**CHAPTER 20-LABOR LAW**

**TRUE/FALSE**

1. A fundamental aim of the National Labor Relations Act is the establishment of industrial peace and the preservation of the flow of commerce.

2. The five members of the National Labor Relations Board are appointed by the President.

3. The NLRB guarantees the employees the right to talk among themselves about forming a union.

4. The National Labor Relations Act guarantees employees the right to join unions.

5. Union members earn, on average, $200 more per week than non-union members.

6. The NLRA requires the union and the employer to reach an agreement through good-faith collective bargaining.

7. Valley Mart told its employees that they would be fired if they actively supported a unionizing effort. Valley Mart has committed an unfair labor practice.

8. If employees wish to organize a union, the employer is prohibited from distributing written notices to employees stating it is opposed to union activity within the company.

9. At one point in American history, American courts regarded any coordinated effort by workers as a criminal conspiracy, and courts convicted workers merely for the act of joining together, even if no strike took place.

10. Management is entitled to tell the employees that it is opposed to a union and why.

11. The management of Northeastern Manufacturing may not close one of its manufacturing plants without bargaining that issue with the union if its workers are represented by a collective bargaining unit.

12. A union shop means the employer can hire anyone they choose but once hired an employee must join a union.

13. The union representing workers at Blue Ridge Co. were unable to reach a collective bargaining agreement with management. The union may legally stage a strike in which members stop working but remain at their job posts, physically blocking replacement workers from taking their places, so the strike is more effective.

14. The management and union at TriColor have bargained for two years without reaching an agreement. After notifying the union, TriColor prohibited the workers from entering the factory to work. This is a lockout.

15. The workers at Thom Trucking went on strike over wages. Thom Trucking may hire permanent replacement workers.

**MULTIPLE CHOICE**

1. In 1932, Congress passed what legislation prohibiting federal court injunctions in nonviolent labor disputes, thereby declaring that workers should be permitted to organize unions and use their collective power to achieve legitimate economic ends?

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| a. | The Sherman Act. |
| b. | The Norris-LaGuardia Act. |
| c. | The National Labor Relations Act. |
| d. | The Labor-Management Relations Act. |

2. Which of the following are tasks of the National Labor Relations Board?

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| a. | To adjudicate claims that an employer has committed an unfair labor practice. |
| b. | To adjudicate claims that a union has committed an unfair labor practice. |
| c. | To decide whether a particular union is entitled to represent a group of employees. |
| d. | All the above are tasks of the National Labor Relations Board. |

3. Which of the following is an unfair labor practice for a union?

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| a. | To encourage an employer to discriminate against a particular employee because of a union dispute. |
| b. | To bargain collectively. |
| c. | To engage in a legal strike. |
| d. | All of the above are unfair labor practices by a union. |

4. The landmark federal labor statute that requires financial disclosures by union leadership and guarantees union members free speech and fair elections is the:

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| a. | NLRA. |
| b. | Labor-Management Relations Act. |
| c. | Labor-Management Reporting and Disclosure Act. |
| d. | Norris-LaGuardia Act. |

5. Stacy believes her rights as a union worker have been violated by her employer. If the specific rights are addressed by both state and federal law:

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| a. | the state law will apply. |
| b. | the federal law will apply. |
| c. | both state and federal law will apply. |
| d. | she may choose which law, state or federal, will govern her rights. |

6. Zoe, who works as a retail clerk, wishes to talk with her co-workers about organizing a union. Her employer forbids her from talking with other workers about union activity in the presence of customers and threatens to fire her if she joins the union. Does the employer have a legal right to make this threat to Zoe?

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| a. | Yes, the employer may limit time and place of discussions about union organizing. |
| b. | Yes, but only if expressly authorized by state law. |
| c. | No, an employee has the right of free speech at anytime. |
| d. | No. An employee may limit the time and place of conversation, but may not threaten to fire the employee. |

7. All of the following might be in the same collective bargaining unit except:

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| a. | secretarial workers. |
| b. | clerical workers. |
| c. | plant workers |
| d. | the department manager. |

8. Ron and several fellow workers of Vicy, Inc., a small manufacturing company, wished to organize a union. When Vicy learned of this activity, it issued a bulletin to all workers stating that a union will only hurt the company and that "we are a family that can solve any problems ourselves -- we do not need union activists from outside our company trying to tell us what to do!" Which statement is correct?

