Labor Relations

CREDIT HOURS 3
LEVEL UPPER

PUBLISHED FEBRUARY 2019
The most current content guides are available at:
www.excelsior.edu/contentguides
# CONTENTS

Preparing for the Exam .................................................................1
Before You Choose This UExcel Exam .............................................1
Uses for the Examination .............................................................1
Examination Length and Scoring ....................................................1
UExcel Exam Resources .................................................................1
   Excelsior College Bookstore .....................................................1
   UExcel Practice Exams ............................................................1
   Excelsior College Library ..........................................................2
   Online Tutoring .........................................................................2
Preparing for UExcel Exams ..........................................................2
   Take Charge of Your Own Learning ..........................................2
   How Long Will It Take Me to Study? .........................................2
   Study Tips ................................................................................2
   Using UExcel Practice Exams ....................................................2
   About Test Preparation Services ..............................................3
Preparing for This Exam ...............................................................3
   Prior Knowledge ........................................................................3
   Using the Content Outline .......................................................3
   Using the Sample Questions and Rationales .............................3
Recommended Resources for the UExcel Exam in Labor Relations 3
   Textbooks .................................................................................4
   Supplemental Resources ...........................................................4
   Reducing Textbook Costs ..........................................................4
   Practice Exam ...........................................................................4
   A Word About Open Educational Resources ............................4
   Choosing Open Educational Resources ....................................5
   Other Online Resources ...........................................................5
Content Outline ............................................................................6
   General Description of the Examination ....................................6
   Learning Outcomes ...................................................................6
   Content Outline .......................................................................7
Sample Questions ..........................................................................15
Rationales ....................................................................................18
Taking the Exam ...........................................................................23
Registering for Your Exam ............................................................23
   Register Online .........................................................................23
   Examination Administration ......................................................23
   Computer-Delivered Testing .....................................................23
On the Day of Your Exam ..............................................................23
   Important Reminders ..............................................................23
   Academic Honesty Nondisclosure Statement ............................23
   Information About UExcel Exams for Colleges and Universities 23
Labor Relations Exam Development Committee ..........................24
Before You Choose This UExcel Exam

Uses for the Examination

• Excelsior College, the test developer, recommends granting three (3) semester hours of upper-level undergraduate credit to students who receive a letter grade of C or higher on this examination.

• Other colleges and universities also recognize this exam as a basis for granting credit or advanced standing.

• Individual institutions set their own policies for the amount of credit awarded and the minimum acceptable grade.

• The Labor Relations examination fulfills the requirement in labor relations for Excelsior College students enrolled in the Bachelor of Science degree in Management of Human Resources. The examination may also be used as a business elective by Excelsior College students enrolled in the Bachelor of Science degree in general business or the Associate of Science degree in business, or as a free elective for all other Excelsior College degree programs that allow for free electives.

Exam-takers who have applied to Excelsior College should ask their academic advisor where this exam fits within their degree program.

Exam-takers not enrolled in an Excelsior College degree program should check with the institution from which they wish to receive credit to determine whether credit will be granted and/or to find out the minimum grade required for credit. Those who intend to enroll at Excelsior College should ask an admissions counselor where this exam fits within their intended degree program.

Examination Length and Scoring

The examination consists of approximately 120 questions, most of which are multiple choice; for samples of all the item types on this exam, see the sample items in the back of this guide. Some items are unscored, pretest items. The pretest items are embedded throughout the exam and are indistinguishable from the scored items. You will have two (2) hours to complete the examination. Your score will be reported as a letter grade.

UExcel Exam Resources

Excelsior College Bookstore

The Excelsior College Bookstore offers recommended textbooks and other resources to help you prepare for UExcel exams.

The bookstore is available online at (login required): www.excelsior.edu/bookstore

UExcel Practice Exams

The official UExcel practice exams are highly recommended as part of your study plan. Once you register for your UExcel exam, you are eligible to purchase the corresponding practice exam, which can be taken using any computer with a supported Web browser. Each practice exam includes two forms that you may take within a 180-day period.
Excelsior College Library

Enrolled Excelsior College students can access millions of authoritative resources online through the Excelsior College Library. Created through our partnership with the Sheridan Libraries of The Johns Hopkins University, the library provides access to journal articles, books, websites, databases, reference services, and many other resources. Special library pages relate to the nursing degree exams and other selected exams. To access it, visit www.excelsior.edu/library (login is required).

