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UNDERSTANDING
LABOR LAW

S E C O N D E D I T I O N

■

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UNDERSTANDING LABOR LAW

SECOND EDITION

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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.

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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. 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. Like Dean Ray, 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 writing. A grant from Case enabled completion of the second edition. 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. 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: With love to my wife, Caroline, my daughter, Katie, my son, Mike, and to my mother, Hazel Ray.

CWS: To my wife, Jan, my son, Kabral, and my daughters, Melanie and Stevie and now Nikki with love.

RNS: To my mother and father, Ruth and 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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