

Labor Law, Inc.
Employee Handbook

Company President: Rick Bales
Production Periods: Tuesdays, Thursdays 2:30-4:00
Plant Location: 124
President's "Open Door" Period: Catch me when you can.

I. Disclaimer

This Handbook is not a contract. Nothing in this Handbook should be construed as creating contractual rights between Labor Law Inc. (the "Company") and its employees. The managerial practices outlined in this Handbook are merely aspirational and are not intended to give rise to any contractual rights. The terms of this Handbook are not binding on the President, who may modify or amend any terms at any time with or without notice to or the consent of the employees. All employees of the Company are employed at will.

II. Company Mission

Workplace disputes have existed as long as workplaces, and often have escalated into violence and social unrest. The National Labor Relations Act, passed in 1935, represents an effort to redefine the workplace to enhance workers' bargaining power, promote industrial peace, and foster vague notions of workplace democracy. During production periods, we will examine the organizational rights given to employees by the NLRA; the process of negotiating a collective bargaining agreement; strikes, picketing, and boycotts; grievance procedures and arbitration; and the relationship between workers and their union.

III. General Expectations for Employees

Successful employees will (1) understand the process (both legal and practical) of organizing a union and engaging in collective bargaining negotiations; (2) be able to negotiate in both formal and informal settings, with both allies and adversaries; (3) be able to exercise sound professional judgment in dealing with a variety of situations that may occur in labor law practice; (4) be prepared to participate in production periods by presenting assigned cases, responding to questions, and participating in production-period discussion of the assigned materials; (5) be able to answer essay questions calling for the rules, standards and doctrines related to the material covered in the assigned reading; (6) be able to identify the legal issues in a novel fact pattern and use written legal analysis and advocacy to predict how a court would resolve those issues in light of the applicable law; (7) be able to prepare an in-depth written analysis of an open issue in Labor Law; and (8) master the fine art of licking Management's boots.

IV. Employee Job Classifications

Rank-and-file employees earn their wages (score participation points) by being prepared

when called on or by volunteering in class. Management employees, should anyone be promoted to Management, earn their salary (score participation points) by being prepared when called on or by volunteering in class. Management employees may earn a bonus for helping to ensure optimal production by rank-and-file employees. The unemployed earn no wages or salary. However, whenever a job becomes available, a member of the unemployed may apply for the job by volunteering and demonstrating exceptional preparation.

V. Work Requirements

All employees are expected to do the readings prescribed below and attend production periods. Our production goal is to cover approximately 10,000 pages of reading material over the next three months. Accordingly, although production may proceed faster or slower at the discretion of the President, on average we need to cover 500 pages of material in each production period, and employees should stay about 750 pages ahead of the production-period discussion in their readings. The President may from time to time modify the order of production, or add to the production material, as he sees fit.

Production Materials: Nolan, Bales, & Gely, Labor Law: Collective Bargaining in a Free Society.

Production Procedures: The President has sole discretion in allocating work any work assignment during working hours. If an employee is tardy or intoxicated or for any other reason unprepared or unfit for work, the employee will be fired and replaced. Discipline or discharge will be at the sole discretion of the President. Similarly, the President will diligently monitor attendance at each production period. A single absence will be cause for discharge. There are no “excused” absences.

Products Produced: During the course of her or his tenure, each employee is responsible for individually producing each of the following four products:

1. Vigorous participation in production during working hours.
2. Either
 - a. A research paper, as described in more detail in Part IX, or
 - b. Both of:
 - i. Observation of an arbitration hearing and preparation of either an advocate’s brief and an arbitration award (if you did one last semester in Arbitration, you should do the other here) – see Part XI.
3. Eight-hour closed-book in-office final examination.
4. “Pop” quizzes, to be given at the beginning of selective production periods, which may cover the material assigned for that particular day, or may cover the material cumulatively covered to date during production periods, or may cover unassigned material that the President believes employees should know anyway (such as complex differential equations, which the President absolutely loves).

VI. Compensation

Wages/grades will be based on the four products described in Part V of this Handbook. The President retains the prerogative to allocate the relative weights of each factor, and may allocate these weights differently for different employees. The President will read all papers, memoranda, exams, and quizzes to the extent he feels necessary to evaluate the quality of the work and will assign whatever grade he, in his sole, unfettered, and standard-less discretion, believes that the work merits. Wages for participation will be at the sole discretion of the President. Employees working diligently and productively for the benefit of the company will be amply rewarded. Employees do not can join the local bread line.

