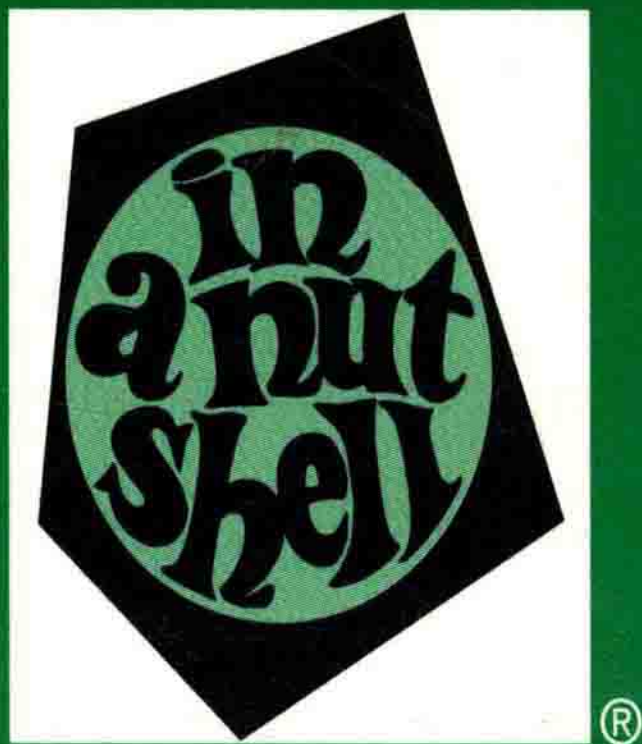


# Labor and Employment Arbitration



DENNIS R. NOLAN

THOMSON  
—★—™  
WEST

# **LABOR AND EMPLOYMENT ARBITRATION IN A NUTSHELL**

Second Edition

By

**DENNIS R. NOLAN**  
Webster Professor of Labor Law  
University of South Carolina

Thomson/West have created this publication to provide you with accurate and authoritative information concerning the subject matter covered. However, this publication was not necessarily prepared by persons licensed to practice law in a particular jurisdiction. Thomson/West are not engaged in rendering legal or other professional advice, and this publication is not a substitute for the advice of an attorney. If you require legal or other expert advice, you should seek the services of a competent attorney or other professional.

*Nutshell Series, In a Nutshell*, the Nutshell Logo and West Group are trademarks registered in the U.S. Patent and Trademark Office.

© West, a Thomson business, 1998

© 2007 Thomson/West

610 Opperman Drive

P.O. Box 64526

St. Paul, MN 55164-0526

1-800-328-9352

Printed in the United States of America

**ISBN-13:** 978-0-314-15882-6

**ISBN-10:** 0-314-15882-0



TEXT IS PRINTED ON 10% POST  
CONSUMER RECYCLED PAPER



# WEST'S LAW SCHOOL ADVISORY BOARD

---

JESSE H. CHOPER

Professor of Law,  
University of California, Berkeley

DAVID P. CURRIE

Professor of Law, University of Chicago

YALE KAMISAR

Professor of Law, University of San Diego  
Professor of Law, University of Michigan

MARY KAY KANE

Chancellor, Dean and Distinguished Professor of Law,  
University of California,  
Hastings College of the Law

LARRY D. KRAMER

Dean and Professor of Law, Stanford Law School

WAYNE R. LaFAVE

Professor of Law, University of Illinois

JONATHAN R. MACEY

Professor of Law, Yale Law School

ARTHUR R. MILLER

Professor of Law, Harvard University

GRANT S. NELSON

Professor of Law, University of California, Los Angeles

JAMES J. WHITE

Professor of Law, University of Michigan

*In Memory of*  
Joseph L. Nolan, 1910–1990  
*And for*  
Fran,  
To Whom I Owe All

\*

## PREFACE

---

The world of workplace dispute resolution has been transformed since I began work in that field. Twenty-seven years ago I published a predecessor volume, *LABOR ARBITRATION IN A NUTSHELL*. In 1979, workplace dispute resolution was virtually synonymous with labor arbitration. Like most other labor lawyers at the time, I had no inkling that labor arbitration would become a mere subset of a much broader topic.

