

LABOR LAW

CRN 12439

FALL 2019

PROFESSOR CARA WILKINS

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THE PROFESSOR

NAME: Cara Wilkins

TELEPHONE: 713 412 5001

EMAIL: cwilkinslaw@att.net

LOCATION: Room 208

OFFICE HOURS: Wednesdays 4:30-5:00 pm
(All other times by appointment only.)
(All other times by appointment only)

Class Meeting Times

This class meets on Wednesdays from 5:00pm-7:30pm in Room 208.

NOTE FROM THE PROFESSOR:

I am excited to introduce you to labor law in today's workplace in the United States. This course is an introductory course for those who have little to no exposure in this area of law. The focus will be unions, collective bargaining, and the National Labor Relations Board and National Labor Relations Act. I hope by the end of the semester you will discover an area of interest and pursue more in-depth learning in the future.

COURSE BOOKS & MATERIAL

Required Textbook: Labor Law in the Contemporary Workplace (3rd edition)
Authors: Dau-Schmidt, Malin, Corrada, Ruiz Cameron, Fisk

Statutory Supplement to Labor Law in the Contemporary Workplace
(3rd edition)

There will be additional materials distributed in class or to be accessed online.

COURSE DESCRIPTION & OBJECTIVE

DESCRIPTION:

The course is an introductory labor law course. The course will cover topics such as unions, collective bargaining, collective representation, unfair labor practices, constitutional and statutory protections for employers and workers, role of the National Labor Relations Board (NLRB), and the National Labor Relations Act.

OBJECTIVE:

This is a survey course. The following are objectives:

1. Be familiar with important laws and regulations in the labor law context.
2. Understand and explain the role of the National Labor Relations Board.
3. Understand and explain legal issues in labor law in the workplace.
4. Understand and explain grounds of unfair labor practices.
5. Understand and explain the arbitration process and grievance process in a union environment.

STUDENT LEARNING OUTCOMES

By the end of the semester students will be proficient in their ability to:

1. Identify labor law issues in factual scenarios.
2. Explain basic rules and doctrines of labor law.
3. Apply relevant case law, statutes, and regulations to problems and issues in a unionized workplace.
4. Draft provisions of a collective bargaining agreement.
5. Explain the role of the National Labor Relations Board.
6. Understand and apply provisions of the National Labor Relations Act..

GRADING

Final letter grade will be based on the following:

Class Participation	15% (Attendance, Case Briefs, Participation, Pop Quiz)
Review Packets	20% (2 packets-10% each)
Midterm	25%
Negotiation and CBA Exercise	15%
Final Exam	25%

Midterm and Final Exam may be a combination of essay, short answer, multiple choice, true/false, matching.

ACCOMMODATIONS

If you require special accommodations, please fill out the necessary forms with the Dean's office. Your application and documentation will remain confidential. Your prompt attention will allow the law school to accommodate you as soon as it has been made aware of your situation.

Also, please contact Dean Virgie Mouton (Student Affairs) if you require any special accommodations regarding any of the assignments, including, but not limited to, extensions, note-takers, etc. You must contact Dean Mouton before the related assignment is due.

Dean Mouton

Assistant Dean for Student Development and Academic Support

Phone: (713) 313-7909

Email: vmouton@tmslaw.tsu.edu

PARTICIPATION, ATTENDANCE & PROFESSIONALISM

PARTICIPATION:

Class participation will be considered in determining your final course grade. You must be prepared for all classes. If you do not actively participate in class discussion and exercises, you may lose participation points. You must prepare all assignments to the very best of your ability even if they are not submitted for a grade. If you fail to bring all relevant materials with you to class or do not have these materials, you may lose points. You will need to have the required texts in class to fully participate in the class discussions. You must be on time for class.

ATTENDANCE:

Class attendance is mandatory. Attendance will be taken at the beginning of each class. See the Student Rules and Regulations for permitted absences. Tardiness will not be permitted and will be considered an absence, as will dismissal from class for misconduct or lack of proper preparation. Tardiness is any arrival more than six minutes after class commences. Please see the Student Rules and Regulations for information on grade reduction and further details on absences.