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| a. | As a small family business, Vicy can obtain an injunction halting the unionizing drive. |
| b. | If the union will hurt the company, Vicy can obtain an injunction halting the unionizing drive. |
| c. | If union activists from outside the company are involved in the unionization drive, Vicy can obtain an injunction halting the drive. |
| d. | The employees have the right to organize a union, regardless of Vicy's status. |

9. Ron and several fellow workers of Vicy, Inc., a small manufacturing company, wished to organize a union. When Vicy learned of this activity, it issued a bulletin to all workers stating that a union will only hurt the company and that "we are a family that can solve any problems ourselves -- we do not need union activists from outside our company trying to tell us what to do!" Which statement is correct concerning the bulletin issued by Vicy?

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| a. | Vicy has committed an unfair labor practice. Vicy must remain neutral during the organizing drive. |
| b. | Vicy has committed an unfair labor practice. The bulletin constitutes outrageous interference with the union organizing campaign. |
| c. | Vicy has not committed an unfair labor practice. An employer may vigorously present anti-union views to its employees. |
| d. | Whether Vicy has committed an unfair labor practice depends on whether the bulletin was approved by the NLRB. |

10. Exec-Pac, Inc. is extremely opposed to having its employees organize. What is true about Exec-Pac’s rights?

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| a. | Exec-Pac may prevent the employees from interfering with the company’s work |
| b. | Exec-Pac mays speak out against unionization |
| c. | The company may not offer better wages to prevent unionization |
| d. | All of these answers are correct. |

11. An employer is in the process of negotiating a new contract with its union. During negotiations, the employer changed the workweek from a five-day, eight-hour-per-day week to a four-day, ten-hour-per-day week. Which statement is correct?

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| a. | This is a violation of the National Labor Relations Act. |
| b. | This is not a violation of the NLRA because the employer is bargaining with the union. |
| c. | This is not violation of the NLRA because the total number of work hours per week has not changed. |
| d. | Whether or not this is a violation of the NLRA will depend on the relevant state statutory law. |

12. Kelly is upset with her supervisor and believes his conduct violates the terms of her union's collective bargaining agreement (CBA). The union filed a grievance on Kelly's behalf. Who will conduct the grievance hearing?

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| a. | The U.S. Court of Appeals. |
| b. | The National Labor Relations Board. |
| c. | A member of the company's management team. |
| d. | A replacement worker. |

13. Jeremy was terminated by his employer for violating company rules. He challenged the termination by filing a grievance. Eventually, the matter went to arbitration and Jeremy's termination was ruled to have been improper. The employer filed a claim in court to have the arbitrator's ruling overturned since it claimed the facts clearly demonstrated Jeremy had violated the express rules of the company. The employer claimed that the arbitrator had ignored the obvious and had committed a serious mistake of fact. A court may refuse to enforce an arbitrator’s ruling if:

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| a. | it is proven that the arbitrator made a serious error of fact. |
| b. | the court finds the ruling is contrary to public policy. |
| c. | Both of the above are correct. |
| d. | Neither of the above is correct. |

14. A union declares its workers are going on strike. The employer states the collective bargaining agreement is still in force for another eight months and that it contains a no-strike clause. The union claims the CBA's no-strike provision is not binding since new union leadership is in place. Which of the following statements is correct?

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| a. | The union can strike since new leadership is now in control. |
| b. | The union can strike since no-strike provisions have been ruled by the courts to be unenforceable. |
| c. | The union cannot strike, as strikes to exert economic pressure on management are prohibited by the NLRA. |
| d. | The union cannot strike because of the no-strike clause in the contract. |

15. A company's collective bargaining agreement has expired and negotiations are underway for a new one. After one exhausting session, union leaders have decided management will not bargain in good faith. The union declares it will be going out on strike the following midnight if an agreement is not reached. The union:

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| a. | is allowed to go out on strike the following midnight. |
| b. | must give the employer at least seven days' notice before going out on strike. |
| c. | must give the employer at least 30 days' notice before going out on strike. |
| d. | must give the employer at least 60 days' notice before going out on strike. |

16. Mega Corp is negotiating a collective bargaining agreement with a union. The company claims it is not financially able to pay the wage increase the union is demanding. Which statement is correct?

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| a. | The union has a legal right to inspect the financial records of the company to verify that the employer cannot pay the proposed wage increase. |
| b. | It is an unfair labor practice if the employer claims it cannot pay the higher wages but refuses to allow the union to inspect its financial records. |
| c. | Both of the above are correct. |
| d. | None of the above. |

17. A state law prohibits firefighters and school teachers from going out on strike. Though they are allowed to organize into collective bargaining units, state law prohibits them from striking. Such a state law:

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| a. | is legal. |
| b. | is not legal since the U.S. Supreme Court has ruled such a state law violates the equal protection clause of the Constitution. |
| c. | is not legal since the federal law (NLRA) preempts state law. |
| d. | is not legal because the right to form unions is illusory without the right to strike. |

18. After a union’s collective bargaining agreement expires, A union declares it will be engaging in a strike Which statement is correct?