In 1991, the Supreme Court decided *Gilmer v. Interstate/Johnson Lane*, 500 U.S. 21, and inadvertently expanded individual employment arbitration from a niche market largely confined to the securities industry into a growth market now covering many millions of employees. When the world was ready for another new book, I published the first edition of *LABOR AND EMPLOYMENT ARBITRATION IN A NUTSHELL* (1998). Despite equal billing in the title, employment arbitration occupied a relatively small portion of the work, and even that coverage appeared almost as afterthoughts at various points in the expanded coverage of labor arbitration. The explanation for such limited treatment was simple: the legal parameters of employment arbitration were, even seven years after *Gilmer*, just beginning to be drawn. Even the most basic questions, such as whether the Federal Arbitration Act's exclusion of "contracts of employment" meant that the FAA did not apply to *any* employment contract, were still up

## *PREFACE*

for grabs. There were still very few employment arbitration agreements in place, and these produced relatively few attempts to compel or resist arbitration. There was, in short, little raw material for the writer to use.

How the field has changed since then! Labor arbitration, which at the beginning of my career filled the universe, has shrunk apace with the unions that use it. Unions represent barely an eighth of today's workforce (and less than a twelfth of the private sector workforce) compared to nearly a quarter in 1979. Union membership dropped by 29% during those years from a near-peak of 22 million to just 15.7 million. There are no precise figures on the total number of labor arbitrations, but some data support an educated guess that they have declined roughly in proportion to the decline in union membership. That correlation is intuitively reasonable, given the lack of any reason to believe that unions would arbitrate more frequently, in relation to their membership numbers, than they used to.

In the meantime, however, individual employment arbitration became an established practice. The courts now uniformly enforce arbitration agreements in the face of most legal challenges. Various court decisions have marked the requirements necessary to make an arbitration binding. Arbitration providers like the American Arbitration Association have created separate panels of arbitrators qualified to deal with statutory issues. Ethical guidelines have been developed by arbitration providers, by the National Academy of Arbitrators, and by the blue-

## *PREFACE*

ribbon committee of advocates, arbitrators, and agencies that drafted the Due Process Protocol in 1995. The number of such cases remains small—perhaps several thousand a year—but those arrangements cover more employees each year and inevitably will produce more arbitrations.

The time is therefore ripe for a second edition that gives employment arbitration the serious attention and analysis it deserves, while also updating the material on labor arbitration. Because one can no longer view employment arbitration as a simple addendum to labor arbitration, the second edition now consists of two distinct parts. Part I covers labor arbitration. The changes from the last edition consist mainly of updating, stylistic improvements, and some reorganization. Part II covers employment arbitration. In three new chapters, I consider employment arbitration's origins and legal bases; the requirements for, and impediments to, enforcing individual arbitration agreements; and the special procedural concerns presented by employment arbitration under the FAA.

This book is not intended as a substitute for classroom instruction in labor and employment arbitration, still less for practical experience in the field. Nor is it intended to (or could it) take the place of the detailed treatises already available to the practitioner and scholar. Its purpose is much narrower, to provide students and practitioners alike a simple but comprehensive description of labor and employment arbitration in America. Ideally this overview

## *PREFACE*

will serve as an introduction to more thorough study in other forms.

Even this limited purpose requires a good bit of detail. While trying to strike a balance between simplicity and comprehensiveness, I may have erred too much in the latter direction. If so, I apologize to the reader who looks for a shorter treatment. Nevertheless, I found it necessary to present the major issues in arbitration law at length to permit a full exploration of their importance and of the conflicting opinions on them. I have made every effort to be fair, but inevitably some personal beliefs have made their way into the text. The attentive reader should be able to identify these easily, and evaluate them accordingly.

Every book is the product of many people; no author writes in complete isolation from others. This one, so long in gestation over its various iterations, owes more debts than most. Among those who contributed to it are students in my classes over the years, for helping me clarify issues; research assistants, who found even the most obscure cases and texts and boldly corrected my mistakes; academic and arbitral colleagues who provided advice gladly and frankly; deans who provided needed financial and time support; and a family that tolerated the hours lost to “the book.”

