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## **Taking the Mystery out of Collective Bargaining : Resources for Staying Informed**

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To the casual observer, the collective bargaining process can seem cloaked in mystery. Images of smoke-filled, cement-bunker-like airport conference rooms with labor and management teams glaring at each other come to mind. In the interest of shedding some light on the subject, following is some background about collective bargaining along with some resources for further research.

According to Black's, 8<sup>th</sup> ed., collective bargaining is "Negotiations between an employer and the representatives of organized employees to determine the conditions of employment ...". For more information, see Labor Relations, West's key number 171 and C.J.S. Labor Relations, sec. 148. For even more detailed background, there is nothing like a hornbook. A good one is *Basic text on labor law, unionization and collective bargaining* by Gorman and Finkin. Chapters 19-22 in particular deal with the duty to bargain in good faith and what issues can be negotiated in collective bargaining.

To understand the background information, you will need to know that the NLRB is the National Labor Relations Board which is the federal agency in charge of administering the NLRA. The NLRA is the National Labor Relations Act which was passed originally in 1935 to protect employees and employers, to encourage collective bargaining and to define and discourage "unfair labor practices." The specific sections of the NLRA that pertain to collective bargaining are 8 and 9. As is the case with many subject areas in the law, the section numbers commonly referred to are from the Act (NLRA) not the corresponding sections in the United States Code. To read the Act in its entirety (and to see where each section can be found in the U.S. Code) see

[http://www.nlr.gov/about\\_us/overview/national\\_labor\\_relations\\_act.aspx](http://www.nlr.gov/about_us/overview/national_labor_relations_act.aspx)

Also, the NLRB's website (<http://nlrb.gov/>) has some very useful information geared toward the gamut of potential users, from the employee not at all familiar with the intricacies of labor law to the seasoned practitioner.

Unionized employees interested in finding some information about their rights in the workplace should take advantage of The Institute for Research on Labor and Employment which is affiliated with U.C. Berkeley. The IRLE library has an excellent website (<http://www.irle.berkeley.edu/library/index.php>) with a Labor Research Portal linking to many guides on a variety of subjects. The library also hosts blogs on "Labor Events and Resources" and "Labor & Economic News."

For specific information about the collective bargaining agreement that governs them, employees should consult their Union's website. Many Unions have the current agreement linked from their home page. If the agreement is not linked from the Union's website, the IRLE library has a Labor Contracts Database

(<http://www.irlle.berkeley.edu/library/index.php?page=3> ) where employees can search for contacts by State, Union or Represented Occupation.) Employees should also know who their bargaining representative is. Again, the representative's contact information should be on the Union's website. Collective bargaining is a democratic process that benefits from full participation by all members. Employees should respond to any surveys conducted by the Union, attend meetings and be informed and involved.

Practitioners and firm librarians could benefit from the following listed sources:

*Collective bargaining negotiations and contracts*

This BNA loose-leaf publication provides collective bargaining information from both the labor and the management perspectives: techniques and trends in Volume 1 and basic pattern language to use when drafting an agreement in Volume 2. Also included is the Collective bargaining bulletin, a bi-weekly current awareness newsletter.

See BNA's website at <http://bna.com/products/labor/cbnc.htm> for more detailed information.

*The Labor Lawyer*

This journal is put out by the ABA's Section of Labor and Employment Law and is "geared to the practical needs of those who work in this area and who seek to share their insights and viewpoints."

See the ABA's website at

<http://www.abanet.org/abastore/index.cfm?section=magazines&fm=Product.AddToCart&pid=5250100> for more detailed information.

*California Labor and Employment Law Review*

This journal is put out by the California Bar Association's Labor and Employment Law section.

See the California Bar Association's website at

[http://www.calbar.ca.gov/state/calbar/calbar\\_generic.jsp?cid=10709&id=7184](http://www.calbar.ca.gov/state/calbar/calbar_generic.jsp?cid=10709&id=7184) for more information. While you're at it, take a look at the [Labor Law Links](#) at the bottom of the page for a compilation of links to the State and Federal agencies in charge of all the different aspects of labor and employment.

FindLaw has a section in its document library related to collective bargaining at <http://library.findlaw.com/employment-law/collective-bargaining/index.html>. From there you can link to more specific sections on [Bargaining Representatives](#), [Bargaining Units](#), [Collective Bargaining Agreements](#) and [Duty to Bargain](#). You will find short articles submitted by experienced labor law practitioners.

Another source for current awareness is law firm websites. Many firms post news related to their major practice areas on their home pages. For some examples, see:

ReedSmith <http://www.reedsmith.com/publications.cfm>

Little

<http://www.littler.com/practiceareas/index.cfm?event=detail&childViewID=270&section=Practice%20Areas&practice%20area=Labor%20Management%20Relations>

Weinberg Roger & Rosenfeld <http://www.unioncounsel.net/news.html>

Beeson Tayer & Bodine

<http://www.beesontayer.com/News/Newsletter/tabid/154/Default.aspx>

The Impact Fund <http://www.impactfund.org/pages/press.htm>

Finally, blogs are emerging as major sources of current awareness. Of course, readers will need to keep in mind the source when reading a blog. Look out for a slant toward either labor or management-side views and judge accordingly. Following are some examples of labor-related blogs:

The U.S. Department of Labor's Wirtz Labor Law Library hosts a number of blogs. See <http://www.dol.gov/oasam/library/law/lawtips/laboremploymentblogs.htm> for a complete list.

Sheppard Mullins hosts a blog at <http://www.laboremploymentlawblog.com/> Try the navigation links at the right to find postings on many specific subtopics within the employment law area.

Hopefully this very brief introduction to collective bargaining and the sampling of some research resources available today will take a bit of the mystery out of the bargaining process.