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| a. | Many states prohibit public employees from striking. |
| b. | Management does not have the right to hire replacement workers for this type of strike. |
| c. | After this type of strike the employer is not obligated to hire back the striking workers. |
| d. | Management may not lock out the employees. |

19. Employees of Mega Corp. have gone out on strike seeking better pay. Mega Corp. announces that if the union does not end the strike it will begin hiring replacement workers. Which statement is correct?

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| a. | Hiring replacement workers during a strike is an unfair labor practice. |
| b. | Mega Corp can only hire replacement workers if the collective bargaining agreement expressly gives the company the right to do so. |
| c. | Mega Corp can only hire replacement workers if it gives the union 14 days' notice prior to actually bringing in the replacement employees. |
| d. | Mega Corp can hire replacement workers at any time during a strike. |

20. Mega Corp. hired permanent replacement workers when its union went out on strike seeking better medical and retirement benefits. After the strike is over, Mega Corp.:

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| a. | must give the striking employees their jobs back since this was an economic strike. |
| b. | must give the striking employees their jobs back since this was an unfair labor practices strike. |
| c. | may hire additional workers without considering the striking employees who want their jobs back. |
| d. | does not have to give the striking employees their jobs back since this was an economic strike. |

21. Secondary boycotts:

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| a. | are generally legal provided the boycott is peaceful. |
| b. | are generally legal provided the boycott does not involve public employees such as nurses or school teachers. |
| c. | are not expressly permitted nor prohibited under federal law. |
| d. | are generally illegal. |

22. Which of the following is a non mandatory issue for collective bargaining?

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| a. | Wages |
| b. | Hours |
| c. | benefits |
| d. | moving a plant |

23. Employees of Truan went on strike because Truan refused to bargain in good faith. After the strike, the striking workers are:

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| a. | entitled to get their jobs back. |
| b. | not entitled to get their jobs back. |
| c. | entitled to get their jobs back but only as they become available. |
| d. | fired. |

24. The duty of fair representation created by the NLRA and the LMRDA requires that:

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| a. | a union represent all members impartially and in good faith. |
| b. | a union must pursue any member’s grievance against the employer. |
| c. | an employer, in communications with employees during a union organizing effort, must fairly represent the effects it believes a union will have on the company. |
| d. | the NLRB certify only proposed bargaining units that it thinks the union can properly represent. |

25. The management and union representatives of Prime Manufacturing are bargaining a new CBA. Management:

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| a. | may use a lockout at any time to pressure the union into compromise. |
| b. | may never use a lockout as a tactic to pressure the union. |
| c. | may use a lockout if the parties have reached an impasse in their bargaining and management notifies the union before locking the employees out. |
| d. | may use a lockout only as a retaliatory measure if and when the union has threatened a strike. |

**ESSAY**

1. Rick and Allan want to start a union in the small factory where they work. Outline the basic procedures they will need to follow to get a union recognized as the exclusive bargaining unit for the company employees.

2. Identify some of the trends and characteristics of organized labor. For example, discuss how the statistics compare for percentage of government vs. private sector employees with union membership, what occupational groups and industries have the highest percentage of unionized workers, and what regions of the country have the highest and lowest union membership.

3. Connie and her fellow union employees went out on strike when the company refused to meet the union's demands for higher wages and better benefits. Shortly thereafter, the company began hiring permanent replacement workers. After a hard eight-month strike, the union and the company reached an agreement. When the strike was over, Connie was upset that she was not given her job back. The replacement worker that took over her job was retained. She believes she has a legal right to her job, especially since she was a faithful employee for over 20 years. Is Connie right? Explain.

4. Mega Corp has decided to subcontract about 30 percent of its production work to a company located in Thailand. The subcontracting is designed to replace union workers with cheaper labor. The work that will be contracted away had previously been done in the company's main plant in New Jersey. The union representing the Mega Corp workers claims this is an issue subject to mandatory bargaining. Management claims it is a corporate organization decision and, thus, not subject to bargaining. Who is right?

5. Jenna works for Mega Corp as a production employee. She is paid an hourly wage. She wishes to negotiate her own employment contract with management since she does not agree with the terms of her union's collective bargaining agreement. Can Jenna negotiate her own contract? Explain.

6. The dock workers on Main Harbor were union members. They have been negotiating a contract with management, so far unsuccessfully. Discuss what tactics they might use in unison to gain a bargaining advantage, identify the statute that guarantees their rights, and discuss the possible response by management.