Several people deserve individual recognition. First, Dean Roger Abrams of Rutgers Law School, a classmate, friend, and able scholar and arbitrator, offered extensive comments on the predecessor book

## PREFACE

and worked with me on a score of articles and chapters. He taught me much, and this book is the better for it.

Second, between the predecessor volume and this second edition, I have worked on three casebooks with Professor Laura Cooper, on two of which Professor Rick Bales also served. Our most recent volume is *ADR IN THE WORKPLACE* (Thomson West, 2d ed. 2005). In putting those books together, I learned an enormous amount from my co-authors. Their work is reflected in this book—not, I hope, verbatim, but the student using that textbook will find distinct echoes here.

Third, my 2005–06 research assistant, Wendy Furhang, went above and beyond her job description (and far outside her allotted hours) in contributing to this revision. Quite literally, it would not have been possible without her. She has my sincerest thanks, and my best wishes as she begins what promises to be an outstanding career as an employment lawyer.

Finally, I thank the American Arbitration Association for permission to reprint its copyrighted publications in the Appendices.

DENNIS R. NOLAN

Harbor Island, South Carolina  
September 2006

\*

# TABLE OF CASES

References are to Pages

---

- Acher v. Fujitsu Network Communications, Inc., 354 F.Supp.2d 26 (D.Mass.2005), 357
- Action Distributing Co. v. International Broth. of Teamsters Local 1038, 977 F.2d 1021 (6th Cir.1992), 272
- Adkins v. Labor Ready, Inc., 303 F.3d 496 (4th Cir.2002), 354
- Air Line Pilots Ass'n, Intern. v. Northwest Airlines, Inc., 211 F.3d 1312, 341 U.S.App.D.C. 254 (D.C.Cir.2000), reinstating 199 F.3d 477, 339 U.S.App.D.C. 264 (D.C.Cir.1999), cert. denied 531 U.S. 1011, 121 S.Ct. 565, 148 L.Ed.2d 484 (2000), 170
- Aldens, Inc., 58 LA 1213 (John P. McGury, 1972), 212, 214
- Alexander v. Gardner-Denver Co., 415 U.S. 36, 94 S.Ct. 1011, 39 L.Ed.2d 147 (1974), 161, 166, 167, 168, 170, 331, 332, 333, 334
- Allen v. Allied Plant Maintenance Co. of Tennessee, Inc., 881 F.2d 291 (6th Cir.1989), 222
- Allendale Nursing Home, Inc. v. Local 1115 Joint Board, 377 F.Supp. 1208 (S.D.N.Y.1974), 185
- Allis-Chalmers Corp. v. Lueck, 471 U.S. 202, 105 S.Ct. 1904, 85 L.Ed.2d 206 (1985), 125, 127, 128
- Allis-Chalmers Manufacturing Co., 39 LA 1213 (Russell Smith, 1962), 323
- Amalgamated Ass'n of Street Elec. Ry. & Motor Coach Employees of America, Division 998 v. Wisconsin Employment Relations Bd., 340 U.S. 383, 71 S.Ct. 359, 95 L.Ed. 364 (1951), 64
- Amanda Bent Bolt Co. v. UAW Local 1549, 451 F.2d 1277 (6th Cir.1971), 179
- American Federation of Television and Radio Artists, AFL-CIO v. WJBK-TV (New World Communications of Detroit, Inc.), 164 F.3d 1004 (6th Cir.1999), 39, 40

