

Center for Human Resources and Labor Studies
Carlson School of Management
UNIVERSITY OF MINNESOTA

Labor Relations and Collective Bargaining

HRIR 6701, sec. 1 (4 credits)
Spring 2021

8:00-11:15 am, Mondays
Remote via Zoom

Professor Aaron Sojourner
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Remote Office Hours (and by appointment)

4:00-5:00 Wednesdays (A term),
and by appointment

B term: Mondays 3:00-4:00 p.m.
and Fridays 9:00-10:00 a.m.

TA: Amber DeWitt (moody163@umn.edu)

The inequality of bargaining power between employees who do not possess full freedom of association or actual liberty of contract, and employers who are organized in the corporate or other forms of ownership association substantially burdens and affects the flow of commerce, and tends to aggravate recurrent business depressions, by depressing wage rates and the purchasing power of wage earners in industry and by preventing the stabilization of competitive wage rates and working conditions within and between industries (The Wagner Act (1935), Section 1).

This course examines labor relations and collective bargaining, especially the three major processes: **union organizing** (how labor unions are formed), **bargaining** (how union contracts are produced), and **dispute resolution** (how bargaining disputes and grievances are resolved). To understand the operation of these processes, the first part of the course analyzes the framework in which collective bargaining takes place—the legal, historical, economic, and global environment, the structure and goals of the participants, and alternative models of the employment relationship. The latter part of the course examines international comparisons and important current issues. The course concludes with prospects for the future. The focus of the course is private sector labor relations, but public sector comparisons are highlighted where appropriate.

Course Goals: By the end of this course, students should be able to:

- **Explain** why employees, employers, and society may or may not desire unions (past, present, and future), and **justify** the underlying importance of fundamental assumptions about markets and employment relationship conflict.
- **Manage** the major labor relations processes (union organizing, bargaining, and dispute resolution) by being able to **understand** their features, **interpret** legal standards and rulings, **evaluate** key influences, and **support** specific strategies.
- **Assess** the effect of worker representation on the operation of the workplace, firm, economy, and society.
- **Identify** current challenges in labor relations, **debate** the central controversies, and **recommend** new directions.

Team Teaching: HRIR 6701 is being co-taught by Professor Aaron Sojourner and Professor John Budd. The two instructors are jointly responsible for the entire course, but Professor Sojourner will generally focus on the first half of the course and Professor Budd on the second half. Each professor will lecture, lead discussions, hold office hours, and grade exercises in their half. Professor Sojourner will handle the NLRB Decision Posting Exercise; Professor Budd will handle the Bargaining Exercise.

Attendance, Participation, and Zoom Expectations: This course is being delivered remotely with an emphasis on synchronous interaction during the designated class time each week. The aim of this class is to increase your understanding of the nature and relevance of labor relations through participation and involvement. Lecture attendance and participation in class discussions, online forums, and other venues are important components of the learning process in this course. Please read and/or watch the appropriate materials before class, have access to those materials (including the textbook) during in-class discussions, and be prepared to constructively contribute to class discussions while being an open-minded, active listener.

Please treat the Zoom classroom the same as a traditional classroom, with a particular focus on respect, attentiveness, and engagement. Ask questions in real time by speaking up, raising your hand, or using the chat feature. Please keep your microphone muted when not speaking, but do not hesitate to participate. Also, be sure to let the instructors know in real time if something isn't working. To build a sense of community, we hope that you will feel comfortable having your video on, especially during discussions. But we also recognize that this can sometimes be a source of added stress or discomfort so the use of video is not mandatory; rather, the top priorities are learning and engagement. Please add a picture of yourself to your Zoom profile and make sure that your screenname includes your preferred first name and last name.

COURSE MATERIALS

Required Textbook: This course relies heavily on the labor relations textbook authored by Professor Budd based on his teaching of this course:

John W. Budd (2021) *Labor Relations: Striking a Balance*, 6th ed. (New York: McGraw-Hill Education).