Our library provides:

- 24/7 availability
- The world’s most current authoritative resources
- Help and support from staff librarians

Online Tutoring

Excelsior College offers online tutoring through SMARTTHINKING™ to connect with tutors who have been trained in a variety of academic subjects. To access SMARTTHINKING, go to www.excelsior.edu/smartthinking. Once there, you may download a copy of the SMARTTHINKING Student Handbook as a PDF.

Preparing for UExcel Exams

Take Charge of Your Own Learning

At Excelsior College, independent, self-directed study supported by resources we help you find is not a new concept. We have always stressed to exam takers that they are acting as their own teacher, and that they should spend as much time studying for an exam as they would spend in a classroom and on homework for a corresponding college course in the same subject area.

Begin by studying the content outline contained in this content guide, at its most detailed level. You will see exactly which topics are covered, and where chapters on those topics can be found in the Recommended Resources. You will see exactly where you might need to augment your knowledge or change your approach.

The content outline, along with the Learning Outcomes for this exam and recommended textbooks, will serve as your primary resources.

How Long Will It Take Me to Study?

A UExcel exam enables you to show that you’ve learned material comparable to one or more 15-week college-level courses. As an independent learner, you should study and review as much as you would for a college course. For a 3-credit course in a subject they don’t know, most students would be expected to study nine hours per week for 15 weeks, for a total of 135 hours.

Study Tips

Become an active user of the resource materials. Aim for understanding rather than memorization. The more active you are when you study, the more likely you will be to retain, understand, and apply the information.

The following techniques are generally considered to be active learning:

- preview or survey each chapter
- highlight or underline text you believe is important
- write questions or comments in the margins
- practice re-stating content in your own words
- relate what you are reading to the chapter title, section headings, and other organizing elements of the textbook
- find ways to engage your eyes, your ears, and your muscles, as well as your brain, in your studies
- study with a partner or a small group (if you are an enrolled student, search for partners on MyExcelsior Community)
- prepare your review notes as flashcards or create recordings that you can use while commuting or exercising

When you feel confident that you understand a content area, review what you have learned. Take a second look at the material to evaluate your understanding. If you have a study partner, the two of you can review by explaining the content to each other or writing test questions for each other to answer. Review questions from textbook chapters may be helpful for partner or individual study, as well.

Using UExcel Practice Exams

We recommend taking the first form of the practice exam when you begin studying, to see how much you already know. After taking the first practice exam,
check your performance on each question and find out why your answer was right or wrong. This feedback will help you improve your knowledge of the subject and identify areas of weakness that you should address before taking the exam. Take the second form of the practice exam after you have finished studying. Analyze your results to identify the areas that you still need to review.

Although there is no guarantee, our research suggests that students who do well on the practice exams are more likely to pass the actual exam than those who do not do well (or do not take advantage of this opportunity).

About Test Preparation Services
Preparation for UExcel® exams and Excelsior College® Examinations, though based on independent study, is supported by Excelsior College with a comprehensive set of exam learning resources and services designed to help you succeed. These learning resources are prepared by Excelsior College so you can be assured that they are current and cover the content you are expected to master for the exams. These resources, and your desire to learn, are usually all that you will need to succeed.

There are test-preparation companies that will offer to help you study for our examinations. Some may imply a relationship with Excelsior College and/or make claims that their products and services are all that you need to prepare for our examinations.

Excelsior College is not affiliated with any test preparation firm and does not endorse the products or services of these companies. No test preparation vendor is authorized to provide admissions counseling or academic advising services, or to collect any payments, on behalf of Excelsior College. Excelsior College does not send authorized representatives to a student’s home nor does it review the materials provided by test preparation companies for content or compatibility with Excelsior College examinations.

