
LABOR RELATIONS LAW

Cases and Materials

EIGHTH EDITION

Leroy S. Merrifield
Theodore J. St. Antoine
Charles B. Craver

CONTEMPORARY
LEGAL EDUCATION SERIES



Labor Relations Law

CASES AND MATERIALS

Eighth Edition

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Preface to the Eighth Edition

The last couple of decades have seen an explosive growth in the law governing the workplace. Even the name of the subject is often changed from labor relations law to labor and employment law in order to reflect the new emphasis on the direct governmental regulation of employer-employee relations, as distinct from union-management relations. The question fairly arises whether the “basic” labor course in law school should attempt to cover the recent legal developments concerning job safety, employee benefit plans, wrongful discharge, and the like, in addition to the traditional Taft-Hartley materials.

We believe there is a genuine need for a new course on the individual employment relationship. But we also believe that there is a grave risk of superficiality and lack of focus in trying to do too much in a single three- or four-hour offering. Furthermore, we think that those two almost unique American institutions — the labor union and the collective bargaining process as they have evolved in this country — deserve study in a setting where they occupy the center of the stage.

Like its predecessors, therefore, the eighth edition of this casebook is designed for an intensive examination of the union-management relationship throughout its major phases. Kind words from many readers, both faculty members and students, indicate that the structure of recent editions is conducive to that purpose. Generally we follow the chronology of organizing, bargaining, and contract enforcement, with brief looks along the way at employment discrimination and internal union affairs.

As in the past, we have tried to respond generously to the most significant current developments in the field while simultaneously providing a set of materials that will be truly manageable in the usual three- or four-hour course. For this revision, we shall continue our practice of publishing an annual softbound supplement so that the book will be up-to-date at the beginning of each school year.

With esteem and affection, we dedicate this eighth edition to Russell A. Smith, Professor Emeritus of Law at the University of Michigan and our founding editor. Russ was one of the real pioneers in labor law when he single-handedly produced his 1,000-page first edition in 1950. He also impressed an order on the work which has withstood the test of time. Indeed, one junior co-editor must wryly acknowledge that some of the latest changes have marked a *return* to Russ’s early organization. Thus, union security has been removed from internal union affairs and combined again with hiring hall problems. And after many years we have concluded that Russ was right in viewing *American National Insurance* as more of a bridge to *Borg-Warner* and scope of bargaining than as an introduction to “good faith” negotiations.

This quiet, humane man never lacked for worldly honors and positions — president of the National Academy of Arbitrators, associate dean of the Michigan Law School, and chair of innumerable federal and state boards, panels, and commissions. But it is as a person that we most revere him. His warmth and generosity are unbounded. It might well be embarrassing to other casebook

editors, if we disclosed the royalty arrangements Russ insisted upon when he added co-editors to one of the country's best-selling casebooks. And to spend an evening with him, over long, slow drinks, savoring his old stories and his fresh ideas, is to be transported into a charmed circle of good fellowship and much learning worn lightly. We salute you, Russ, and hope this dedication will serve as a small token of gratitude for all you have given us, generations of law students, and the whole realm of labor law and labor arbitration.

We must finally express our appreciation to Roy Esnard, Gregg A. Gilman, and Nancy J. Johnson whose capable and conscientious research assistance contributed substantially to this revision.

Washington, D. C.
Ann Arbor, Michigan
April 1989

Leroy S. Merrifield
Theodore J. St. Antoine
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