Any format of the textbook is acceptable (e.g., printed, ebook). The 6th edition is preferred but the 5th edition will be acceptable for most of the course.

Optional Supplementary Materials

Jane McAleve (2012) *Raising Expectations (and Raising Hell): My Decade Fighting for the Labor Movement* (London: Verso). [A long-time labor activist uses stories of bold union organizing and contract victories to create a blueprint for reviving the U.S. labor movement through “whole worker” organizing.]

Pierre Cahuc and Andre Zylberberg (2004) *Labor Economics* (Cambridge, MA: MIT Press), Chapter 7. [A technical overview of the standard economic models of labor unions and bargaining.]

Jonathan D. Rosenblum (1998) *Copper Crucible: How the Arizona Miners Strike of 1983 Recast Labor-Management Relations in America*, 2nd ed. (Ithaca, NY: ILR Press). [A journalistic account that brings labor relations to life at one work site, with important historical and modern aspects.]

Online Exploration: Students are encouraged to supplement their reading with an exploration of relevant online information sources. The AFL-CIO, Industrial Workers of the World, numerous individual unions and worker movements, SHRM, and other professional associations have Twitter feeds and informative websites. Workday Minnesota and LabourStart are two of many Twitter accounts and websites providing labor news. National Labor Relations Board (NLRB) decisions and documents can be accessed from its website.

ASSIGNMENTS AND GRADING

Assignment Weights

Participation/Class Discussion.....	10 %
Debate	25 %
NLRB Decision Posting	17.5 %
The Zinnia Bargaining Exercise	30 %
Contemporary Issue Explainer	17.5 %
Glossary of Key Terms	extra credit

Assignments Summary

(refer to the assignment pages in Canvas for details and updates)

Participation/Class Discussion: Constructive and respectful contributions to class discussions, online forums, and other venues, and consistent class attendance without excessive, unexcused absences.

Debates: An in-class debate between two teams on a specific issue. For each debate, one team will be assigned to argue the affirmative case and one side will argue the negative.

NLRB Decision Posting: A brief summarizing the facts of an assigned National Labor Relations Board (NLRB) decision, its important points of law, and its legal and practical significance. Each brief will be written by a group and posted to an online discussion area. All class members are expected to read all of the postings and add at least one question.

The Zinnia Bargaining Exercise: A collective bargaining simulation in which pairs of small groups, acting as union and management teams, negotiate terms for a new collective bargaining agreement covering workers at the fictitious hotel, The Zinnia.

Contemporary Issue Explainer: A written, audio, video, or graphical capsule summarizing key controversies and alternative perspectives on a current issue in labor relations (broadly defined).

Glossary of Key Terms: An individually-constructed glossary of brief definitions of key terms from designated chapters of the textbook.

Note: For all group assignments, when there are concerns with disrespectful behavior, free riding, and/or other detrimental conduct, the instructors reserve the right to use peer evaluation to inform adjustments in individual grades or group composition. This can result in a lower individual grade, including a failing grade, or the requirement to complete an assignment individually.

LEARNING COMMUNITY EXPECTATIONS

Professors, students, and other participants in the HRIR 6701 learning community are expected to behave respectfully, professionally, and empathetically at all times. These expectations include, but are not limited to, the following:

Inclusion and Civility. Always demonstrate the utmost respect to class participants, guests, and your group members. Welcome diverse perspectives and voices to be heard and understood. Engage in a collaborative exploration of issues rather than a defense of pre-conceived ideas. Contribute to the class and your groups in a constructive, inclusive, supportive, and respectful manner free from rudeness, prejudice, bias, and harassment. Listen thoughtfully to others, do not interrupt, and respond to dissenting views with reason, civility, and empathy.

Honesty. Do your own work. Plagiarizing from other students, books and journals, the internet, and other sources is a serious offense and is not acceptable. Be sure to fully cite your work. Make honest contributions to your group projects (do not be a free rider).

