

LER 542 SPRING 2020

COLLECTIVE BARGAINING

School of Labor and Employment Relations, University of Illinois at Urbana-Champaign

Tuesdays, 11:00am-1:50pm | Location: LER 53

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Wednesdays, 1:00-2:00pm,
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Course Topic and Objective

This course will examine the contemporary system of collective bargaining (sometimes referred to as industrial or labor relations) in the United States. Labor relations can be defined as the workplace-based interactions and relationship between employers and employees. The objective of processes and systems that are part of labor relations is to balance the goals and rights of these different actors. Collective bargaining is the process in which labor and management negotiate the terms and conditions of employment. Collective bargaining is central to labor relations and will be the focus of much of this class.

We will spend the first four weeks of the course diving into the history, regulation, and structures of collective bargaining—all elements that set the context for understanding processes of labor relations. We will cover these processes, from the formation of bargaining units to the administration of agreed-upon contracts, in both the private and public sectors in subsequent weeks. We'll end the term with two sessions focused on contemporary issues in collective bargaining and labor relations. Throughout, we will examine labor relations and collective bargaining through a number of industry case studies and bargaining exercises, and will document current issues in the field as they unfold over the course of our time together.

The course objective is for you to gain a working knowledge of, and think critically about, labor relations and collective bargaining. As labor relations are constantly undergoing change, you should also leave this course with an understanding of pressures and challenges affecting labor relations today. You should also be able to critically apply insights regarding the objective of labor relations (balancing different actors' goals and rights) in your current and future workplaces.

Course Requirements

1. Readings

Readings for this seminar will be drawn primarily from two texts. It is extremely important that you come prepared each week with the reading completed in order to fulfill the course expectations successfully. The texts are each available at the Illinois bookstore. In addition, used copies may be available through used book websites and there are likely ways to rent the books.

If purchasing used books or renting them, please be sure to secure the correct edition. Copies of both texts are also available in the library's course reserves.

- Budd, John W. 2018. *Labor Relations: Striking a Balance*. **Fifth Edition**. McGraw-Hill Education.
- *Collective Bargaining under Duress: Case Studies of Major North American Industries*. 2014. By Howard Stanger, Ann Frost, and Paul F. Clark, (Eds.) Ithaca, NY: Cornell ILR Press (ISBN 978-0-913447-06-2).

Additional materials will be drawn from journals, newspapers, podcasts, and other sources in an effort to examine significant and timely issues in the field in more detail. After each seminar, any additional supplemental materials that are required for the following week will be posted on the course's Compass website and/or emailed to the class, indicating as such.

Six (6) short quizzes covering the week's assigned reading will be randomly assigned throughout the semester; the lowest quiz score will be dropped. The five (5) remaining quizzes will count for 10 percent of the final grade.

2. Participation

You will be expected to play an active role throughout the course. Attendance at each class session, from start to finish, is required. The success of our seminar discussions will depend on your participation; as such you should come to each session with the readings completed and ready to contribute. At the end of the term, you will receive a participation grade worth 10 percent of the final grade.

There are several ways you can participate:

- Contribute to class discussions
- Actively participate in break-out sessions during the seminar
- Contribute to Collective Bargaining in the News on our Compass site and in class.

For required posts:

- You are required to add one post to Collective Bargaining in the News, in an assigned week. The aim of this exercise is to incorporate current examples of labor relations and collective bargaining into the course. For your week, you should find at least 1-2 news articles or segments regarding current examples of collective bargaining.
- By 12:00pm on the Monday prior to your assigned week, please leave your post in our Collective Bargaining in the News forum, which you can access on our Compass site's Discussion Board. You can create your post by starting a new thread within the forum.
- In your news item post, please include the following: a) a short (3-4 sentences) summary of the recent collective bargaining example you're highlighting; b) a short (3-4 sentences) reflection on how the example relates to a reading, discussion, or theme in the course, and c) citations or links to at least 1-2 news sources you gathered.

- You should come to the seminar ready to give a 2-3 minute oral summary of your post.

Adding your reactions and additional posts:

- Leave comments, questions, or points for discussion on your classmates' posts.
- At any point in the term, you may share additional collective bargaining news items on our discussion forum, with a similar summary/reflection as described above. You will not be required to present them orally.

