

# Understanding Labor Law

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FIFTH EDITION

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THE FINANCIAL INTEGRITY INSTITUTE



CAROLINA ACADEMIC PRESS

Durham, North Carolina

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ISBN 978-1-5310-1301-1  
eBook ISBN 978-1-5310-1302-8

Library of Congress Cataloging-in-Publication Data

Names: Ray, Douglas E., 1947- author. | Sharpe, Calvin William, 1945- author.  
| Strassfeld, Robert N., author.  
Title: Understanding labor law / by Douglas E. Ray, Calvin William Sharpe,  
Robert N. Strassfeld.  
Description: Fifth edition. | Durham, North Carolina : Carolina Academic  
Press, LLC, [2019] | Series: Understanding series | Includes  
bibliographical references and index.  
Identifiers: LCCN 2018058905 | ISBN 9781531013011 (alk. paper)  
Subjects: LCSH: Labor laws and legislation--United States.  
Classification: LCC KF3369 .R388 2019 | DDC 344.7301--dc23  
LC record available at <https://lcn.loc.gov/2018058905>

Carolina Academic Press, LLC  
700 Kent Street  
Durham, North Carolina 27701  
Telephone (919) 489-7486  
Fax (919) 493-5668  
[www.cap-press.com](http://www.cap-press.com)

Printed in the United States of America

*DER: To my wife, Caroline, to my children, Katie and Mike, and their families,  
and to the memory of my mother, Hazel Ray*

*CWS: To my wife, Jan, my children, Kabral, his wife Nikki, and their two  
children—my beloved grands—Zoe and Isaiah; Adrienne, Stevie and her betrothed  
Hakim, my niece Moneer, the Sharpe-Jones family and friends, and last but certainly  
not least Dee—Caregiver Extraordinaire.*

*RNS: To the memory of my mother and my father, Ruth and Meyer Strassfeld, who  
with their words and deeds taught me the importance of social justice; and in memory of  
my grand uncle Tony, who, because he was an anarchist who believed in One Big Union,  
would have greeted this project with kind-hearted skepticism.*





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# Preface

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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 Ray thanks the many people who made this book possible. I especially thank the research assistants and executive assistants who worked with me during my deanships at Widener, Toledo, and St. Thomas. I am particularly grateful to executive assistants Lin Whalen (first edition,) Paula Garrison, Connie Sweeney, and Linda Triola (second edition,) and Shirley Baker (third edition) and to St. Thomas Law research assistants Maxine Meltzer, Alain Roman, and Jesse Peterson for their help on the fourth edition. I also thank President Emeritus Robert J. Bruce of Widener University for his example of principled leadership. I especially am grateful to my former colleagues at Dorsey & Whitney and my colleagues at the Center for American and International Law in Plano, Texas, for the labor law insights they have shared and to my former labor law students whose questions and interest have expanded my understanding. Finally, I thank my co-authors for their friendship and commitment to legal education.

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. Emily Vassil provided research on the fourth 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 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. A special note of gratitude is due my co-authors, who volunteered their help with my fourth edition revisions in light of my health challenges during this period.

Robert Strassfeld wishes to thank 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 thirty years; and Dean Douglas E. Ray for his friendship, equanimity, and wisdom. He 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 provided him the opportunity to teach labor law and advanced labor law. For her excellent research assistance for the fifth edition, he thanks Jennifer Wei. He also thanks Natasha Strassfeld for her support and encouragement in revising that edition.

We wish to express our appreciation to all those at Carolina Academic Press whose efforts led to the publication of this edition. Special thanks are due Managing Editor Ryland Bowman, Printing and Contract Coordinator Tasha Gervais for helping us with the transition to a new publisher, and Book Designer Kathleen Soriano Taylor for putting together the final version of this Fifth Edition.

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 (with post-2014 additions by Professor Strassfeld and Dean Ray); and Robert Strassfeld was primarily responsible for Chapters 1, 4, 14, 15, and 17.

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