All course materials, such as slides, assignments, videos, and classroom recordings, are only for the use of students enrolled in this course, and it is dishonest to share them. Students must not share any of these materials with other University of Minnesota students not in the same section of this course, and must not distribute, upload, or share them in any other manner inside and outside of the university. This violates the instructor's rights to their intellectual work product, violates student privacy, and allows others to cheat.

Attentiveness. Find a location for class sessions and group work that allows you to be attentive. Mute your microphone when not speaking, and try to avoid other distracting or disruptive behaviors. Unforeseen events occur and students have multiple demands on their time. If you have to attend to something else, please make sure your microphone is muted and your video is off. Only use the chat for the task at hand.

Flexibility and Patience. We are in uncertain times. Please be flexible and patient if there are technological disruptions or if any aspect of the course must change. Please communicate openly with the instructors if you experience problems or have concerns.

Preparation. Come to class prepared to listen, learn, and participate. Attend group meetings prepared to make full contributions and to help other group members make valuable contributions. Ask questions when you are confused!

Timeliness. Complete assignments on time. Be on time for group meetings and for class. If you must arrive late or leave early, please do so quietly. Provide advance notice to the instructors whenever possible.

Tennessee Warning Notice Pursuant to MN Department of Administration's Data Practices

To make this class more accessible to all enrolled students, we intend to record all class lectures and discussions. Since your audio/video may be part of those recordings we are informing you. Along with the instructors and teaching assistants, these recordings will be shared with only the students enrolled in the class during this semester, in accordance with FERPA regulations. De-identified lectures may be shared by the instructors with parties not enrolled in this class this semester.

(Tentative) Course Outline

(always refer to the course site in Canvas for more details and updates)

Foundations

1. Introduction: The Objectives, Practices, and Challenges of Labor Relations (week 1)

John W. Budd (2021) *Labor Relations: Striking a Balance*, 6th ed. (New York: McGraw-Hill Education), chapter 1.

2. Intellectual Foundations: The Labor Problem and Labor Unions (week 2)

Labor Relations: Striking a Balance, chapter 2.

The U.S. Labor Relations System

3. The Evolution of the American Labor Relations System (week 3)

Labor Relations: Striking a Balance, chapter 3.

Debate 1: Resolved that HR policies need to deliver equity and voice only to the extent that equity and voice improve efficiency.

4. U.S. Labor Law (starting week 4)

Labor Relations: Striking a Balance, chapter 4.

Debate 2: Resolved that U.S. soldiers should be allowed to join unions.

Debate 3: Resolved that the federal government should pass a nationally-binding right-to-work law.

5. Strategies and Organizing (starting week 6)

Labor Relations: Striking a Balance, chapters 5 and 6.

Debate 4: Resolved that closing a plant to avoid bargaining with a newly-certified union is ethical.

Debate 5: Resolved that companies should monitor workers' social media and protest activities.

6. Bargaining and Impasse (starting week 8)

Labor Relations: Striking a Balance, chapters 7 and 8.

Debate 6: Resolved that the United States should ban permanent strike replacements.

7. Contract Clauses, Grievances, and Grievance Arbitration (starting week 10)

Labor Relations: Striking a Balance, chapter 9.

Debate 7: Resolved that police officers' collective bargaining rights should be limited to wages and other economic issues and should exclude discipline and work rules.

Debate 8: Resolved that the United States should require companies to have mandatory arbitration systems to resolve all employee discrimination lawsuits in nonunion workplaces.

Challenges and Possibilities

8. Labor Relations in a Pandemic (week 12)

Debate 9: Resolved that all U.S. workplaces must have an employee-controlled "safe work committee" that has the authority to determine pandemic-related safety standards.

9. Comparative Industrial Relations (week 13)

Labor Relations: Striking a Balance, chapter 12.

Debate 10: Resolved that sector bargaining between labor unions and employers' associations should be adopted in the United States, with the terms extended to all establishments in that sector.

