

**University of Illinois at Urbana-Champaign
School of Labor and Employment Relations
LER 543 Fall 2018**

Instructor: Ryan Lamare, Associate Professor at LER

Class Schedule: Thursday, 2:00pm – 4:50pm, Room 331 Armory Building

Office Hours: Tuesday, 2pm – 3pm, and by appointment

Contact Info: Office: 247D LER Building; Phone: 217-244-6241; e-mail: rlamare@illinois.edu

Course Purpose and Description

This course examines the theory and practice of dispute resolution in unionized and nonunion workplaces. A primary goal of this course is to introduce students to a variety of workplace dispute resolution practices and processes, including: the resolution of conflict through direct bargaining as well as situations in which bargaining may fail; mediation and arbitration in unionized settings (labor mediation/arbitration covering impasses involving contract negotiation failures and contract interpretation disputes); and alternative dispute resolution in nonunion settings (primarily employment mediation/arbitration covering rights-based disputes). Throughout the semester, the course will also explore policy issues and debates surrounding various developments in the field of workplace dispute resolution.

A key objective of the course is to enable students to both understand and think critically about different alternative dispute resolution procedures and their role in labor and employment relations. As part of achieving this objective, the course will include simulated exercises to provide students with hands-on experience in using workplace dispute resolution techniques. The course will require active participation and attendance throughout the semester.

Required Material Used in the Course

1. Roger Fisher, William Ury, and Bruce Patton, Getting to Yes: Negotiating Agreement Without Giving In. Third Edition (New York: Penguin USA, 2011)
2. Dennis R. Nolan, Labor and Employment Arbitration in a Nutshell. Third Edition (St. Paul: Thomson/West, 2017)
3. Additional articles and chapters assigned below will be available on the course website on Compass.

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.

Requirements

1. In addition to the required reading assignments, there will be two examinations and a final paper. Final grades will be determined on the basis of the following weights:

Class participation	15 percent
Final paper	25 percent
Exam #1	30 percent
Exam #2	30 percent

2. *Class participation.* This course is designed to be interactive in nature and will rely on student participation. Throughout the course, students will be involved in a variety of mock role-plays, games, and exercises, and are expected to fully participate. Additionally, attendance is required at all class sessions. If you know ahead of time that you cannot attend class due to illness or any other excused reason, please notify me before class starts.

3. *Final paper.* Each student will also write a final term paper. Term papers will represent 25 percent of the final grade. Details regarding this paper as well as the specific assignment instructions will be handed out in class later in the semester.

4. *Examinations.* There will be one exam (take home) due on October 23. Please mark your calendar. More specific guidelines for the exam will be announced later in the course. There will also be a second exam due during finals week.

Course Grades

Grade	Points
A	93-100
A-	90-92
B+	87-89
B	83-86
B-	80-82
C+	77-79
C	73-76

2. Final grades will be based on each student's total points in the class. Grades will NOT be based on a curve.

COURSE OUTLINE AND SCHEDULE

PART I: INTRODUCTION

Week 1 August 29 **Introduction to Workplace Dispute Resolution**

[Podcast: How To Manage Conflict In The Workplace](#)

Exercise: Sally Soprano

PART II: CONFLICT RESOLUTION THROUGH BARGAINING AND ITS FAILURES

Weeks 2-5 September 5-26 **Common Approaches to Workplace Bargaining**

Richard E. Walton and Robert B. McKersie, A Behavioral Theory of Labor Negotiations: An Analysis of Social Interaction Systems (Ithaca, NY: ILR Press, 1991), Chapter 1, pp. 1-10.

Roger Fisher, William Ury, and Bruce Patton, Getting to Yes: Negotiating Agreement Without Giving In. 3rd Edition (New York: Penguin USA, 2011), pp. 1-150.

[Podcast: Good Guys, Prologue and Act 1](#)

[Podcast: Cold War](#)

Exercise: Chiptech

[NO CLASS SEPTEMBER 12 DUE TO LER CELEBRATION EVENT]

Week 6 October 3 **How Bargaining Failures Can Occur**

Max H. Bazerman and Margaret A. Neale, Negotiating Rationally (New York: The Free Press, 1992), pp. 9-15, 23-41, and 49-55.

[Podcast: The Big Man Can't Shoot](#)

[Podcast: You v. You](#)

Exercise: Hiring A Newtonian

PART III: RESOLVING WORKPLACE CONFLICT THROUGH MEDIATION

Week 7 October 10

Introduction and Process of Mediation

Christopher W. Moore, The Mediation Process: Practical Strategies for Resolving Conflict, 3d edition (San Francisco, CA: Jossey-Bass, 2003), Chapters 1 and 2, pp. 3-81.

[Podcast: Stuck In The Middle \(Prologue\)](#)

[Podcast: Let No Court Put Asunder](#)

Exercise: Dirty Laundry

Week 8 October 17

Mediation in the Unionized and Non-Union Settings

Stephen Goldberg, "How Interest-Based, Grievance Mediation Performs Over the Long Term," *Dispute Resolution Journal*, 59, 4 (November 2004-December 2005), pp. 8-15.

Deborah M. Kolb, When Talk Works: Profiles of Mediators (San Francisco: Jossey-Bass, 2001), Chapter 4 (William Hobgood), pp. 149-189.

Jeffrey J. Beaton. "Practical Tips for Mediating Employment Disputes."

<http://www.mediate.com/articles/beatonJ3.cfm>.

Sara Adler, "Strategies for a Successful Employment Mediation."

<http://www.mediate.com/articles/sadler.cfm>.

Podcast: [The Neutral](#)

MIDTERM EXAM – TAKE HOME (POSTED OCTOBER 17, DUE OCTOBER 23)

PART IV: RESOLVING WORKPLACE CONFLICT THROUGH ARBITRATION

Weeks 9-10 October 24, 31

Introduction and Process of Arbitration

Labor and Employment Arbitration in a Nutshell, Ch. 1-6

Katherine V. W. Stone. "The *Steelworkers' Trilogy*: The Evolution of Labor Arbitration," pp. 149-190.

[Alexander v. Gardner-Denver, 415 US 36 \(1974\)](#)

[14 Penn Plaza LLC et al. v. Pyett et al., 556 US ____ \(2009\)](#)

Exercise: Theft or Common Misunderstanding?

*****ADR SCRIMMAGE VS CORNELL: MONDAY, OCT. 28 (6-8PM)**

Week 11 November 7

The Common Law of Labor Arbitration

Labor and Employment Arbitration in a Nutshell, Ch. 7-9

Week 12 November 14

Meetings in LER 247D to Discuss Paper Topics

Weeks 13-14 November 28,
December 5

Arbitration and ADR in Nonunion Settings

Labor and Employment Arbitration in a Nutshell, Ch. 10-12

[Gilmer v. Interstate/Johnson Lane Corp., 500 US 20 \(1991\)](#)

[Circuit City Stores, Inc. v. Saint Clair Adams, 121 S. Ct. 1302 \(2002\)](#)

[Podcast: Have We Lost a Constitutional Right in the Fine Print?](#)

Exercise #5: Broken Benches

Exam #2 (Take Home) Due Sunday, December 15

Final Papers Due Monday, December 16