BA155: Labor and the Law
Professor Jonathan Leonard

Course Description
This course analyzes the development and impact of laws and regulations that affect employment, compensation, personnel and industrial relations policies. It concentrates on policies concerning discrimination, affirmative action, and industrial relations. Developing areas such as health insurance regulation, mandated benefits, employee participation, employment at will, and comparable worth will also be discussed. The focus is on economic analysis of government, business and employee decisions. Enforcement strategies and procedures will be discussed, along with employer and employee responses. The goal is to understand the rights and responsibilities of employers and employees, and to understand some methods of analyzing the goals and procedures of employment regulation.

Requirements
Class discussion, including write-ups of 3 brief discussion memos, will count for 20% of the final grade. This course is well suited for those with an interest in developing their skills in presenting and defending their positions in class. A willingness to entertain economic arguments is required. In addition to the mid-term (25%) and final examination (25%), a 10-page paper is required (30%). The paper requires original field research, interviewing those in the workplace about the impact of a particular law or government regulation, and is due March 12. There are no formal prerequisites.

Due Dates
2/6 Memo #1.
2/22 Mid-term examination.
4/2 Memo #2.
3/12 Term Paper.
4/18 Memo #3.

Office Hours
T, Th 11:00-11:30 a.m., 481 Faculty Building, or by appointment,
tel: 642-7048, e-mail: Leonard@Haas.
Discussion Memos

Each memo will serve as a basis for class discussion, will be written as a small group (3-4 person) project, and will be 2 to 3 typed pages in length. The memos require applying classroom concepts to practical problems of implementing human resource strategies in the face of legal and institutional constraints.

Term Paper

The 10 page term paper requires field research. The goal of this project is to show how a particular law or regulation has affected employment relations, to compare these effects with those intended by the government, and to explain what determines the effectiveness of the regulation. This requires interviewing employers, employees, regulators, unions, and/or interest groups. Good papers interview parties with different perspectives, and compare the application of a regulation at different employers. A possible paper outline is:

1. Introduction.
   A. What is the hypothesis?
   B. Why should we care?
   C. What is the particular law or regulation being examined?
2. Development of the Hypothesis.
   A. Theory and model of the labor market.
   B. What situations can be compared to test your hypothesis?
   C. What is the experiment?
3. Results: A synthesis of your interviews that demonstrates the conditions under which regulations are more or less effective, and shows the actual impacts (both intended and unintended) of policy.
4. Implications for policy.
Examinations

The mid-term and final examinations each consist of 6 to 10 short essay questions that will give students an opportunity to demonstrate their mastery of class concepts, including models of the labor market, the rights and responsibilities of employers and employees, and enforcement strategies and practices. The final examination covers material after the mid-term.

Required Books:


The first three books require no heavy lifting. Riser provides a cookbook outlining the basic legal and regulatory constraints on personnel decisions. Levitt and Geoghegan report personal narratives on human resource management from the belly of the beast. Levitt was a management consultant. Geoghegan is a union lawyer. Among the dramatic personal accounts you will find accurate descriptions of the weaknesses of current labor law. Those who find Levitt and Geoghegan too dry, theoretical, or difficult are in the wrong course. The last three books are written by academics rather than practitioners, presenting more formal arguments and more theoretical, historical and legal analysis.
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<th>Class</th>
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| 1     | 1/16 | Introduction. Course Requirements and Overview.  
       |       | Policy in Theory, in Perception and in Practice.  
       |       | Rashomon at the Workplace: Multiple Perspectives.  
       |       | Importance of Regulation to Business and Labor  
       |       | Read Weiler, chapter 1.  
       |       | Read Edwards, chapters 1,2,3. |
| 2     | 1/18 | Market, Political, Legal, Regulatory, and Workplace Mechanisms.  
       |       | Equity & Efficiency  
       |       | Read Levitt. |
| 3     | 1/23 | Organized Labor.  
       |       | Decentralized Dispute Resolution.  
       |       | Historical Growth and Decline of Organized Labor.  
       |       | The Demand for Union Representation  
       |       | Read Weiler, chapter 3.  
       |       | Read Geoghegan. |
| 4     | 1/25 | Development of Labor Law.  
       |       | Structure and Functions of the NLRB.  
       |       | Read Weiler, chapters 2;  
       |       | Read Edwards, chapter 4.  
       |       | Handout Memo #1: "Hanging Together or Hanging Apart" |
| 5     | 1/30 | Union Organizing.  
       |       | The Strategic Interests of National Unions.  
       |       | Individual vs. Group Rights.  
       |       | Bargaining Unit Determination: Gerrymandering and Administration. |
| 6     | 2/1  | Collective Bargaining and Contract Administration.  
       |       | Read Weiler, chapter 6 |
| 7     | 2/6  | Employee Participation I.  
       |       | Read Weiler chapter 4 & 5.  
       |       | Memo #1 due. Discussion of Strategy and Tactics. |
8 2/8 Employee Participation II.
9 2/13 Statutory Rights Under the FLSA and OSHA
   Read Edwards, chapter 5.
10 2/15 Property Rights: Owning the Job and the Erosion of Employment at Will.
    Read Edwards chapters 6 & 7; Weiler chapter 2;
    Epstein chapter 8; Risser chapter 3.
11 2/20 Law as a business: Wrongful discharge case selection and development as an
    investment decision.
    Read Edwards, chapter 8.
12 2/22 Mid-term Examination
13 2/27 Inequality vs. Discrimination
    Read Epstein, chapters 1-7, 12 & conclusion.
    Handout Memo #2: Spin Doctors.
14 2/29 Business, Diversity and Regulation
15 3/5 Disparate Treatment:
    Read Epstein chapters 9 & 10, Risser chapters 1 & 2.
16 3/7 Adverse Impact I
    Read Epstein chapters 10, 11 & 18.
17 3/12 Adverse Impact II.
    Term Papers Due.
18 3/14 Research Discussion.
19 3/19 Research Discussion
    Handout memo #3: Mack the Knife.
20 3/21 Research Discussion
    Spring Break
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| 21   | 4/2   | Defense  
Read Epstein chapter 14.  
Memo #2 due. |
| 22   | 4/4   | Statistics and Strategy |
| 23   | 4/9   | Harassment  
Pay Equity  
Read Epstein chapters 13,15,16 & 17, Riser chapter 6. |
| 24   | 4/11  | Disability: Matching, Segregation and Job Design  
Read Epstein chapter 22. |
| 25   | 4/16  | Affirmative Action: Symbols and Substance.  
Read Epstein chapters 19 & 20. |
| 26   | 4/18  | Age Discrimination  
Read Epstein chapter 21.  
Memo #3 due. |
| 27   | 4/23  | Strategic Human Resource Management:  
Deferred Compensation and ERISA |
| 28   | 4/25  | Employee Screening; Information and Privacy.  
Read Riser chapters 4 & 5. |
| 30   | 5/2   | Centralized and Decentralized Employment Policies.  
Read Edwards, chapter 9. |