## TABLE OF CASES

- American International Aluminum Corp., 68-2 ARB ¶ 8591 (John F. Sembower, 1968), 210
- American National Can Co., 293 NLRB No. 110, 293 NLRB 901 (N.L.R.B.1989), enforcement granted N.L.R.B. v. American National Can Co., Foster-Forbes Glass Div., 924 F.2d 518 (4th Cir.1991), 159
- American National Can Co. v. United Steelworkers of America, 120 F.3d 886 (8th Cir.1997), 273
- American Postal Workers Union, AFL-CIO v. United States Postal Service, 52 F.3d 359, 311 U.S.App.D.C. 210 (D.C.Cir. 1995), 183
- American Postal Workers Union, AFL-CIO v. United States Postal Service, 789 F.2d 1, 252 U.S.App.D.C. 169 (D.C.Cir. 1986), 176
- Ampco-Pittsburgh Corp., 80 LA 472 (Steven Briggs, 1982), 317
- Anchor Hocking Corp., 81 LA 502 (Roger Abrams, 1983), 317
- Arizona Portland Cement Co., a Div. of California Portland Cement Co., a Div. of Calmag and Local 296, Independent Workers of North America, 302 NLRB No. 5, 302 NLRB 36 (N.L.R.B.1991), 143
- Armendariz v. Foundation Health Psychcare Services, Inc., 99 Cal.Rptr.2d 745, 6 P.3d 669 (Cal.2000), 365
- Atkinson v. Sinclair Refining Co., 370 U.S. 238, 82 S.Ct. 1318, 8 L.Ed.2d 462 (1962), 125, 161
- AT & T Technologies, Inc. v. Communications Workers of America, 475 U.S. 643, 106 S.Ct. 1415, 89 L.Ed.2d 648 (1986), 131, 134
- Austin v. Owens-Brockway Glass Container, Inc., 78 F.3d 875 (4th Cir.1996), cert. denied 519 U.S. 980, 117 S.Ct. 432, 136 L.Ed.2d 330 (1996), 168, 169
- Avco Corp. v. Aero Lodge No. 735, Intern. Ass'n of Machinists and Aerospace Workers, 390 U.S. 557, 88 S.Ct. 1235, 20 L.Ed.2d 126 (1968), 118
- Barrentine v. Arkansas-Best Freight System, Inc., 450 U.S. 728, 101 S.Ct. 1437, 67 L.Ed.2d 641 (1981), 166, 332
- Becton v. Detroit Terminal of Consol. Freightways, 687 F.2d 140 (6th Cir.1982), cert. denied 460 U.S. 1040, 103 S.Ct. 1432, 75 L.Ed.2d 791 (1983), 165
- Bell Aerospace Co. Division of Textron, Inc. v. UAW Local 516, 500 F.2d 921 (2nd Cir.1974), 184, 186, 194

## TABLE OF CASES

- Benson v. Communication Workers of America, 866 F.Supp. 910 (E.D.Va.1994), 204, 205
- Black v. Cutter Laboratories, 43 Cal.2d 788, 278 P.2d 905 (Cal. 1955), cert. dismissed 351 U.S. 292, 76 S.Ct. 824, 100 L.Ed. 1188 (1956), 191
- Blair v. Scott Specialty Gases, 283 F.3d 595 (3rd Cir.2002), 363
- Blake v. USM Corp., Bailey Div., 1977 WL 1636 (D.N.H.1977), 204
- Booker v. Robert Half Intern., Inc., 413 F.3d 77, 367 U.S.App. D.C. 77 (D.C.Cir.2005), 345
- Boston Printing Pressmen's Union v. Potter Press, 141 F.Supp. 553 (D.Mass.1956), affirmed 241 F.2d 787 (1st Cir.1957), cert. denied 355 U.S. 817, 78 S.Ct. 21, 2 L.Ed.2d 34 (1957), 74
- Botany Industries, Inc. v. New York Joint Bd., Amalgamated Clothing Workers of America, 375 F.Supp. 485 (S.D.N.Y. 1974), vacated Robb v. New York Joint Bd., Amalgamated Clothing Workers of America, 506 F.2d 1246 (2nd Cir.1974), 191
- Bowen v. United States Postal Service, 459 U.S. 212, 103 S.Ct. 588, 74 L.Ed.2d 402 (1983), 199
- Boys Markets, Inc. v. Retail Clerks Union, Local 770, 398 U.S. 235, 90 S.Ct. 1583, 26 L.Ed.2d 199 (1970), 73, 74, 118, 119, 120, 121, 122, 123, 124, 125
- Bradford v. Rockwell Semiconductor Systems, Inc., 238 F.3d 549 (4th Cir.2001), 349
- Bratten v. SSI Services, Inc., 185 F.3d 625 (6th Cir.1999), 170
- Brisentine v. Stone & Webster Engineering Corp., 117 F.3d 519 (11th Cir.1997), 168, 336
- Buckley v. Nabors Drilling USA, Inc., 190 F.Supp.2d 958 (S.D.Tex.2002), 357
- Buffalo Forge Co. v. United Steelworkers of America, AFL-CIO., 428 U.S. 397, 96 S.Ct. 3141, 49 L.Ed.2d 1022 (1976), 73, 74, 121, 122, 123, 124
- Caley v. Gulfstream Aerospace Corp., 428 F.3d 1359 (11th Cir. 2005), 361
- Campbell v. General Dynamics Government Systems Corp., 407 F.3d 546 (1st Cir.2005), 342, 357
- Carbon Fuel Co. v. United Mine Workers of America, 444 U.S. 212, 100 S.Ct. 410, 62 L.Ed.2d 394 (1979), 125
- Carey v. Westinghouse Electric Corp., 375 U.S. 261, 84 S.Ct. 401, 11 L.Ed.2d 320 (1964), 154, 156, 162, 208