3. Facilitating class discussion

Each week we will hear from 2-3 students, who will lead us in a discussion of the industry case study assigned from the Stanger et al. book for that week. The discussion should include a) a brief summary of main points from the reading; b) your thoughts and critical reactions to the reading, and c) at least two discussion questions to pose to the seminar at the end of your time. You are free to use Powerpoint (although it is not required) or any other materials or activities you'd like. Presentations and discussions should be 15 minutes in length, with at least 5 minutes devoted to facilitating class discussion. A grade will be assigned on the basis of the quality of the presentation and the accompanying discussion. The discussion facilitation will be worth 10 percent of the final grade.

4. Simulations

Over the course of the semester, we will hold two mock collective bargaining sessions; each will be worth 10 percent of the final grade. Students will be divided into union and management teams for each simulation, and grades will be assigned based on the quality of bargaining preparation (details given in class), participation in the simulation itself, and team peer review.

5. Exams

Our midterm exam is worth 22.5 percent of the final grade. It will be held (in-class) on March 10. Our final will be a take-home exam, due May 5, and is worth 27.5 percent of the final grade. We will discuss the details of each in class. There will be no make-up exams for either the midterm or final except for extraordinary circumstances. In these cases, arrangements must be made at least one week prior to the exam.

Grading

Students' final grades will be based on class participation, facilitation of a class discussion, simulations, and two exams. For the purposes of assigning a final grade this work will be weighted as follows:

Course grade		Grading Scale	
Reading quizzes	10%	A	93-100%
Class participation	10%	A-	90-92%
Facilitating class discussion	10%	B+	87-89%
Mock simulations	20%	B	83-86%
Midterm	22.5%	B-	80-82%
Final exam	27.5%	C+	77-79%
		C	73-76%

Course Policies

- Please, no cell phones or other communication devices in class! All phones must be silenced.
- Laptop use is permitted, but is limited to quizzes, note-taking and group exercises. Use of laptops for any personal communication, internet, or social media during the seminar can result in laptop privileges being revoked.
- Attendance is required. If you know ahead of time that you cannot attend class due to illness, civic duty, or other excused reason, please notify me *prior to the start of class*. Unexcused or excessive absences will negatively affect your class participation grade.

University Policies and Resources

Please the end of this syllabus for relevant university policies and resources.

Overview of Schedule and Topics

Week	Date	Topic
1	Jan. 21	Introduction and overview of labor relations
2	Jan. 28	Evolution of the labor relations system
3	Feb. 4	Introduction to labor law
4	Feb. 11	Labor and management strategies and structures
5	Feb. 18	The organizing process: Establishing the collective bargaining relationship
6	Feb. 25	Collective bargaining: The negotiations process, part 1
7	Mar. 3	Collective bargaining: The negotiations process, part 2: The Zinnia simulation
8	Mar. 10	<i>In-class midterm</i>
9	Mar. 17	<i>Spring break, no class</i>
10	Mar. 24	Impasses, strikes, and dispute resolution
11	Mar. 31	Administration of collective bargaining agreements
12	Apr. 7	Public sector collective bargaining, part 1
13	Apr. 14	Public sector collective bargaining, part 2: The Queen City simulation
14	Apr. 21	Contemporary issues, part 1: Flexibility, employee empowerment, and labor management partnerships
15	Apr. 28	Contemporary issues, part 2: Globalization and financialization
16	May 5	<i>Take-home final due</i>

Detailed Schedule of Topics

As of 12.30.19. Subject to change.

Week 1 | Jan. 21 Introduction and overview of labor relations

Key questions: What do we mean by labor relations and collective bargaining? What is the objective of labor relations, and what frameworks can we use to evaluate these objectives?

Learning objectives:

1. Define labor relations and collective bargaining.
2. Define the objective of labor relations and identify relevant actors and their goals.
3. Describe two major frameworks and four schools of thought used to analyze labor relations.

Readings/materials:

- Budd, Chapter 1: Contemporary labor relations and Chapter 2: Labor unions: Good or bad?
- Katz, H.C., Kochan, T.K., and Colvin, A.J.S. 2017. A framework for analyzing collective bargaining and labor relations. Chapter 1 in *An Introduction to U.S. Collective Bargaining and Labor Relations*. Ithaca: ILR Press. [on Compass]

Week 2 | Jan. 28 Evolution of the labor relations system

Key questions: What are the important features of major historical eras of labor relations? How does this historical perspective inform our understanding of labor relations today?