PROFESSIONALISM:

A. Electronic Devices: Laptop computers, tablets, or mobile devices may be used with permission for accessing your class materials and for class-related exercises. During class, however, it is inappropriate to use these devices for any other purpose (e.g., to download music, play games, watch DVDs, access inappropriate web sites, or to instant message others). Use of a laptop, tablet, or mobile device in class is a privilege. In addition to any other sanction, I will rescind use of these devices, individually or collectively, if it is abused. Cell phones, smart watches, and similar devices must have the ringer turned off (or the volume muted).

B. Classroom Conduct: Also, as you well know, at all times, you must respect your fellow colleagues. Please refrain from excessive side conversations or other distracting conduct during class. Also, ***please refrain from leaving the classroom during instruction.*** Once class begins, you should remain seated and fully engaged in the discussion. If you have a medical condition that requires you to regularly leave after class has begun, please see Dean Mouton for approval. Otherwise, **such disruption of class will result in a loss of participation points.** Further, any other conduct that displays a lack of profession



TEXAS SOUTHERN UNIVERSITY THURGOOD MARSHALL SCHOOL OF LAW

*****TENTATIVE *****ACADEMIC CALENDAR 2019–2020

FALL SEMESTER ACCELERATED (TURBO) COURSE

First Day of Accelerated Summer	Monday	August 5, 2019
Last Day to Add/Drop Classes	Monday	August 5, 2019
Last Day of Classes	Friday	August 16, 2019

FALL SEMESTER 2019 (SEVENTY-ONE DAYS OF CLASSES)

Orientation	Monday–Friday	August 12–16, 2019
First Day of Class	Monday	August 19, 2019
Last Day to ADD/DROP	Wednesday	August 21, 2019
Labor Day (NO CLASSES)	Monday	September 2, 2019
<i>Purge of all unpaid course selections</i>	Wednesday	September 18, 2019
Mid Term Examinations	Monday–Friday	October 14–18, 2019
Last Day to Drop a Class	Friday	November 8, 2019
Last Day of Classes	Tuesday	November 26, 2019
First Year Professors' Grades due	Tuesday	November 26, 2019
Reading Period (NO CLASS)	Wednesday	November 27, 2019
Thanksgiving Holiday	Thursday–Friday	November 28–29, 2019
Reading Period (NO CLASS)	Saturday–Sunday	November 30–December 1, 2019
Final Examinations	Monday–Friday	December 2–December 13, 2019
Commencement Exercises	Saturday	December 14, 2019

SPRING SEMESTER 2020 (SEVENTY DAYS OF CLASSES)

School Opens	Thursday	January 2, 2020
First Day of Class	Monday	January 13, 2020
Last Day to ADD/DROP	Wednesday	January 15, 2020
M L K Holiday (No Classes)	Monday	January 20, 2020
<i>Purge of all unpaid course selections</i>	Friday	February 7, 2020
Mid Term Examinations	Monday–Friday	March 9–13, 2020
Spring Break	Monday–Friday	March 16–20, 2020
Spring Break (University Closed)	Wednesday–Friday	March 18–20, 2020
Last Day to Drop a Class	Thursday	April 9, 2020
Good Friday (No Classes)	Friday	April 10, 2020
Last Day of Classes	Tuesday	April 28, 2020
First Year Professors' Grades due	Tuesday	April 28, 2020
Reading Period (No Classes)	Wednesday–Sunday	April 29–May 3, 2020
Final Examinations	Monday–Friday	May 4–May 15, 2020
Hooding Ceremony	Friday	May 15, 2020
Commencement Exercises	Saturday	May 16, 2020

Please note that the calendar events and /or dates are subject to change.

Updated July 2019

alism will result in a loss of participation points.

POLICIES & PROCEDURES

ASSIGNMENTS IN GENERAL:

If you have any questions regarding these guidelines or the guidelines on any individual assignments, please ask me. **All pages of each assignment *must be stapled together*** (in the upper left-hand corner). Any format guidelines provided for formal writing assignments are designed to further prepare you for the level of professionalism required in law practice.

