

SOUTHERN ILLINOIS UNIVERSITY SCHOOL OF LAW

LAW 553-3 §951 Labor Law

Professor Brian D. Butcher

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**Text:**

Labor Law: A Problem Based Approach, Second Edition, 2017

by Secunda, Hirsch, Duff, ISBN 978-1-5310-0136-0

**Learning Objectives:**

To gain a baseline knowledge of labor law.

To gain practical application from a professional in the field.

Provide a foundation for those who want to enter the industry after law school.

A course focused on professional identity, bias, cross-cultural competency, and anti-racism.

**Course Schedule:**

August 22 – Class 1, Intro to Labor Law

Assigned Readings: Chapter 1; [Labor's Very Good Year - The New York Times \(nytimes.com\)](#); [Union Petitions Up 35%, Unfair Labor Practices Charge Filings Up 7% in the First Half of Fiscal Year 2024 | National Labor Relations Board \(nlrb.gov\)](#), [National Labor Relations Act | National Labor Relations Board \(nlrb.gov\)](#)

August 29 – Class 2, The NLRB and ILRB

Assigned Readings: Chapter 2; Explore [The Law | National Labor Relations Board \(nlrb.gov\)](#); Explore [ILRB \(illinois.gov\)](#)

September 5 – Class 3, Concerted Activity and *Weingarten*

Assigned Readings: Chapter 3

September 12 – Class 4, Unfair Labor Practice Charges

Assigned Readings: Chapter 4

September 19 – Class 5, Organizing

Assigned Readings: Chapter 5; [Home - Starbucks Workers United \(sbworkersunited.org\)](#); [A Development in the U.S. Labor Movement - The New York Times \(nytimes.com\)](#)

September 26 – Class 6, Bargaining Representatives and Who is at the Table

Assigned Readings: Chapter 6

October 3 – Class 7, Negotiating a Bargaining Agreement

Assigned Readings: Chapter 7; Sample Collective Bargaining Agreements

October 10 – No Class

**Writing Assignment Due – To Be Discussed in Class.**

October 17 – Class 8, Negotiating a Bargaining Agreement cont'd, Labor Costing

Assigned Readings: Chapter 8;

October 24 – Class 9, Strikes, Lockouts, Boycotts, Picketing

Assigned Readings: Chapter 9

October 31 – Class 10, Strikes, Lockouts, Boycotts, Picketing

**Labor Costing Assignment due.**

Assigned Readings: Chapter 10

November 7 – Class 11, Labor Law Preemption

Assigned Readings: Chapter 11

November 14 – Class 12, Workers Rights, Public Sector Fall Out of *Janus*

Assigned Readings: Chapter 12; [16-1466 Janus v. State, County, and Municipal Employees \(06/27/2018\) \(supremecourt.gov\)](#); [The Impact of Janus on the Labor Movement, Five Years Later \(americanbar.org\)](#)

November 21 – Class 13, Grievance Arbitration and Other Advanced Issues

Assigned Readings: Chapter 13, Sample Arbitration Awards

December 12 – **Take Home Final Exam Due**

**GRADING:**

- 25% class participation
- 15% writing assignment
- 10% labor costing assignment
- 50% percent take-home exam

**Additional Information:**

**ATTENDANCE:** In accordance with ABA Standard 308(a), the right to take exams, as well as the privilege of continuing as a student at the School of Law, is conditioned on regular attendance and satisfactory completion of coursework. Unless the instructor has announced a rule allowing fewer absences, or except for extraordinary circumstances, however, a student enrolled in a first-year course may not accumulate class hour absences in excess of twice the credit hours in any particular course during the term, and a student enrolled in any other course may not accumulate class hour absences in excess of three times the credit hours in that course during the term. Class hours will be calculated on a fifty-minute basis. Absent agreement of the instructor, missing all or part of a class counts as missing all of

the class minutes for that class. Attendance will be taken in class and attendance records will be kept for one year. Violation of this attendance rule shall subject the student to the penalties of section (g) below. The attendance requirement is not subject to modification by a professor, nor may a professor excuse an absence. If the absences allowed under this provision have been exhausted, the Associate Dean for Academic Affairs may grant leave and relief from the regular attendance requirement in extraordinary circumstances, including but not limited to: (1) military service; (2) representing the law school at a moot court, mock trial, law review, or official function; (3) jury duty; (4) religious observances; (5) the birth of a child; (6) the death of an immediate family member to include grandparents; (7) major non-elective surgery or a prolonged hospital stay; or (8) to comply with federal or state antidiscrimination laws, other applicable laws, or SIU policies. Students must provide proof of the reason for the absence. The Associate Dean for Academic Affairs may consider the reasons why a student exhausted their absences prior to seeking leave, as well as whether the number of classes missed impairs the student's ability to learn the course content. The Associate Dean for Academic Affairs will not grant leave from the rules requiring regular attendance unless the request shows extraordinary circumstances or an unavoidable circumstance. If leave is not granted, the Associate Dean for Academic Affairs will discuss with the student options for withdrawing from a course and retaking in a future semester. [amended 4/19/11; 11/18/22; 5/13/24]