Learning objectives:

1. Identify the overarching eras of labor relations in the U.S.
2. Identify major events and figures of each era.
3. Describe key features of these eras using IR frameworks.
4. Understand how the historical record shapes labor relations today.

Readings/materials:

- Budd, Chapter 3: Historical Development
- Stanger et al., Introduction: Collective bargaining under duress: Case studies of major U.S. industries
- Podcast: [A Brief History of the Labor Movement](#). NPR Weekend Edition Sunday, September 3, 2006.
- Podcast: [The Middle Class Took Off 100 Years Ago ... Thanks To Henry Ford?](#) NPR All Things Considered, January 27, 2014

Week 3 | Feb. 4 Introduction to labor law

Key questions: How does the legal system shape labor relations? What are the major provisions of U.S. labor law and their underlying logic or rationale?

Learning objectives:

1. Understand how a legal system can either promote or repress unionization.
2. Identify major provisions of U.S. labor law and their underlying rationale/logic.
3. Understand the role of the NLRB and similar agencies.
4. Assess whether or not labor law reform is necessary.

Readings/materials:

- Budd, Chapter 4: Labor law
- Stanger et al., Chapter 1: Context, process, and outcomes of collective bargaining in the U.S. airline industry
- [“The Haves and Have-Nots: How American Labor Law Denies a Quarter of the Workforce Collective Bargaining Rights”](#) Report by American Rights at Work, November 2008 [on Compass]
- Podcast: [Sara Nelson: The world’s most powerful flight attendant](#). *Talking Points* July 10, 2019. www.thepointsguy.com.

Week 4 | Feb.11 Labor and management strategies and structures

Key questions: What are the strategies and structures used by employers and labor unions to balance efficiency, equity, and voice?

Learning objectives:

1. Compare traditional strategies with alternatives.
2. Understand the organizational structure of unions and the U.S. labor movement.
3. Discuss labor relations strategies pursued by employers and their connection to human resource management and business strategies.

Readings/materials:

- Budd, Chapter 5: Labor and management: Strategies, structures and constraints
- Stanger et al., Chapter 2: Crisis and recovery in the U.S. auto industry: Tumultuous times for a collective bargaining pacesetter
- Hertel-Fernandez, A., Kimball, W., and Kochan, T. 2019. How U.S. workers think about workplace democracy: The structure of individual worker preferences for labor representation. Working Paper, Columbia and MIT Sloan.
- Podcast: [The Roots of The Modern Anti-Union Movement](#) Working History, 2016.

Collective Bargaining Simulation I Team Assignments

Week 5 | Feb. 18 The organizing process: Establishing the collective bargaining relationship

Key questions: What are the procedural steps and legal standards of organizing a union? How do labor and management engage in the organizing process?

Learning objectives:

1. Understand the sequence of events and legal issues involved in the organizing process.
2. Identify tactics and processes of both unions and management in an organizing campaign.
3. Assess whether reform of the union certification process is necessary.

Readings/materials:

- Budd, Chapter 6: Union organizing
- Stanger et al., Chapter 3: Hotels and casinos: Collective bargaining during a decade of instability
- Ferguson, JP. 2008. The eyes of the needles: A sequential model of union organizing drives, 1999-2004. *ILR Review*, 62(1):3-21.

Week 6 | Feb. 25 Collective bargaining: The negotiations process, part 1

Key questions: What is the process for collective bargaining? What are its legal, strategic, and behavioral elements?

Learning objectives:

1. Articulate the general timeline of collective bargaining and its different structures.
2. Explain the legal parameters of collective bargaining.
3. Discuss determinants of bargaining power.
4. Discuss the four subprocesses of collective bargaining, including their purposes, strategies and tactics, and outcomes.

Readings/materials:

- Budd, Chapter 7: Bargaining
- Stanger et al., Chapter 4: Health care: Collective bargaining's growing role in a time of transition
- Lipsky, D.B. and Avgar, A.C. 2007. Walton and McKersie's behavioral theory of negotiation: A summary and contemporary perspective. Cornell University [on Compass]

Week 7 | Mar. 3 Collective bargaining: The negotiations process, part 2

Mock Collective Bargaining Exercise #1: The Zinnia

Week 8 | Mar. 10 In-class midterm exam

Week 9 | Mar. 17 Spring break, no class

Week 10 | Mar. 24 Impasses, strikes, and dispute resolution

Key questions: What happens when labor negotiations do not result in an agreement? What are options for addressing an impasse?