When directed to do so, you must use an EXAM NUMBER when submitting your assignments. If you are instructed to use an exam number, DO NOT put your name on the assignment, as preservation of your anonymity during grading is mandatory. **If you put your name on your assignment, your work will not be graded, and you will receive a zero for the assignment.** Furthermore, you must submit these assignments on time. Lastly, if you submit your assignment on TWEN more than once, I will review and grade only the most recent submission (the last submission). **Please note that you may be required to submit a hard copy of your assignment (in class) in addition to your TWEN submission.**

A. Syllabus and Reading Assignments

This is a syllabus, not a contract. Set forth on the following pages is a tentative schedule for our class meetings, but additional required reading materials may be posted on TWEN and/or assigned in class. Reading assignments may change as the course progresses. You will also be responsible for case briefs on cases that are included in the assigned pages for reading whether or not they will be graded unless otherwise directed. Please note that the case briefs are required even though the cases are not listed on the syllabus. Also, case briefs may be assigned on cases that are not in the textbook.

The reading assignments are listed in the course syllabus under the day of the class for which they should be prepared. ***It is your responsibility to follow the syllabus and be prepared for class. Review the syllabus periodically and be sure to note relevant due dates and times. You must submit all assignments on time.*** Modifications, including additions or deletions to the syllabus, will be announced in class, via e-mail, and/or posted on the course page on Westlaw's TWEN.

B. Consequences for Late Assignments

i. Late Submission of Assignments: You may be required to submit your assignments online using Westlaw's TWEN. If an assignment is to be submitted online using Westlaw's TWEN, then that assignment is due on the date and at the time indicated on the assignment, in the syllabus and/or by me. Be sure to review the assignment and the course syllabus carefully. If you submit an assignment after the relevant due date and time, but within one hour after the stated deadline, you will receive a 25% reduction in your grade. If you turn in your assignment more than one hour late, your grade on that assignment will be reduced by an additional 15% for each "day" that the assignment is late, up to two days. **You will not receive any credit for a writing assignment that is submitted more than two days after the relevant due date. Your TWEN submission provides the time-stamp for grading purposes, not your hard copy submission. Moreover, if you upload your assignment on TWEN multiple times, I will review only the most recent submission for time and grading purposes.**

For purposes of this section, a "day" ends at 5:00 p.m. For example, if an assignment is due using TWEN at 8:00 a.m. on a particular day and you submit the assignment at 8:59 a.m. on that day, you will lose 25% of the total available points. If you turn in the assignment at 11:00 a.m. on that day, you will lose 40% of the total available points for that assignment. If you turn in the assignment any time after 5:00 p.m. that day or any time before 5:00 p.m. the next day, you will lose 55% of the total available points for that assignment. If you turn in the assignment any time after 5:00 p.m. the second day after the due date, you will not receive any credit for the assignment. For purposes of this section, a "day" is further defined as a calendar day (including weekends and holidays), not a Texas Southern University or Thurgood Marshall School of Law business day. All calendar days, including weekends and holidays, will be counted in determining any grade reductions.

Also, please note that you will be required to turn in a hard copy of your assignment in class. **If you fail to bring a copy of your assignment to class, you will lose points on your grade for that assignment. You will also lose points on your assignment if you turn in the hard copy late.** It is very important that you adhere to all instructions and the rules for this course.

ii. Assignments Submitted in Class or by Email (and not on TWEN): If an assignment is to be submitted in class or by email (and not on TWEN) then that assignment is due at the beginning of class or on the relevant due date and time, respectively. If you submit the assignment after the beginning of class, but before the end of class, you will receive a 25% reduction in your grade. Assignments that are due in class may not be submitted after the class period concludes in which the assignment was due. **If you do not turn in your assignment before the end of class in which the assignment was due, you will not receive any credit for the assignment.** Also, be sure to bring an extra copy of your assignment for your use during class or for review or exam preparation. If you are absent or will miss class, you must make arrangements to have your assignment submitted in a timely manner; otherwise, you may not receive credit for the assignment. If you submit an assignment by email late, you will receive a 25% reduction in your grade. **If you turn in your assignment by email more than two hours late, you will not receive any credit for the assignment.**