## TABLE OF CASES

- Carpenters Local No. 824 (AFL-CIO), *Carpenters v. Brunswick Corp.*, 342 F.2d 792 (6th Cir.1965), 143
- Cedar Coal Co. v. United Mine Workers of America, 560 F.2d 1153 (4th Cir.1977), cert. denied *International Union, United Mine Workers of America v. Cedar Coal Co.*, 434 U.S. 1047, 98 S.Ct. 893, 54 L.Ed.2d 798 (1978), 124
- Centel Business Systems, 90 LA 172 (Hy Fish, 1987), 287
- Champion International, 96 LA 325 (Gordon Statham, 1991), 308
- Charles Dowd Box Co. v. Courtney, 368 U.S. 502, 82 S.Ct. 519, 7 L.Ed.2d 483 (1962), 108, 118, 119
- Charles Wolff Packing Co. v. Court of Industrial Relations of State of Kansas, 262 U.S. 522, 43 S.Ct. 630, 67 L.Ed. 1103 (1923), 61
- Cheng-Canindin v. Renaissance Hotel Associates, 57 Cal.Rptr.2d 867 (Cal.App. 1 Dist.1996), 344
- Chisolm v. Kidder, Peabody Asset Management, Inc., 966 F.Supp. 218 (S.D.N.Y.1997), 382
- Circuit City Stores, Inc. v. Adams, 279 F.3d 889 (9th Cir.2002), 365, 366
- Circuit City Stores, Inc. v. Adams, 532 U.S. 105, 121 S.Ct. 1302, 149 L.Ed.2d 234 (2001), 167, 340, 365
- Circuit City Stores, Inc. v. Adams, 194 F.3d 1070 (9th Cir.1999), 340, 341
- Circuit City Stores, Inc. v. Najd, 294 F.3d 1104 (9th Cir.2002), 363
- Clark v. Hein-Werner Corp., 8 Wis.2d 264, 99 N.W.2d 132 (Wis.1959), cert. denied *Local 1377 of International Association of Machinists, AFL-CIO v. Hein-Werner Corp.*, 362 U.S. 962, 80 S.Ct. 878, 4 L.Ed.2d 877 (1960), 205
- Cole v. Burns Intern. Security Services, 105 F.3d 1465, 323 U.S.App.D.C. 133 (D.C.Cir.1997), 340, 347, 348, 383
- Collyer Insulated Wire, Gulf & Western Systems Co., 192 NLRB No. 150, 192 NLRB 837 (N.L.R.B.1971), 157, 158
- Colt Industries Operating Corp., 73 LA 1087 (William Belshaw, 1979), 315
- Columbia Broadcasting System, Inc. v. American Recording & Broadcasting Ass'n, 414 F.2d 1326 (2nd Cir.1969), 209
- Commodity Warehousing Corp., 60 LA 1260 (1973), 213
- Commonwealth Coatings Corp. v. Continental Cas. Co., 393 U.S. 145, 89 S.Ct. 337, 21 L.Ed.2d 301 (1968), 369, 370
- Communications Workers of America, AFL-CIO v. New York Tel. Co., 327 F.2d 94 (2nd Cir.1964), 134