Learning objectives:

1. Explore options for resolving bargaining disputes and impasses.
2. Understand different types of strikes and lockouts, and their controversies.
3. Identify other pressure tactics, beyond strikes and lockouts, for addressing disputes.
4. Compare major third-party dispute resolution mechanisms.

Readings/materials:

- Budd, Chapter 8: Impasses, strikes and dispute resolution
- Stanger et al., Chapter 5: When chickens devoured cows: Union rebuilding in the meat and poultry industry
- Podcast: [How Labor Strikes Work](#) Stuff You Should Know, April 7, 2016.

Collective Bargaining Simulation II Team Assignments

Week 11 | Mar. 31 Administration of collective bargaining agreements

Key questions: Once agreed upon, how are union contracts administered? What are the parties' rights and obligations, and how are disputes resolved?

Learning objectives:

1. Understand the key elements and nature of U.S. union contracts.
2. Explain the importance of different contractual provisions that define rights and obligations.
3. Describe the general process for grievance resolution and the importance of grievance arbitration.

Readings/materials:

- Budd, Chapter 9: Contract clauses and their administration
- Stanger et al., Chapter 6: Hard times and hard bargaining in the newspaper industry
- Katz, H.C., Kochan, T.K. & Colvin, A.J.S. 2017. Contract terms and employment outcomes. Chapter 10 in *An Introduction to U.S. Collective Bargaining and Labor Relations*. Ithaca: ILR Press. [on Compass]

Week 12 | Apr. 7 Public sector collective bargaining, part 1

Key questions: What is the nature of public sector collective bargaining? How does it differ from collective bargaining in the private sector?

Learning objectives:

1. Articulate the ways in which public sector bargaining differs from that in the private sector.
2. Understand the legal framework, bargaining environment, and bargaining approaches of public sector unions.
3. Explain how the nature of stakeholders in public sector bargaining is distinct from collective bargaining in the private sector.
4. Discuss how collective bargaining in the public sector seeks to balance efficiency, equity and voice.

Readings/materials:

- Katz, H.C., Kochan, T.K. & Colvin, A.J.S. 2017. Collective bargaining in the public sector. Chapter 13 in *An Introduction to U.S. Collective Bargaining and Labor Relations*. Ithaca: ILR Press. [on Compass]
- Stanger et al., Chapter 7: Public sector collective bargaining
- Web: “[Debate: Collective bargaining rights for public unions](#)” International Debate Education Association.
- News segment: “[Labor clout takes a hit in Supreme Court ruling on dues.](#)” NPR News, June 20, 2018.

Week 13 | Apr. 14 Public sector collective bargaining, part 2

Mock Collective Bargaining Exercise #2: Queen City

Week 14 | Apr. 21 Contemporary issues in labor relations, part 1: Flexibility, employee empowerment, and labor-management partnerships

Key questions: How are union strategies for representation linked to work organization? What pressures are changing this relationship today?

Learning objectives:

1. Understand how the organization and structure of work is important to labor relations and union strategies for representation.
2. Explain contemporary pressures on organizations and how they affect the employment relationship.
3. Compare how these pressures subsequently affect union representation strategies to that of the past.

4. Understand the debates around representation and flexibility, empowerment, and labor-management partnerships.

Readings/materials:

- Budd, Chapter 10: Flexibility, empowerment, and partnership
- Stanger et al, Chapter 8: Professional sports: A tale of conflict and accord

Week 15 | Apr. 28 Contemporary issues in labor relations, part 2: Globalization and financialization

Key questions: In what ways are globalization and financialization transforming labor relations? What are associated challenges and opportunities?

Learning objectives:

1. Define globalization and financialization as well as key dimensions of each.
2. Outline various approaches for governing the global workplace.
3. Understand how financialization has transformed the model of the firm and its stakeholders.
4. Discuss implications for labor relations, unions, and collective bargaining.

