 302-312,103-137, S20-S28
- 2/15 Bargaining Issues & Management Rights 494-521, S59-64, Oh.Rev.Code 4117.08
- 2/21 Bargaining Process & Topics 556-604, S65-S68
- 2/22 Unfair Labor Practices – Bargaining Related 522-556,S60-64, 29 USC 158
- 2/28 Unfair Labor Practices – Fair Representation Duties 822-856, S89-90
- 3/1 Plant Closure, Lockout, WARN Rights, Bankruptcy 179-208, S36-39
- 3/7 Picket Lines & Violence/Injunction Issues 312-343, 208-214, S51-52
- 3/8 Strikes & No-Strike Clause Enforcement 707-732
- 3/14 Reinstatement rights after strikes 156-179, S33-36
- 3/15 Secondary Pressure on Supplier/Customer 361-435, S53-54
- 3/28 Grievance Arbitration & Deferrals 664-700, S74-87
- 3/29 Controls on Union Administration 979-1008, S97-98
- 4/4 Challenges to Existing Union 795-821, 917-919, S88-89
- 4/5 State Labor-Related Laws and NLRB Preemption, 444-477, S55-57

- 4/11 Ohio Public Employee Issues-read ORC 4117.01-14
- 4/12 Employment at Will (nonunion employee rights) - handout
- 4/18 Wage & Hour – Overtime rights, dol.gov/esa/whd
- 4/19 Whistleblower & OSHA Issues in the Workplace, dol.gov/osha
- 4/25 Workplace Benefits & ERISA, dol.gov/ebsa
- 4/26 Labor Practitioners' panel discussion with class members
- TBD Exam

BACKGROUND READING

Understanding Labor Law

Labor Law Hornbook

Labor Law in a Nutshell

CALI Lessons LL1, LL2: Recognitional Picketing I & II