To help you become a well-informed consumer, we suggest that before you make any purchase decision regarding study materials provided by organizations other than Excelsior College, you consider the points outlined on our website at www.excelsior.edu/testprep.

Preparing for This Exam

Prior Knowledge
No prior knowledge of labor relations is required before you study for this exam.

Using the Content Outline
Each content area in the outline includes (1) the recommended minimum hours of study to devote to that content area and (2) the most important sections of the recommended resources for that area. These annotations are not intended to be comprehensive. You may need to refer to other chapters in the recommended textbooks. Chapter numbers and titles may differ in other editions.

This content outline contains examples of the types of information you should study. Although these examples are numerous, do not assume that everything on the exam will come from these examples. Conversely, do not expect that every detail you study will appear on the exam. Any exam is only a broad sample of all the questions that could be asked about the subject matter.

Using the Sample Questions and Rationales
Each content guide provides sample questions to illustrate those typically found on the exam. These questions are intended to give you an idea of the level of knowledge expected and the way questions are typically phrased. The sample questions do not sample the entire content of the exam and are not intended to serve as an entire practice test.

Recommended Resources for the UExcel Exam in Labor Relations

The resources and materials listed below were used by the examination development committee to verify all the questions on the exam. Excelsior College recommends you use these resources as the most appropriate information when ordering textbooks
from the college’s bookstore (see page 1 of this content guide). You should allow ample time to obtain resources and to study sufficiently before taking the exam, so plan appropriately and systematically.

A word about textbook editions: Textbook editions listed in the UExcel content guides may not be the same as those listed in the bookstore. Textbook editions may not exactly match up in terms of table of contents and organization, depending upon the edition. However, our team of exam developers checks exam content against every new textbook edition to verify that all subject areas tested in the exam are still adequately available in the study materials. If needed, exam developers will list supplemental resources to ensure that all topics in the exam are still sufficiently covered. Public libraries may have the textbooks you need, or may be able to obtain them for you through interlibrary loan to reduce textbook costs. You may also consider financial aid, if you qualify, to further help defray the steep cost of textbooks. A section on OER has been included in this guide to help you locate additional resources to augment your study.

You should allow sufficient time to obtain resources and to study before taking the exam.

**Textbooks**

The Holley textbook listed below provides very good coverage of the topics on the content outline. **It is essential that you study from the recommended textbook rather than just rely on practical experience in labor relations.** Bear in mind that your study of the textbook should include the exhibits and “Labor Relations in Action” features, both of which are interspersed throughout the text.

This textbook was used by the examination development committee to verify all questions on the exam.


As you use the recommended textbook to study for this examination, you may find that you need additional information or clarification in specific content areas. The examination development committee recommends that you use the other textbook listed to supplement your understanding or provide clarification of topics on the content outline. You may be able to locate the other textbook through a library.

**Supplemental Resources**

This textbook was identified by the examination development committee as a resource to help you gain a deeper understanding of the subject.


**These study materials may be purchased from the Excelsior College Bookstore.**

**Reducing Textbook Costs**

Many students know it is less expensive to buy a used textbook, and buying a previous edition is also an option. The Excelsior College bookstore includes a buyback feature and a used book marketplace, as well as the ability to rent digital versions of textbooks for as long as students need them. Students are encouraged to explore these and the many other opportunities available online to help defray textbook costs.

**Practice Exam**

Practice exam available.

**A Word About Open Educational Resources**

Open educational resources (OER) are educational materials available for study at no cost on the Web. Some OER are available for anyone to access any time. Others, such as Massive Open Online Courses (MOOCs), require sign-up and are only available during certain windows. Please note that some MOOC providers offer certificates of completion or other products or services for a fee. No MOOC or other OER is a complete substitute for the content guide and officially Recommended Resources listed here in this content guide. However, by definition, MOOCs are essentially free of charge and include access to a main body of learning materials that may help you in your learning.

