

**INTERAMERICAN UNIVERSITY OF PUERTO RICO
METROPOLITAN CAMPUS
ECONOMICS AND ADMINISTRATIVE SCIENCES FACULTY
MBA PROGRAM**

I. GENERAL INFORMATION

Course Title : Collective Bargaining in the Private and Public Sector

Code and Number : LARE 5010

Credits : Three (3) Credits

Academic Term :

Professor :

Office Hours :

Office Telephone :

Electronic Mail :

II. Description :

Theory and techniques of collective bargaining in the public and private sector. Analysis of substantive aspects, collective bargaining procedures, content and administration of contracts and legislation governing labor relations.

III. OBJETIVES

It is expected that upon completing the course, the student will be able to:

1. Evaluate the substantive aspects of collective bargaining.
2. Analyze the procedures involved in the collective bargaining.
3. Analyze the content and the administration of labor contracts.

4. Evaluate the legislation that regulates collective bargaining in the public And private sector.
5. Analyze proper concepts and principles of collective bargaining.
6. Evaluate the jurisdiction of the different laws in the process of collective Bargaining.

IV. THEMATIC CONTENT

- A. Background of the appearance of collective bargaining in the public and Private sector.
 1. Definition of concepts and conceptual framework
 - a. Collective bargaining
 - b. Employer
 - c. Union and syndical representative
 - d. Labor agreement
 - e. Clause
 2. Legal framework of collective bargaining
 - a. Constitutional Rights
 - b. Legal framework of collective bargaining in public Corporations that function as private business
 - c. Legal framework of collective bargaining in traditional Government agencies
 - d. Legal framework in private companies in Puerto Rico
 - e. Bill of Rights of employees as members of a labor Organization
- B. Labor Jurisprudence
 1. Departamento de Estado v Unión General de Trabajadores (División de Empleados Públicos) 2008 JTS 44
 2. Matías Lebrón v Departamento de Educación 2008 JTS 18
 3. A. E. E. v Unión de Trabajadores de la Industria Eléctrica y Riego 2001 TSPR 037

4. U.I.L. de Ponce v Destilería Serrallés, Inc. 116 D.P.R. 348 (1985)
 5. U.T.C. v Corp. de Comunicaciones A-1538 del Tribunal Superior
 6. Luce & Co. v J.R.T. 86 D.P.R. 425, 440 (1962)
 7. J.R.T. v Junta de los Muelles de Ponce 122 D.P.R. 318, 333 (1988)
 8. A.M.A. v J.R.T. D.P.R. 844,847 (1983)
 9. F.S.E. v J.R.T. 111 D.P.R. 520, 525 (1981)
 10. A.A.A. v U. I. A. A. A. 105 D.P.R. 437, 458 (1976)
 11. Condado Plaza Hotel & Casino v Asociación de Empleados De Casino de Puerto Rico 99 JTS 153
 12. U.P.R. v Asociación Puertorriqueña de Profesores Universitarios 4 JTS 92
 13. Corp. de P.R. para la Difusión Pública v Unión General de Trabajadores 2002 JTS 60 (Arbitrabilidad de querrela por Agravio Continuo)
 14. Unión Internacional de trabajadores de Industria de Automóviles, Aéreo espacio, Implementos Agrícolas U. A. W. Local 1850 v Asociación de Empleados del ELA CC 2001-842 18 de septiembre de 2002 (Tribunal Supremo)
 15. A.A.A. v Unión de Abogados de A.A. 2002 JTS 155 (Empleados Excluidos del derecho a negociar colectivamente)
 16. Other applicable jurisprudence
- C. Basic differences between the public sector and the private sector in Relation to collective bargaining
1. Objectives
 2. Means to exert power over the employees

3. Strikes or conflicts and their consequences
 4. Capacity of authority to negotiate
 5. Appropriate unit for negotiation
 6. Scope and content of the negotiation
- D. Syndical philosophies and models
1. Syndicalism as a partner with the company
 2. Syndicalism as a mean to gain power
 3. Syndicalism as a mean to promote a revolutionary political action
 4. Adversative or traditional model
 5. Cooperative or participative model
 6. Globalized negotiation
- E. Factors that originated collective bargaining
1. Natural interests of the employers and employees
 - A. the employers
 - B. the syndicates
 - c. Interests of parties
 2. Necessity to start negotiations
 - a. Conditions necessary to succeed in negotiations
 - b. Favorable political climate
 - c. Syndical liberty
 - d. Stability of the labor organizations