That being said, in addition to the eight-hour closed-book exam described above, students may elect either:

1. Both of two medium-sized writing assignments:
 - a. An arbitration brief or award based on either an arbitration hearing we observe as a class if I am able to arrange one, or based on transcripts and exhibits I will give you (see below Part XI) (if you did one of these for my Arbitration course last semester, you must choose the other), AND
 - b. A paper or memo describing covid-relation arbitration awards on a discreet topic (we will discuss this in more detail the first day of class).
2. Or, a formal research paper (see Part IX below). On the attached list of possible topics, I would start at the end of the list and give serious consideration to the last two (covid-related) topics. The last topic in particular would make you very valuable to a law firm that does public sector labor law (or in-house for a company or union).

VII. Deadlines

1. Arbitration brief/award
 - a. 2/28/22: First draft due.
 - b. 4/28/22: Final brief/award due.
2. Covid paper:
 - a. 3/7/22: First draft due.
 - b. 4/28/22: Final paper due.
3. Research paper
 - a. 2/8/22: Topics due.
 - b. 2/22/22: One-paragraph abstract and brief (< 1 page) outline due.
 - c. 3/22/22: First draft due.
 - d. 4/12/22: Second draft due.
 - e. 4/28/22: Final article due.

VIII. Discipline

Employee Discipline: All employees are employed at will. The President retains the right to discipline or discharge any employee for any reason, including but not limited to: poor attendance (defined as missing more than one work shift per year), tardiness, poor productivity, violating workplace rules, or engaging in activity (whether on company time or personal time, and whether on Company premises or off) contrary to the best interests of the Company. Discipline may include a reduction in wages, immediate termination, and/or public beheading, at the President's discretion.

Solicitation: Solicitation of any kind is banned from company premises.

IX. Research Paper

The research paper will be approximately 100 single-spaced pages, in 12-point Times New Roman (or the substantial equivalent) type with 1" margins. *Do not pad the word count.* See papers.ssrn.com/abstract_id=907143.

The following criteria will be used in determining this part of the grade: structure, depth of analysis, research, grammar, bluebooking proficiency (perfection is not required but you should at least be in the ballpark), and density of writing. These criteria are not necessarily directly proportional: if an employee's grammar is so poor that the President cannot understand analysis, do not expect a high grade.

Please talk with me before choosing a topic. Employees may choose their topics on a first-come, first-served basis, beginning immediately, by e-mailing the President. Employees may choose from a topic on the attached list, or may choose their own. On the email reserving a topic, please provide your name, your topic, and the topic number if your topic is from the attached list. If your topic is not from the attached list, please include a one-paragraph description of your topic. Choose a novel legal topic – one that allows you to argue for a position that has not yet been advanced in a law review article. You are not ineluctably tied to your topic selection. If subsequent research pulls you toward a tangential issue, just let me know and obtain my approval. (I require approval not because I want to limit your ability to choose topics, but because I want to make sure that your topic is not overly broad.)

For general guidance on choosing a topic, structuring your argument, writing your article, etc., see Eugene Volokh's *Academic Legal Writing* (any edition; our library has several copies). You should at least glance through this book before you start working on your article (or on your Note, if you are on Law Review).

The President will not, under any circumstances, accept any late articles. Plan to have your article prepared early in case an emergency requires your absence on or near the due date. The President needs the articles in on time so he can timely submit final grades.

We all learn better writing techniques from having someone critique our written work. If you do not turn in drafts, you will learn little from the writing experience. Please submit drafts to the President by email in Microsoft Word so he can make comments using Track Changes. The President will be happy (*I really* mean this – do not feel like you are imposing on me by sending me a third or fourth draft) to review additional drafts as long as you submit them to me at least a week before the final due date. When I receive a draft, I will reply to you quickly to confirm that I received it; if you do not receive a quick reply please contact me to ensure I received it. I try to get my comments back to you within a week; if you have not heard from me in that time, please email me to make sure I still have it.

I review drafts in the order I receive them. If you submit a draft a few days *before* a deadline, you're likely to get a much quicker turn-around than if you submit it at 5:00p on the due date.