10. Cooperation and Partnership (week 13)

Labor Relations: Striking a Balance, chapter 10.

11. Looking Back, Looking Ahead (week 14)

Labor Relations: Striking a Balance, chapter 13.

UNIVERSITY POLICIES

1. As a student at the University you are expected to adhere to Board of Regents Policy: Student Conduct Code. To review the Student Conduct Code, please see: http://regents.umn.edu/sites/regents.umn.edu/files/policies/Student_Conduct_Code.pdf. Carlson School students are expected to understand and uphold the Carlson School Code of Conduct. Any violation of the Code of Conduct will not be tolerated and appropriate action will be taken.
2. You are expected to do your own academic work and cite sources as necessary. Failing to do so is scholastic dishonesty. Scholastic dishonesty means plagiarizing; cheating on assignments or examinations; engaging in unauthorized collaboration on academic work; taking, acquiring, or using test materials without faculty permission; submitting false or incomplete records of academic achievement; acting alone or in cooperation with another to falsify records or to obtain dishonestly grades, honors, awards, or professional endorsement; altering, forging, or misusing a University academic record; or fabricating or falsifying data, research procedures, or data analysis.
3. Using personal electronic devices in the classroom setting can hinder instruction and learning, not only for the student using the device but also for other students in the class. To this end, the University establishes the right of each faculty member to determine if and how personal electronic devices are allowed to be used in the classroom. For complete information, please reference: <http://policy.umn.edu/education/studentresp>.
4. Taking notes is a means of recording information but more importantly of personally absorbing and integrating the educational experience. However, broadly disseminating class notes beyond the classroom community or accepting compensation for taking and distributing classroom notes undermines instructor interests in their intellectual work product while not substantially furthering instructor and student interests in effective learning. Such actions violate shared norms and standards of the academic community.
5. Students will not be penalized for absence during the semester due to unavoidable or legitimate circumstances. Such circumstances include illness, participation in intercollegiate athletic events, subpoenas, jury duty, military service, bereavement, and religious observances. Such circumstances do not include voting in local, state, or national elections. For complete information, please see: <http://policy.umn.edu/education/makeupwork>.
6. "Sexual harassment" means unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or academic environment in any University activity or program. Such behavior is not acceptable in the University setting.

7. The University provides equal access to and opportunity in its programs and facilities, without regard to race, color, creed, religion, national origin, gender, age, marital status, disability, public assistance status, veteran status, sexual orientation, gender identity, or gender expression.
8. The University of Minnesota views disability as an important aspect of diversity, and is committed to providing equitable access to learning opportunities for all students. The Disability Resource Center (DRC) is the campus office that collaborates with students who have disabilities to provide and/or arrange reasonable accommodations.

If you have, or think you have, a disability in any area such as, mental health, attention, learning, chronic health, sensory, or physical, please contact the DRC office to arrange a confidential discussion regarding equitable access and reasonable accommodations. If you are registered with the DRC and have a disability accommodation letter dated for this semester or this year, please contact your instructor early in the semester to review how the accommodations will be applied in the course.

9. As a student you may experience a range of issues that can cause barriers to learning, such as strained relationships, increased anxiety, alcohol/drug problems, feeling down, difficulty concentrating and/or lack of motivation. These mental health concerns or stressful events may lead to diminished academic performance and may reduce your ability to participate in daily activities. University of Minnesota services are available to assist you. You can learn more about the broad range of confidential mental health services available on campus via the Student Mental Health Website: <http://www.mentalhealth.umn.edu>.
10. Academic freedom is a cornerstone of the University. Within the scope and content of the course as defined by the instructor, it includes the freedom to discuss relevant matters in the classroom. Along with this freedom comes responsibility. Students are encouraged to develop the capacity for critical judgment and to engage in a sustained and independent search for truth. Students are free to take reasoned exception to the views offered in any course of study and to reserve judgment about matters of opinion, but they are responsible for learning the content of any course of study for which they are enrolled.