Being an independent learner preparing for credit by exam, you may not need any of the fee-based options that are offered elsewhere online. But if you are looking for a coherent academic course for self-study, lectures on specific topics, or audio or visual materials that fit your learning style better than print materials alone, a MOOC or other type of OER may be your answer. Keep in mind that none of these OER were designed by Excelsior, nor are they guaranteed to match the exam content outlines completely. They are simply another tool available in your study kit.
We highly encourage using the Recommended Resources. In the content outline, you will see that the topics in the exam are referenced to specific portions of recommended textbooks. Using OER alone will not ensure you’ve completely covered the content in the exam, or it may not cover some topics in sufficient-enough depth without the use of the formal, recommended textbooks.

If the OER course you choose does not include a textbook for reference and you do not have significant practical theory-based experience in the field of study, use a college textbook to ensure adequate preparation for the exam, and use the exam’s content outline as a guide.

Combined with comparable college textbooks, OER provides you with a variety of choices in knowledge sources and learning experiences, to enhance your understanding of the subject matter.

**Choosing Open Educational Resources**

Most sites for university-based OER can be searched through **www.ocwconsortium.org** and/or **www.oercommons.org**.

Sites that specialize in Web courses designed by college professors under contract with the website sponsor, rather than in Web versions of existing college courses, include:

- **www.education-portal.com**
- **www.opencourselibrary.org** (abbreviated as OCL)

We have included specific courses that cover material for one or more UExcel® exams from the sites in the listings above. It’s worth checking these sites frequently to see if new courses have been added that may be more appropriate or may cover an exam topic not currently listed.

In addition, sites like Khan Academy (www. khanacademy.com) and iTunes U feature relatively brief lessons on very specific topics rather than full courses. Full courses are also available on iTunes U (http://www.apple.com/education/ipad/itunes-u/). We have chosen a few courses and collections for this listing.

**Other Online Resources**

This section of the OER Guide is provided to allow learners to independently search for resources. Send an e-mail to OER@excelsior.edu if you have questions about a resource’s credibility.

**Open Online Textbooks**

Boundless open textbooks
https://www.boundless.com/open-textbooks/

BookBoon
http://bookboon.com/en/textbooks-ebooks

Flatworld Knowledge
http://catalog.flatworldknowledge.com/#our-catalog

**College Readiness**

Khan Academy
http://www.khanacademy.org/

Hippocampus
http://www.hippocampus.org/

Open Course Library
http://opencourselibrary.org/collg-110-college-success-course/

**Study Aids**

Education Portal
http://education-portal.com/

Khan Academy
http://www.khanacademy.org/

Annenberg Learner
http://www.learner.org/

OpenCourseWare
http://ocwconsortium.org/en/courses/search

OER Commons
http://www.oercommons.org/

Open Course Library
http://www.opencourselibrary.org/
SECTION TWO

Content Outline

General Description of the Examination
The UExcel Labor Relations examination is based on material typically taught in a one-semester, three-credit, upper-level course on labor relations or collective bargaining usually taken in the junior or senior year of a business program, industrial relations program, or economics program.

The examination measures knowledge of facts and terminology and understanding of basic concepts of American labor history, American labor law, collective bargaining, contract administration, labor arbitration, and labor relations abroad, and the ability to apply this knowledge and understanding.

Those beginning to study for this exam should have a basic knowledge of management concepts.

Learning Outcomes
After you have successfully worked your way through the recommended study materials, you should be able to demonstrate the following learning outcomes:

1. Describe the industrial labor relations system in the United States, and define union structure and organization, union-management cooperation, and union avoidance.
2. Chart the history of American labor and of specific organizations like the American Federation of Labor (AFL) and the Congress of Industrial Organizations (CIO).
3. Discuss the origin of American labor law in the private sector, and describe the impact of specific court cases related to the establishment and regulation of unions in the United States.
4. Describe how and why unions are formed (certification), outline methods for organizing unions, explain National Labor Relations Board policies, and describe the decertification process.
5. Describe the collective bargaining process.
6. Describe contract administration and the importance of technological change, work specifics, and grievances in the process of administering labor contracts.
7. Discuss court cases involving a union’s duty to fairly represent its constituents, and describe issues related to employee discipline.
8. Describe the history and development of labor arbitration.
9. Describe the similarities and differences between public and private sector bargaining, and describe key laws affecting labor relations in the public sector.
10. Discuss issues related to multinational labor relations, assess the impact of the North American Free Trade Association (NAFTA) and the North American Agreement on Labor Cooperation (NAALC) on industrial labor relations, and describe labor unions in a variety of other western and non-western countries.
Content Outline

The content outline describes the various areas of the test, similar to the way a syllabus outlines a course. To fully prepare requires self-direction and discipline. Study involves careful reading, reflection, and systematic review.