C. Laptop Misuse

As mentioned, laptop computers may be used to access class materials with permission. During class, however, it is inappropriate to use laptops for any other purpose (e.g., to download music, play games, watch DVDs, access inappropriate web sites, or to instant message others). Laptop use in class is a privilege. In addition to any other sanction (such as a deduction of PPA points), I will rescind laptop

use, individually or collectively, if it is abused. Cell phones, blackberries, and similar devices must be turned off.

D. Plagiarism

Plagiarism in *any* form is strictly prohibited. You may not plagiarize any other written work, including, but not limited to, any sample answer, article or news report. Should an instance of plagiarism exist, the matter will be forwarded to the Dean for appropriate action.

E. Questions Sent by Email

I welcome your questions by email, provided you adhere to the following requirements. If you send me a question by email, you must (1) identify the steps you have taken to solve the problem or answer your specific question or issue and (2) include what you believe the solution or answer to be. In particular, you should identify the materials you have read or sources you have researched. Many times, the answer to a question (especially technical requirements for assignments) may be found in the Course Guidelines and Syllabus. Be sure to check this document first.

F. Campus Carry

As you know, the State of Texas has recently passed legislation permitting you to carry a *concealed* firearm on campus if you have a concealed license permit recognized by the State of Texas, subject to the rules and regulations of Texas Southern University's ("TSU's") Campus Carry Policy. Under TSU's Campus Carry Policy, I have designated my office as a gun-free zone. Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun. (Conforme a la secció 30.06 Del Còdigo Penal (traspasar portando armas de fuego con licencia), personas con licencia bajo del sub-capítulo 411, Còdigo Del Gobierno (ley de portar armas), no deben entrar a esta propiedad portando un arma de fuego ocultada.). For a complete list of the gun-free zones on this campus and the rules governing campus carry at our institution, please visit Texas Southern University's website at <http://www.tsu.edu/>. Please note that entering a gun-free zone on campus with a firearm, including inside my office, could not only lead to criminal prosecution but suspension or expulsion from school.

READING ASSIGNMENTS

Labor Law

Fall 2019

<u>Date</u>	<u>Topics and Assigned Cases</u>	<u>Readings</u>
Week 1 08/21	Overview & Course Review Documentary	
Week 2 08/28	Evolution of the Contemporary Workplace National Labor Relations Board (NLRB)	p. 1-109
Week3 09/04	Collective Action-Concerted Activity for Mutual Aid and Protection	p.113-170
Week 4 09/11	Collective Action-Interference, Restraint, and Coercion of Concerted Activity Strikes	p.170-196 p.196-217
Week 5 09/18	Boundaries of Collective Representation-Employees	p.219-296
Week 6 09/25	Boundaries of Collective Representation-Employers	p.303-378
Week 7 10/02	Establishing Collective Representation-Labor Organizations Regulation of Access	p.381-428 p.430-474

Week 8 10/09	Unfair Labor Practices Regulation of Speech and Coercion Protection Against Discrimination Routes to Union Recognition Elections	p.476-492 p.493-513 p. 514-609
Week 9 10/16	Midterm	
Week 10 10/23	Collective Bargaining-Models of Collective Bargaining National Labor Relations Act Railway Labor Act Public Sector Good Faith in Bargaining	p.623-651 p.653-683
Week 11 10/30	Collective Bargaining Wrap Up	p. 684-727
Week 12 11/06	CBA Exercise	
Week 13 11/13	Constitutional Protections for Strikes and Protests for Employers and Workers Statutory Protections for Employee Protest Regulation of Efforts to Encourage or Discourage Solidarity	p.729-759 p.760-772 p. 773-793
Week 14 11/20	Employer Weapons and Protections Arbitration and the Grievance Procedure	p.793-872 p.873-1007

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