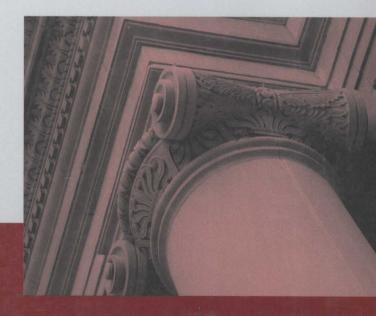
Understanding

LABOR LAW

THIRD EDITION



Douglas E. Ray
Calvin William Sharpe
Robert N. Strassfeld

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UNDERSTANDING LABOR LAW

THIRD EDITION

Douglas E. Ray

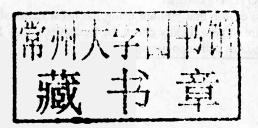
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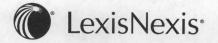
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PREFACE

This book examines the multifaceted and complex law of private-sector labor law. It is a broad and interesting field. Labor legislation has shaped our country's labor relations system and labor law remains an important and evolving part of national policy and the framework of rights that defines our society. We think you will enjoy and benefit from its study.

Because the book focuses on relations between management and labor in the private sector, it deals primarily with the National Labor Relations Act, as amended, and its interpretation and application by the federal courts and the National Labor Relations Board. We have sought to include discussion of major cases found in standard casebooks on the subject and, where appropriate, bring in additional cases and other sources to help the reader reach a fuller understanding. We have especially sought to discuss the practical implications of doctrines as well as the interrelationships between them.

The treatise is organized in a format that is consistent with the organization of most Labor Law courses. At the end of each chapter is a section titled "Chapter Highlights." This section is intended to summarize some of the major doctrines discussed in the chapter and should be helpful for review and clarification purposes. Topics chosen for this treatment include matters which our combined teaching experience tells us are frequently misunderstood.

We wish to thank a number of people for the help they provided on this book.

Douglas E. Ray thanks many. This book would not exist without the legal intelligence, sterling assistance, and dedication of several. Their inspiration made this book possible. For the third edition, I thank Shirley Baker of the University of Toledo College of Law for her expert editing and production assistance and Tom Crishon and Colleen Neary for the research assistance they provided while Toledo Law students. For help with the second edition, I thank Paula Garrison, Constance Sweeney and Linda Triolo of the Widener University School of Law Dean's Office for their production assistance and Widener law graduates Emily Abbott Vanderweide, Daniel Brown, Melissa Donimirski and Alicia Kratzer for the research assistance they provided. For assistance on the first edition, I am grateful to Lin Whalen, formerly of the University of Toledo College of Law, for her help and to University of Toledo law graduates Debra Baker, Josh Bills, and Judy Fornalik Phillips for their research efforts. Finally, I express my thanks to my coauthors for their friendship and all I have learned from them and to my former labor law students whose interest and questions have expanded my understanding.

Professor Sharpe is grateful for the dedicated clerical assistance of Rebecca Wright, who coordinated the development of his chapters and consolidated the entire project. Dawn Richards provided valuable clerical assistance on the second edition and Jennifer Hines on the third edition. Professor Sharpe also benefitted from the excellent research assistance of Geoffrey Ashley and Phil Strzalka. Kevin Shebesta continued this quality of research assistance on the second edition, and Matt Kissling on the third edition. Professor Sharpe received generous financial support while he worked on this project. Case Western Reserve University Law School provided a grant for the completion of this project and the Chicago-Kent College of Law provided facilities and a stimulating intellectual environment during Professor Sharpe's sabbatical, when he commenced

PREFACE

writing the first edition. Grants from Case enabled completion of the second and third editions. For Professor Sharpe, any clarity in the presentation of this material reflects an ongoing effort to meet the intellectual demands of enthusiastic students during his years of teaching the subject at Case Western Reserve, the University of Virginia, Wake Forest, George Washington, Arizona State, DePaul, the University of Minnesota, and Seton Hall law schools.

Professor Strassfeld wishes to thank Alice Hunt for her usual exceptional secretarial support and Carrie Nixon and Brian Wassom for their able research assistance for the first edition. For her excellent research assistance for the second edition, he thanks Catherine Beck. Christopher Diehl provided similarly superb and thorough research for the third edition, for which I offer my thanks. He also thanks Professor Douglas Leslie for nurturing his interest in labor law while in law school and after; Professor Calvin Sharpe, for his support and collegiality over the past nearly two decades; and Dean Douglas E. Ray for his friendship, equanimity, and wisdom. Professor Strassfeld is grateful, as well, to his past and current labor law students who have made labor law a gratifying subject to teach and who have in countless ways added to and influenced the story he has to tell. He thanks Case Western Reserve University School of Law, which has, in addition to providing an opportunity to teach labor law and advanced labor law, also provided summer research support for this project. Finally, at the risk of sounding trite, he thanks his wife Anne Strassfeld, and sons Jonathan and Daniel for their support and forbearance in the face of shirked household jobs and unplayed games of running bases.

We all wish to thank the members of the editorial staff at LexisNexis for their efforts in the production of this book. Special thanks are due Cristina Gegenschatz (Practice Area Editor) for her help in making the second edition a reality, to Christopher Van Cleve (Editor) and all others at LexisNexis whose efforts contributed to the publication of this book.

We would appreciate your suggestions and reactions. Chapters 6, 8, 9, 10, 11 and 12 were the primary responsibility of Douglas Ray; Chapters 2, 3, 5, 7, 13, 16 and 18 were the primary responsibility of Calvin Sharpe; and Robert Strassfeld was primarily responsible for Chapters 1, 4, 14, 15 and 17.

Douglas E. Ray
Calvin William Sharpe
Robert N. Strassfeld

Dedication

DER: To my family and to the memory of my mother, Hazel Ray.

CWS: To my wife, Jan, my son, Kabral, my daughters, Melanie and Stevie, daughter-in-law Nikki, and grandson Isaiah with love.

RNS: To the memory of my mother, Ruth Strassfeld, and to my father, Meyer Strassfeld, who with their words and deeds taught me the importance of social justice; and in memory of my granduncle Tony, who, because he believed in One Big Union, would have greeted this project with kindhearted skepticism.

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[3]	Comity
[4]	Act of State Doctrine
[5] § 18.03	Foreign Sovereign Immunities Act
(A)	ECONOMIC PRESSURE
[A]	하는 이렇게 다리 하는 것은 것은 사람이 되었다면 하게 하는 것이 되었다. 그 사람이 되었다면 하는 것이 없다면 하는데
[2]	Aggressive Unilateralism
§ 18.04	MORAL SUASION
[A]	The ILO
[B]	Specific Groups
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