The major content areas on the Labor Relations examination, the percent of the examination, and the hours to devote to each content area are listed below.

<table>
<thead>
<tr>
<th>Content Area</th>
<th>Percent of the Examination</th>
<th>Hours of Study</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. Overview of Labor Relations in the United States</td>
<td>20%</td>
<td>27</td>
</tr>
<tr>
<td>II. American Labor History</td>
<td>10%</td>
<td>14</td>
</tr>
<tr>
<td>III. American Labor Law in the Private Sector</td>
<td>10%</td>
<td>14</td>
</tr>
<tr>
<td>IV. The Organizing Process</td>
<td>10%</td>
<td>14</td>
</tr>
<tr>
<td>V. Collective Bargaining</td>
<td>20%</td>
<td>27</td>
</tr>
<tr>
<td>VI. Contract Administration</td>
<td>10%</td>
<td>14</td>
</tr>
<tr>
<td>VII. Labor Arbitration</td>
<td>10%</td>
<td>14</td>
</tr>
<tr>
<td>VIII. The Public Sector</td>
<td>5%</td>
<td>7</td>
</tr>
<tr>
<td>IX. Labor Relations Abroad</td>
<td>5%</td>
<td>7</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100%</strong></td>
<td></td>
</tr>
</tbody>
</table>

NOTE: Occasionally, examples will be listed for a content topic to help clarify that topic. However, the content of the examination is not limited to the specific examples given.

I. Labor Relations in the United States

**20 PERCENT OF EXAM | 27 HOURS OF STUDY**

Holley et al. (2012)

Ch. 1, Union-Management Relationships in Perspective
Ch. 4, Unions and Management: Key Participants in the Labor Relations Process

A. The industrial relations system

1. Elements in the labor relations process
   a. Work rules
   b. Management officials
   c. Employees
   d. The government
   e. Third-party neutrals

2. Factors affecting work rules
   a. Economic factors
   b. Technological factors
   c. International factors
   d. Public opinion

3. Current status of labor unions
   a. Decline of union membership
   b. Changes in the labor force
   c. Organizational practices
B. Union structure and organization

1. Local unions
   a. Craft vs. industrial unions
   b. Leadership roles

2. National/international unions
   a. Conventions
   b. Leadership
   c. Administration
   d. Staff
   e. Dues and fees
   f. Mergers of national unions
   g. Political activity

3. Intermediate organizational units
   a. District offices
   b. Trade conferences
   c. Conference boards
   d. Joint councils
   e. Independent unions
   f. Employee associations

4. American Federation of Labor and Congress of Industrial Organizations (AFL-CIO)
   a. Organizational structure

5. Union security provisions
   a. Closed shop
   b. Union shop
   c. Agency shop
   d. Contingency union shop
   e. Union hiring hall
   f. Preferential treatment clause
   g. Dues checkoff

6. Right-to-work laws

C. Union-management cooperation

1. Company strategic planning
   a. Nonunion companies
   b. Union companies

2. Union strategic planning

D. Union avoidance

1. Reasons for union avoidance

2. Factors associated with union avoidance

3. Non-union approaches to employee relations
   a. Wages
   b. Nonwage policies
   c. Employment security
   d. Employee voice systems
   e. Other approaches
   f. Union prevention programs

II. American Labor History

10 PERCENT OF EXAM  |  14 HOURS OF STUDY

Holley

Ch. 2, Evolution of Labor-Management Relationships

A. Early union activity

1. Union philosophies
   a. Corporatist
   b. Uplift unionism
   c. Revolutionary unionism
   d. Business unionism
   e. Predatory unionism