## TABLE OF CASES

- COMSAT Corp. v. National Science Foundation, 190 F.3d 269 (4th Cir.1999), 373
- Cone Mills Corp.—White Oak Plant, 298 NLRB No. 70, 298 NLRB 661 (N.L.R.B.1990), 156
- Connecticut Light & Power Co. v. Local 420, International Brotherhood of Elec. Workers, AFL—CIO, 718 F.2d 14 (2nd Cir.1983), 273
- Consolidated Coal Co. v. Local 1643, United Mine Workers of America, 48 F.3d 125 (4th Cir.1995), 372
- Coordinating Committee Steel Companies v. United Steelworkers of America, 436 F.Supp. 208 (W.D.Pa.1977), 74
- Cornelius v. Nutt, 472 U.S. 648, 105 S.Ct. 2882, 86 L.Ed.2d 515 (1985), 200
- Crittenton Hospital, 85 LA 177 (George T. Roumell, 1985), 217
- Darr v. N.L.R.B., 801 F.2d 1404, 255 U.S.App.D.C. 365 (D.C.Cir. 1986), 156, 157
- Dean Witter Reynolds, Inc. v. Deislinger, 289 Ark. 248, 711 S.W.2d 771 (Ark.1986), 227
- Delta Air Lines, Inc. v. Air Line Pilots Ass'n, Intern., 861 F.2d 665 (11th Cir.1988), cert. denied Air Line Pilots Ass'n, Intern. v. Delta Air Lines, Inc., 493 U.S. 871, 110 S.Ct. 201, 107 L.Ed.2d 154 (1989), 192
- Delta Queen Steamboat Co. v. District 2 Marine Engineers Beneficial Ass'n, AFL—CIO, 889 F.2d 599 (5th Cir.1989), cert. denied District 2 Marine Engineers Beneficial Ass'n v. Delta Queen Steamboat Co., 498 U.S. 853, 111 S.Ct. 148, 112 L.Ed.2d 114 (1990), 176
- Devine v. Pastore, 732 F.2d 213, 235 U.S.App.D.C. 327 (D.C.Cir. 1984), 201
- Devine v. White, 711 F.2d 1082, 229 U.S.App.D.C. 154 (D.C.Cir. 1983), 201
- DiRussa v. Dean Witter Reynolds Inc., 121 F.3d 818 (2nd Cir. 1997), 381
- Doctor's Associates, Inc. v. Casarotto, 517 U.S. 681, 116 S.Ct. 1652, 134 L.Ed.2d 902 (1996), 364
- Dorchy v. Kansas, 264 U.S. 286, 44 S.Ct. 323, 68 L.Ed. 686 (1924), 61
- Douglas v. Veterans Admin., 5 M.S.P.B. 313, 5 M.S.P.R. 280 (M.S.P.B.1981), 200

## TABLE OF CASES

- Drake Bakeries, Inc. v. Local 50, American Bakery and Confectionery Workers Intern., AFL-CIO, 370 U.S. 254, 82 S.Ct. 1346, 8 L.Ed.2d 474 (1962), 160, 161
- Dreis & Krump Mfg. Co. v. International Ass'n of Machinists and Aerospace Workers, Dist. No. 8, 802 F.2d 247 (7th Cir.1986), 174, 258
- Dresser Industries, 96 LA 1063 (Samuel J. Nicholas, 1991), 288
- Duffield v. Robertson Stephens & Co., 144 F.3d 1182 (9th Cir. 1998), 340, 341
- Eastern Associated Coal Corp. v. Massey, 373 F.3d 530 (4th Cir.2004), 169, 170
- Eastern Associated Coal Corp. v. United Mine Workers of America, Dist. 17, 531 U.S. 57, 121 S.Ct. 462, 148 L.Ed.2d 354 (2000), 193, 383
- E.E.O.C. v. Luce, Forward, Hamilton & Scripps, 345 F.3d 742 (9th Cir.2003), 341
- E.E.O.C. v. Waffle House, Inc., 534 U.S. 279, 122 S.Ct. 754, 151 L.Ed.2d 755 (2002), 342, 352
- EG & G Mound Applied Technologies, 98 LA 923 (Langdon Bell, 1992), 306
- Enterprise Wire Co. 46 LA 359 (1966), 301
- Ethyl Corp. v. United Steelworkers of America, AFL-CIO-CLC, 768 F.2d 180 (7th Cir.1985), 176
- Evans Products Co., 70 LA 526 (David Feller, 1978), 150
- First Options of Chicago, Inc. v. Kaplan, 514 U.S. 938, 115 S.Ct. 1920, 131 L.Ed.2d 985 (1995), 356
- Floss v. Ryan's Family Steak Houses, Inc., 211 F.3d 306 (6th Cir.2000), 363
- Fon du Lac, City of, 69-2 ARB ¶ 8520 (Robert Moberly, 1969), 313
- Ford Motor Co., 19 LA 237 (1952), 237
- Ford Motor Co., Opinion A-132 (Harry Shulman, 1944), 307
- Gambardella v. Pentec, Inc., 218 F.Supp.2d 237 (D.Conn.2002), 352
- Gardner v. Broderick, 392 U.S. 273, 88 S.Ct. 1913, 20 L.Ed.2d 1082 (1968), 209
- Gateway Coal Co. v. United Mine Workers of America, 414 U.S. 368, 94 S.Ct. 629, 38 L.Ed.2d 583 (1974), 120, 329