Readings/materials:

- Budd, Chapter 11: Globalization and financialization
- News articles re: Toys ‘R’ Us and private equity [Posted on Compass]
- Appelbaum, E., and Batt, R. 2014. Private equity: Investors as managers. Chapter 1 in *Private Equity at Work: When Wall Street Manages Main Street*. New York: Russell Sage Foundation

Final exam released after class

Week 16 | May 5 Take-home final exam due, 5:00pm

University Policies and Resources

Request for Special Accommodations

To obtain disability-related adjustments and/or auxiliary aids, students with disabilities should contact the course instructor and the Disability Resources and Educational Services (DRES) as soon as possible. To contact DRES, you may visit 1207 S. Oak Street, Champaign; call 217.333.4603; email disability@illinois.edu; or go to the DRES website, <http://disability.illinois.edu>. Please also schedule a private meeting with the course instructor to discuss your needs and requirements. All accommodations will try to be met once you self-identify. Please note accommodations are not retroactive to the beginning of the semester but begin the day you contact your professor with a current letter of accommodation from DRES.

Code of Academic Integrity

The University of Illinois “Academic Integrity-All Students” policy in the *Code of Policies and Regulations Applying to all Students* applies to this course and will be strictly enforced. Adhering to the highest academic integrity standards is expected from all students in this course. Violations of academic integrity will result in appropriate penalties.

Writing Resources

The UIUC’s Center for Writing Studies provides free workshops and writing assistance. The Writers Workshop’s mission is to support the University of Illinois community by providing free writing assistance for students, faculty, and staff from all disciplines and at all stages of the writing process. The Workshop has multiple locations and offers both face-to-face and online tutoring. Find more information at writersworkshop.illinois.edu.

Support Resources and Supporting Fellow Students in Distress

As members of the Illinois community, we each have a responsibility to express care and concern for one another. If you come across a classmate whose behavior concerns you, whether in regards to their well-being or yours, we encourage you to refer this behavior to the Student Assistance Center (333-0050) or online at odos.illinois.edu/community-of-care/referral/. Based upon your report, staff in the Student Assistance Center reaches out to students to make sure they have the support they need to be healthy and safe.

Further, as a Community of Care, we want to support you in your overall wellness. We know that students sometimes face challenges that can impact academic performance (examples include mental health concerns, food insecurity, homelessness, personal emergencies). Should you find that you are managing such a challenge and that it is interfering with your coursework, you are encouraged to contact the [Student Assistance Center \(SAC\)](#) in the Office of the Dean of Students for support and referrals to campus and/or community resources. The SAC has a Dean on Duty available to see students who walk in, call, or email the office during business hours. For mental health emergencies, you can call 911 or walk-in to the Counseling Center, no appointment needed.

Emergency Response Recommendations

The Department of Homeland Security and the University of Illinois at Urbana-Champaign Office of Campus Emergency Planning recommend the following three responses to any emergency on campus: **RUN > HIDE > FIGHT**.

Only follow these actions if safe to do so. When in doubt, follow your instincts—you are your own best advocate!

RUN

- Action taken to leave an area for personal safety.
- Take the time now to learn the different ways to leave your building before there is an emergency.
- Evacuations are mandatory for fire alarms and when directed by authorities. **No exceptions!**
- Evacuate immediately. Pull manual fire alarm to prompt a response for others to evacuate.
- Take critical personal items only (keys, purse, and outerwear) and close doors behind you.
- Assist those who need help, but carefully consider whether you may put yourself at risk.
- Look for **EXIT** signs indicating potential egress/escape routes.
- If you are not able to evacuate, go to an Area of Rescue Assistance.
- Evacuate to Evacuation Assembly Area and remain until additional instructions are given.
- Alert authorities to those who may need assistance.
- Do not re-enter building until informed by emergency response personnel that it is safe to return.
- **ACTIVE THREAT:** If it is safe to do so run out of the building. Get as far away as possible.

HIDE

- Action taken to seek immediate shelter indoors when emergency conditions do not warrant or allow evacuation, such as for severe weather.
- Take the time now to learn the different ways to seek shelter within your building before there is an emergency.
- If you are outside, proceed to the nearest protective building.
- If sheltering-in-place due to severe weather, proceed to the identified Storm Refuge Area or to the lowest, most interior area of the building away from windows or hazardous equipment or materials.
- **ACTIVE THREAT:**
 - Lock or barricade your area.
 - Get to a place where the threat cannot see you.
 - Place cell phones on **silent**.
 - Do not make any noise.
 - Do not come out until you receive an Illini-Alert advising you it is safe.

FIGHT

- Action taken as a last resort to increase your odds for survival.
- **ACTIVE THREAT:** If you cannot run away safely or cannot hide, **be prepared to fight with anything available to increase your odds for survival.**