B. Emergence of national unions

1. Knights of Labor
   a. Terence V. Powderly
   b. Reasons for demise

2. Haymarket Riot

3. American Federation of Labor (AFL)
   a. Samuel Gompers
   b. Strategy and tactics
   c. Organization

4. Homestead incident

5. Pullman strike

6. Radical unionism/Industrial Workers of the World (IWW)
   a. William “Big Bill” Haywood
b. Strategy and tactics
c. Reasons for demise

C. World War I to World War II
   1. Issues facing unions
   2. Counter-actions taken by employers

D. Emergence of industrial unions
   1. Committee for Industrial Organization
   2. Congress of Industrial Organizations (CIO)
      a. Leadership
      b. Strategy and tactics
      c. Reasons for success

E. Post-World War II
   1. Collective bargaining issues
   2. Merger of AFL and CIO
   3. Stability and continuity
   4. Issues facing modern day organized labor

III. American Labor Law in the Private Sector

Holley
   Ch. 3, Legal Influences

A. Origins of labor relations law

B. Private sector labor law
   1. Criminal conspiracy doctrine
      a. Commonwealth v. Hunt (1842)
   2. Civil conspiracy doctrine
      a. Vegelahn v. Gunter (1896)
   3. Labor injunction
      a. Yellow-dog contract
   4. Sherman Antitrust Act (1890)
   5. Danberry Hatters Case (1908)
   6. Clayton Act (1914)
   7. Railway Labor Act (1926)
   8. Norris-LaGuardia Act (1932)

   a. Employee groups covered
   b. Injunction and the right to strike

    a. National Labor Relations Board (NLRB)
       1) Office of the General Counsel
    b. NLRB jurisdiction
    c. Concerted activity
    d. Interboro doctrine
    e. Unfair labor practice procedure
    f. Resulting union power

    a. Employer and employee coverage
    b. Union shop clause
    c. Agency shop clause
    d. Right-to-work law

12. Landrum-Griffin Act (Labor-Management Reporting and Disclosure Act [LMRDA]) (1959)

13. Discrimination laws
    a. Title VII of the Civil Rights Act (1964)
    b. Americans with Disabilities Act (ADA) (1990)
    c. Other discrimination laws (for example, Age Discrimination in Employment Act; Civil Rights Act of 1991)

14. Deregulation legislation

15. Laws narrower in scope
    a. Occupational Safety and Health Act (OSHA) (1970)
    c. Worker Adjustment and Retraining Notification Act (WARN) (1988)
    d. Other laws (for example: Bankruptcy Act of 1984)
IV. The Organizing Process

10 PERCENT OF EXAM | 14 HOURS OF STUDY

Holley
Ch. 5, Why and How Unions Are Organized

A. Why unions are formed
1. Alienation theory
2. Scarcity consciousness theory
3. Wheeler model
4. Beliefs about unions
   a. General beliefs
   b. Specific beliefs
5. Social pressure
6. Job satisfaction
7. Union instrumentality

B. How organizing begins
1. Activities of the union
2. Company tactics
3. Union salting

C. Methods for organizing unions
1. Voluntary recognition
2. NLRB directive
3. Secret ballot elections
   a. Pre-election campaigns
   b. Filing a petition
   c. Determining the appropriate bargaining unit
   d. Eligibility of voters
   e. Untimely petitions
      1) Contract bar doctrine
   f. Excelsior rule

D. NLRB policies
1. Totality of conduct doctrine
2. 24-hour rule
3. Polling employees
4. Solicitation
5. Showing films
6. Use of e-mail

E. Decertification
1. Reasons for decertification
2. Role of employees
3. Employer involvement
4. “Raid” elections
5. Deunionization

V. Collective Bargaining

20 PERCENT OF EXAM | 27 HOURS OF STUDY

Holley
Ch. 6, Negotiating the Labor Agreement
Ch. 7, Economic Issues

A. Preparation for bargaining
1. Selecting the negotiating team
2. Formulating proposals

B. The bargaining process
1. Bargaining structures
   a. Pattern
   b. Centralized
   c. Decentralized
   d. Single employer
   e. Multiple employer
2. Bargaining approaches
   a. Distributive
   b. Mutual gain/integrative
   c. Bargaining power model
3. Strategies and tactics
   a. Bargaining caucus
   b. Linking issues
   c. Matching concessions
   d. Splitting the difference