- F. Exclusive representative
 - 1. Representatives Certification
 - 2. Voluntary acknowledgement
- G. Obligation to negotiate
 - 1. Good and bad faith negotiation
 - 2. Determinant factors for good faith negotiation
 - 3. Bargaining power
- H. Negotiation Content
 - 1. General areas of the negotiation
 - 2. Syndicate maintenance
 - 3. Contract protection
 - 4. Individual workers' protection
 - 5. Fundamental economic area
 - 6. Employer's rights and prerogatives
 - 7. Salary enjoyment during recess and rest periods
 - 8. Fringe benefits
- J. Mandatory negotiation areas under the Taft-Hartley Act
 - 1. Salaries
 - 2. Payment types
 - 3. Schedules

4. Working conditions
 5. Other
- K. Prohibited negotiation areas under the Taft-Hartley Act
1. Closed shop
 2. Secondary boycott
 3. Hot cargo
- L. Appearance of impasses and unilateral changes
1. Means to solve impasses
- M. Clause classification
1. Clauses that express existence guarantee for the employer and Union function
 - A. management prerogative clauses
 - b. Syndical security clauses
- N. Preparing for the negotiation
1. Planning
 - a. Analysis and recollection of economic data and adequate Personnel
 - b. Characteristics that a negotiation should have
 - c. Designation of the negotiating committee
 - d. Anticipation and formulation of proposals
 - e. Fixation of goals and objectives
 - f. Development of positions and strategies
 - g. Notifications

- O. Labor management relations stages during the negotiation
 - 1. Renunciation
 - 2. Acceptance under protest
 - 3. Acceptance
 - 4. Cooperation and mutual respect

- P. Agreed procedure to govern the negotiation
 - 1. Location and place to meet
 - 2. Authority of the parties
 - 3. Calendar
 - 4. Match rules
 - 5. Procedure or rules to follow
 - 6. Records
 - 7. Caucus
 - 8. Manners or ways to proceed in the approval of clauses
 - 9. Agreement ratification
 - 10. Right to relevant information

- Q. Administration of the labor agreement
 - 1. Compliance and administration of the labor agreement
 - 2. Grievance procedure

3. Arbitration
 4. Judicial resources
 5. Disciplinary actions
 6. Torts
 7. Contract rescission
- R. Classroom preparation of a collective bargaining session
1. Preparation and negotiation of a labor agreement

V. ACTIVITIES

1. Critical analysis of a professional article related to collective Bargaining as per instructions given by the professor
2. Collective bargaining workshop in the classroom. The students carry out a Negotiation to be evaluated by the professor.
3. Final examination: A given situation with facts to be analyzed applying the Knowledge and skills learned in the course
4. Conferences and classroom discussions

VI. Evaluation

	Grading	% of Final Grade
Critical Analysis	100	30 %
Negotiation Workshop	100	35%
Final Examination	100	35%
Total	300	100%

VII. Supporting Services or Special Needs

A. Special Accommodations

Students who require special accommodations must request these services at the beginning of the course as soon as they notice that they need help. Students can access this service with Professor Jose Rodriguez, Coordinator of Students with Special Needs at the Guidance and Counseling Office on the first floor at Metro's Student Center.

B. Plagiarism

Plagiarism, dishonesty, fraud and any other type of manipulation or inappropriate behavior related with academic performance are unacceptable in our institution. Disciplinary actions will be taken on students found guilty of such practice as established in Chapter V, Article 1, Section B.2 of the Student's Rules and Regulations handbook.

<http://metro.inter.edu/servicios/documentos/reglamentosestudiantes2006.pdf>

Inter American University has very strict regulations regarding plagiarism (using the ideas or words of others without giving proper credit), so it is important that you specifically read Chapter 5, Article 1, Section B.2c of the Student' Rules and Regulations Handbook. This section clearly explains what plagiarism is. In addition, it explains the types of sanctions students are exposed to when they commit it.

C. Use of Electronic Devices

Cellular (mobile) telephones and any other electronic device that could interrupt the teaching-learning process or disrupt a milieu favorable for academic excellence will be deactivated. Critical situations will be dealt with in an appropriate manner. The use of electronic devices that permit the accessing, storing or sending of data during tests or examinations is prohibited.

VIII. Educative Resources

- A. A text book is not recommended. However, for students without a Baccalaureate (bachelor's degree) in Labor Relations or without labor Relations courses, the following is recommended.

Supplementary reading:

Carrell, Michael R. and Heavrin, Christina (2010). Labor Relations and Collective Bargaining: Cases, Practice, and Law. Ninth Edition. Pearson Prentice Hall. Upper Saddle River, New Jersey.