This is the last significant writing experience many of you will have in law school before you graduate and begin practice. It is my responsibility to ensure that when you leave this course, you have the research and writing skills necessary to practice successfully. I take this responsibility very seriously. (I have a personal interest in the issue; if an ONUL graduate is a poor writer, the legal community will think poorly not only of that graduate, but also of ONUL as an educational institution.) If you are unwilling to do the work it takes to ensure that your article is grammatical, understandable, demonstrates a basic familiarity with the Bluebook, and avoids blatant misstatements of law, then I suggest taking a different course.

I have higher expectations than you probably are accustomed to for student-written articles. You likely will work harder on this article than you have ever worked on a paper before. Your doing so will enable me to give a glowing recommendation to your prospective employers on your research/writing/analysis skills – the skills most in demand by legal employers. Also, if you look at my resume (available online), you'll note a long list of co-authored articles. Most of those articles were written by students in one of my courses. Those articles give you a pretty good idea of what I am looking for in your article.

X. Parent Company policies:

ONU, Inc. is dedicated to providing an equitable educational experience for all enrolled students (i.e., everyone will be abused equally). Universal course policies applicable to all courses can be found at the following link: https://my.onu.edu/registrars_office/policies. This website includes:

- Academic Dishonesty Policy
- Academic Accommodations Policy
- Health and Safety Policy
- Title IX Policy
- Diversity, Equity, and Inclusion Statement

All students must comply with Ohio Northern University's COVID-19 health and safety

policies, including the ONU Safety Plan. Up-to-date communications about ONU's COVID-19 health and safety policies and a link to the ONU Safety Plan can be found on [this website](#). Students may be required to follow additional health and safety protocols in clinical or externship situations. Requests for COVID-19-related accommodations should be submitted to the dean's office for consideration prior to or during the first week of classes. Students who do not comply with the ONU Safety Plan will be reported to the Office of Student Conduct for adjudication.

XI. Networking and Other Opportunities

The President, in addition to his onerous Presidential duties, also serves as an occasional labor arbitrator. Labor arbitration hearings typically last one day. I am hoping to get permission of the parties for all employees to attend a hearing this semester. However, because of COVID, attending in-person hearings probably is not an option. I do not currently have any online hearings scheduled in the near future, but that could change depending on the COVID situation.

In lieu of a research paper, an employee may elect to attend a labor arbitration hearing and prepare either (1) an advocate's brief for one of the parties, or (2) an arbitration award. I will provide samples of each. If I am unable to secure an arbitration hearing early in the semester, I will instead try to find a previous case I've worked on and provide the hearing and transcripts for you to use on a brief, and/or the party briefs for you to use on an award. Even if I am able to secure an arbitration hearing, please understand that approximately half of my hearings cancel, often shortly before the hearing date, because the parties settle.

By attending a hearing, whether in-person or online, you acknowledge that anything you see or hear is considered confidential, in the same way you would keep attorney-client privileged material confidential.

XII. Initial Tentative Assignments

January

R27 casebook pp. 1-1120

February

T1	252-65	Exclusivity.
R3	303-27	Who can join a union?
T8	329-50	The bargaining unit (you can skim 344-50).
R10	no class	
T15	351-61	Firing someone for trying to organize a union.
R17	392-405	Solicitation & access.
T22	406-19	Other stuff an employer can't do to stop a union drive.
R24	474-85	[Pitiful] remedies.

March

T1 637-47 What activity is protected?
R3 647-60 Requesting representation and assistance.
T15 660-72, 681-83 What can/can't a union do to pressure an employer during bargaining?
R17 683-93 Hiring replacement workers to crush a strike. **Guest speaker: Harry Johnson.**
~~T22 693-701, 710-13 Other stuff an employer can/can't do to pressure a union. **No class.**~~
R24 tentative no class
T29 722-30 Unilateral changes.
R31 733-48 Duty to bargain in good faith. **Guest speaker: Joshua Onyemachi on duty to bargain.**

April

T5 767-72, tba Duty to provide information.
R7 823-37 Enforcing CBAs. **Guest speaker Peter Robb who will mediate a contract negotiation.**
T12 838-55 Enforcing CBAs.
R14 994-1004 Duty of fair representation in negotiating a CBA.
T19 1014-18 Duty of fair representation in processing grievances.
R21 TBA
T26 TBA
R28 TBA

Welcome to Labor Law, Inc.

We hope you will enjoy being a member of the Labor Law, Inc. family!!!