C. Factors affecting the bargaining process
1. Economic conditions
2. Public image
3. Strike benefits
4. Good will
5. Intraorganizational bargaining
6. Ethical and legal considerations
7. Bargaining subjects
   a. Illegal
   b. Mandatory
   c. Voluntary
8. Duty to bargain in good faith
9. Totality of conduct
10. Managerial rights
11. New employer vs. successor employer
12. Bankruptcy
13. The bargaining environment
14. Perceptions of the bargainers
15. Complexity of the negotiations

D. Bargaining issues
1. Wages and wage incentives
   a. Profit-sharing
   b. Gain-sharing
   c. Rucker plan
   d. Scanlon plan
   e. Improshare plan
   f. Skill-based pay
   g. Two-tier pay plan
   h. Comparable worth
   i. Wage adjustments
2. Job evaluation programs
3. Benefits
   a. Insurance
   b. Health care
   c. Income maintenance
   d. Work sharing
   e. Premium pay
   f. Holidays and vacations
   g. Pensions
   h. Family and child-care
   i. Other benefits (for example, education tuition aid)

E. Contract ratification
1. Process
2. Voting behavior
3. Reasons for rejection

F. Impasse strategies
1. Mediation
2. Fact-finding
3. Interest arbitration
   a. Conventional interest arbitration
   b. Final-offer total package
   c. Final-offer issue-by-issue
4. Mediation-arbitration
5. Economic pressure
   a. Strike
      1) Economic strike
      2) Unfair labor strike
      3) Wildcat strike
      4) Sympathy strike
      5) Jurisdictional strike
      6) Secondary strike
   b. Boycott
   c. Picketing
   d. Lockout

VI. Contract Administration

| 10 PERCENT OF EXAM | 14 HOURS OF STUDY |

Holley

Ch. 8, Administrative Issues
Ch. 10, Contract Administration
Ch. 12, Employee Discipline

A. Issues in contract administration
1. Technological change
   a. Automation
   b. High performance work organization (HPWO)
c. Deskilling
d. Electronic monitoring

2. Job security
3. Subcontracting
4. Outsourcing
5. Work transfer
6. Work assignments
7. Work scheduling
8. Seniority
9. Affirmative action
10. Employee training
11. Work restructuring

B. Grievances
1. Definition of a grievance
2. Reasons for grievances
   a. To protest a contractual violation
   b. To draw attention to a problem
   c. To feel important
   d. To get something for nothing
3. Significance of grievances
4. Steps in the grievance process
   a. Discussion with supervisor
   b. Union representatives meet with management
   c. Alternative dispute resolution (third party neutral)
      1) Mediation
      2) Arbitration
      3) Other forms (for example, ombudsperson, peer review)

C. Union's duty of fair representation
2. Vaca v. Sipes
3. Supreme Court guidelines
4. Bowen v. United States Postal Service

D. Employee discipline
1. Early disciplinary policies
2. Employment-at-will and wrongful discharge
3. Principles of discipline
   a. Just cause
   b. Degree of proof
   c. Progressive discipline
   d. Mitigating circumstances
   e. Due process
4. Effect of work rules

VII. Labor Arbitration

10 PERCENT OF EXAM | 14 HOURS OF STUDY

Holley

Ch. 11, Labor and Employment Arbitration

A. Legal background
1. Lincoln Mills decision (1957)
2. Steelworkers' Trilogy decisions (1960)
3. NLRB deferral policy
   a. Spielberg Manufacturing Company case
   b. Collyer case
   c. Olin Corporation decision

B. More recent decisions
1. Misco decision
3. Sexual harassment cases
4. Gilmer v. Interstate Johnson Lane Corp.
5. Wright decision (1998)

C. Source and selection of arbitrators
1. Federal Mediation and Conciliation Service (FMCS)
2. American Arbitration Association (AAA)
3. Others
   a. State and local agencies
   b. Permanent arbitrators
C. Ad hoc arbitrators