**CLASS PARTICIPATION:** As a law student, I expect that you will come to class having read the material for the day and ready to participate in class discussion. Students will be called on in class, often without advance notice, so be prepared to be principally responsible for helping me explain tort concepts and cases. Everyone is expected to participate in class discussion, and you are always free to raise your hand and volunteer an answer, offer a helpful observation, or ask a question. Law school is a learning laboratory, and we can all learn from each other.

**CLASS RECORDING:** For the benefit of students who are unable to attend a particular class due to an unavoidable circumstance, and for students who wish to review a particular class to better facilitate comprehension of the learning objectives, it is my hope that class sessions will be recorded and made available for viewing. I will post the class PowerPoint slides each week to D2L.

**OFFICE HOURS:** Please contact me at [bbutcher@clemansnelson.com](mailto:bbutcher@clemansnelson.com) or 64.315.5953 to set up a meeting.

**BAN ON COLLABORATION AND PLAGIARISM:** You are not allowed to obtain help from any other person (including any other student) or from generative artificial intelligence (including, but not limited to, ChatGPT) on the [fill in the blank: Class Exercises/Writing Assignments, Exams] in this course. This ban on collaboration includes obtaining written materials from any other person or generative artificial intelligence and communicating with any other person about an assignment. If you violate the ban on collaboration policy, you will receive a failing grade on that assignment. You also may be found in violation of the Honor Code, which can lead to serious penalties, including expulsion. An Honor Code investigation must also be reported to the Bar Examiners, even if you are cleared of any violation. When in doubt about how to proceed, ask me. PLAGIARISM: See the Student Conduct Code: <http://srr.siu.edu/student-conduct-code/>

**EMERGENCY PROCEDURES:** We ask that you become familiar with **Emergency Preparedness @ SIU**. Emergency response information is available on posters in buildings on campus, on the Emergency Preparedness @ SIU website, and through text and email alerts. To register for alerts, visit <http://emergency.siu.edu/>.

**DISABILITY POLICY.** SIU Carbondale is committed to providing an inclusive and accessible experience for all students with disabilities. Disability Support Services coordinates the implementation of accommodations. If you think you may be eligible for accommodations but have not yet obtained approval, please contact DSS immediately at 618-453-5738 or [disabilityservices.siu.edu](http://disabilityservices.siu.edu). You may request accommodations at any time, but timely requests help to ensure accommodations are in place when needed. Accommodations and services are determined through an interactive process with students and may involve consideration of specific course design and learning objectives in consultation with faculty. Please send approved accommodations to your faculty through the DSS online portal.

**SALUKI CARES and COUNSELING & PSYCHOLOGICAL SERVICES (CAPS).** The purpose of Saluki Cares is to develop, facilitate and coordinate a university-wide program of care and support for students in any type of distress—physical, emotional, financial, or personal. By working closely with faculty, staff, students, and their families, SIU will continue to display a culture of care and demonstrate to our students and their families that they are an important part of the community. For Information on Saluki Cares: (618) 453-2461, or [siucares@siu.edu](mailto:siucares@siu.edu), <https://salukicare.siu.edu/>. Associate Dean Sheila Simon [ssimon@siu.edu](mailto:ssimon@siu.edu) or (618) 536-8321 is available at the Simmons Law School to help students access university resources. Additionally, counseling services are available through CAPS ([Counseling and Psychological Services \(CAPS\) | Student Health Services | SIU](#)). A counselor is at the law school every Wednesday from noon until 4:30pm in Room 268 for drop-in appointments.

**SAFETY AWARENESS FACTS AND EDUCATION** Title IX makes it clear that violence and harassment based on sex and gender is a Civil Rights offense subject to the same kinds of accountability and the same kinds of support applied to offenses against other protected categories such as race, national origin, etc. If you or someone you know has been harassed or assaulted, you can find the appropriate resources here: <http://safe.siu.edu>