## TABLE OF CASES

- General American Transp. Corp., 228 NLRB No. 102, 228 NLRB 808 (N.L.R.B.1977), 158
- George Day Const. Co., Inc. v. United Broth. of Carpenters, 722 F.2d 1471 (9th Cir.1984), 194
- Gibson v. Neighborhood Health Clinics, Inc., 121 F.3d 1126 (7th Cir.1997), 364
- Gilmer v. Interstate/Johnson Lane Corp., 500 U.S. 20, 111 S.Ct. 1647, 114 L.Ed.2d 26 (1991), 166, 167, 168, 332, 335, 336, 338, 339, 345, 347, 350, 351, 353, 355, 372, 378, 382
- Glass, Molders, Pottery, Plastics and Allied Workers Intern. Union, AFL-CIO, CLC, Local 182B v. Excelsior Foundry Co., 56 F.3d 844 (7th Cir.1995), 257
- Goodyear Tire and Rubber Co., 80-2 ARB ¶ 8468 (Gordon Knight, 1980), 316
- Green Tree Financial Corp. v. Bazzle, 539 U.S. 444, 123 S.Ct. 2402, 156 L.Ed.2d 414 (2003), 353
- Green Tree Financial Corp.-Alabama v. Randolph, 531 U.S. 79, 121 S.Ct. 513, 148 L.Ed.2d 373 (2000), 348, 349
- Grief Brothers Cooperage Corp., 42 LA 555 (1964), 301
- Gulf South Beverages, Inc., 87 LA 688 (1986), 288
- Hammontree v. N.L.R.B., 925 F.2d 1486, 288 U.S.App.D.C. 266 (D.C.Cir.1991), 159
- Hanford Atomic Metal Trades Council, AFL-CIO v. General Electric Co., 353 F.2d 302 (9th Cir.1965), 194
- Hartford Provision Co., 89 LA 590 (Howard Sacks, 1987), 324
- Harvey Aluminum (Inc.) v. United Steelworkers of America, AFL-CIO, 263 F.Supp. 488 (C.D.Cal.1967), 187
- Hay Group, Inc. v. E.B.S. Acquisition Corp., 360 F.3d 404 (3rd Cir.2004), 374
- Hercules, Inc., 91 LA 521 (Dennis R. Nolan, 1988), 246
- Hercules, Inc., AAA Case No. 31 300 00129 91 (Robert Williams, 1992), 275
- Hightower v. GMRI, Inc., 272 F.3d 239 (4th Cir.2001), 357
- Hill v. Norfolk and Western Ry. Co., 814 F.2d 1192 (7th Cir. 1987), 174, 175
- Hines v. Anchor Motor Freight, Inc., 424 U.S. 554, 96 S.Ct. 1048, 47 L.Ed.2d 231 (1976), 197, 198
- H.K. Porter Co. v. United Saw, File and Steel Products Workers of America, Federal Labor Union No. 22254, AFL-CIO, 333 F.2d 596 (3rd Cir.1964), 181