Kats Harry and Mochan A. (2004). An Introduction to Collective Bargaining and Industrial Relations. Third Edition. Irwin-McGraw-Hill

Herman E. Edward, Schward, Joshua L. and Kuhn, Alfred (1998). Collective Bargaining and Labor Relations. Third Edition. Prentice Hall

- B. Audiovisual Resources (Professor's discretion)
- C. Electronic Resources

CAI.INTER.EDU

<http://www.google.compr/>

<http://www.lexjuris.com> LexJuris de Puerto Rico

<http://www.nlr.gov/> National Labor Relation Board

<http://www.labournet.org.uk/Spanish/> La Red Obrera

www.pub-jts.com Publicaciones JTS

IX. Bibliography

Books

- Erstling, Jay A. (1978). El Derecho de Sindicación. Oficina Internacional del Trabajo (OIT) Ginebra.
- Ethic, Deception and Labor Negotiation. Journal of Business Ethics: Dorducht. Nov. 2000; Vol. 28 Chiris Provis Page 145-158.
- Ertel, Danny. (1996). Negociación 2000: La Colección de Conflict Management. McGraw-Hill.
- Levin, Edward. (1980). Levin's Laws-Tactics for Winning without Intimidation. M. Evans and Company, Inc. New York
- Loughran, Charles S. (1984). Negotiating a Labor Contract- A Management Handbook. The Bureau of National Affairs.
- Kats, Harry and Thomas A. Kecham. (2004). Introduction to Collective Bargaining and Industrial Relations. Third Edition Irwin-McGraw-Hill.
- Rivas Morales, Ana M., Colón Rodríguez, Raúl J. y Ruiz Nieves, Ramón. (1993). Reflexiones sobre la Productividad: Relaciones Laborales para el Año 2000. Oficina de Asuntos Laborales, Oficina del Gobernador y Universidad Interamericana de Puerto Rico, Recinto Metropolitano.
- Roy J. Lewicki, Alexander Irma and Karen Wise Olander. (1996). Think Before you speak: A Complete Guide to Strategic Negotiation. John Wiley and Sons. New York.
- Roy J. Lewicki, David M. Saunders and John W. Minton. (1999). Negotiation, Readings, Exercises and Cases. Third Edition. McGraw-Hill.
- Santiago Rivera, Carlos Ala (2009). Derecho Laboral: Leyes en Puerto Rico y su Jurisprudencia 1900-2008; Materiales para elaborar un Código Laboral. Ediciones SITUM, Inc.
- Thompson, Leigh L. (2001). the Mind and Heart of the Negotiation. Prentice Hall.

Magazines (Articles)

Kane, Jonathan and Zubowicz, Christopher P. (2009). Consequences of the Employee Free Choice Act: What's Left to Section 7? Labor & Employment Group. Bar Association Committee on Practice and Procedure Before the NLRB.

Schildkraut, J. L. (2008). Profiles of Significant Collective Bargain Disputes in 2007. Bureau of Labor Statistics. U. S. Department of Labor.

Fromm D. (2008). Emociones en la Negociación Colectiva. **Negotiator Magazine**. Noviembre.

Arthurs, Harry (2007). Reconciling Differences Differently: Reflections on Labor Law and Worker Voice After Collective Bargaining. **Comparative Labor Law & Policy Journal**. 28 (2), 155-166.

LaVan, H. (2007). Arbitration of Discipline in the Public Sector: Case Characteristics and Party Behaviors Predicting Case Outcomes. **J. Collective Negotiations**. Vol. (3) 199-214.

Rosado Marzán, César F. (2007). Derecho Laboral y Organización Sindical en Puerto Rico. **Revista del Colegio de Abogados de Puerto Rico**. Vol. 6 núm. 1 (enero-marzo).

Craver Ch. (2007). Señales no Verbales y Negociando Interacciones. **Negotiator Magazine**. Abril.

Bracker, Lisa (2006). Become a Persuasive Negotiator through Better Communication. **Negotiation Magazine**.

Caverley, N. (2006). Reflections in Public Sector Based Integrative Collective Bargaining: Conditions Affecting Cooperation within the Negotiation Process. **Employee Relations**. Vol.28.

Rubin, Barry and Rubin, R. (2006). Labor Management Relations: Conditions for Collaboration. **Public Personnel Management**. Vol. 4.

Other Magazines to consult

HR Focus

Industrial and Labor Relation Review

International Labor Review

Negotiation Journal

Review of Public Personnel Administration

The Labor Lawyer

Other Electronic Resources (Magazine articles)

http://www.pon.harvard.edu/news/2003/pon_iwer.php3 (2003, march 11)
Transforming Labor-Management Relations. Retrieved May 1, 2007, from
Harvard Law School, Program on Negotiation web site.

<http://bargaining2005.org/bkgr/bkgr.html> (2205, march 23) Bargaining 101.
Retrieved May 1, 2007 from National Bargaining 2005 web site

<http://www.negotiarormagazine.com>

<http://www.degerencia.com>

Acts

Constitución del Estado Libre Asociado de Puerto Rico, 1952

Ley Núm. 130 de 8 de mayo de 1945, según enmendada.

Ley Núm. 45 de 26 de enero de 1998, según enmendada, por Ley Núm.
96 de 7 agosto de 2001

Ley Taft-Hartley de 1947, según enmendada

Ley Núm. 333 de 16 de septiembre de 2004