D. Arbitration procedures
   1. Prehearing activities
   2. Arbitration hearing
   3. Differences between arbitration and judicial proceedings
      a. Common law of the shop
      b. Evidence permitted
      c. Other differences
   4. Decision-making criteria
      a. Parole evidence rule
      b. Intent of the parties
      c. Past practice
      d. Previous awards
      e. Other criteria (for example, burden of proof, credibility)

E. Characteristics of arbitrators
   1. Capabilities
   2. Ethics

VIII. The Public Sector

<table>
<thead>
<tr>
<th>5 PERCENT OF EXAM</th>
<th>7 HOURS OF STUDY</th>
</tr>
</thead>
</table>

Holley
Ch. 13, Labor Relations in the Public Sector

A. Public sector labor law
   1. Federal employees
         1) USPS
      b. CSRA (Civil Service Reform Act) (1978)
         1) Federal Labor Relations Authority (FLRA)
         2) Federal Service Impasse Panel (FSIP)
      c. National Partnership Council (1993)
   2. State and local government employees

a. Key differences in state laws
b. Employees covered

B. Similarities to private-sector bargaining
   1. Private-sector approach
   2. Reasons for forming unions
   3. Other similarities

C. Differences from private-sector bargaining
   1. Economic system
   2. Budget
   3. Employee rights and obligations
   4. Collective bargaining structures
   5. Defining the appropriate bargaining unit
   6. Unionization of management
   7. Decision-making authority
   8. Negotiable issues
   9. Bargaining tactics
      a. Multilateral bargaining
      b. End-run bargaining
      c. Sunshine laws
   10. Grievance administration
   11. Impasse resolution procedures

IX. Labor Relations Abroad

<table>
<thead>
<tr>
<th>5 PERCENT OF EXAM</th>
<th>7 HOURS OF STUDY</th>
</tr>
</thead>
</table>

Holley
Ch. 14, Labor Relations in Multinational Corporations and in Other Countries

A. Multinational corporations
   1. Union approaches to multinational bargaining
      a. International Labor Organization
      b. Organization for Economic Cooperation and Development (OECD)
      c. European Trade Union Confederation (ETUC)
   d. Obstacles faced by unions
B. North American Free Trade Agreement (NAFTA)

C. North American Agreement on Labor Cooperation (NAALC)

D. Unions in other countries

1. Canada
2. Latin America
3. Cuba
4. Europe
   a. Western Europe
   b. European Union
   c. Great Britain
   d. Germany
5. Former Soviet bloc countries
6. Asia
   a. Japan
   b. Korea
   c. China
7. Australia
Sample Questions

The sample questions give you an idea of the level of knowledge expected in the exam and how questions are typically phrased. They are not representative of the entire content of the exam and are not intended to serve as a practice test.

Rationales for the questions can be found on pages 18–22 of this guide. In that section, the correct answer is identified and each answer is explained. The number in parentheses at the beginning of each rationale refers to the corresponding section of the content outline. For any questions you answer incorrectly, return to that section of the content outline for further study.

1. In recent years, which type of union has been particularly effective in political action at the state and local levels?
   1) industrial
   2) craft
   3) public sector
   4) private sector

2. Which union federation suffered government repression because of its anti-war stance during World War I?
   1) American Federation of Labor (AFL)
   2) Congress of Industrial Organizations (CIO)
   3) Knights of Labor (KOL)
   4) Industrial Workers of the World (IWW)

3. What is the most common governance process used by local unions?
   1) autocratic
   2) bureaucratic
   3) democratic
   4) theocratic

4. For which reason may strike benefits be withheld?
   Failure to
   1) attend 50 percent of the local meetings
   2) vote for the union
   3) support union leadership
   4) participate in strike activities

5. Which act first prohibited unfair labor practices by unions?
   1) Norris-LaGuardia Act
   2) Taft-Hartley Act
   3) Wagner Act
   4) Clayton Act

6. What legal principle is established under right-to-work laws?
   1) Union membership as a condition of continued employment is prohibited.
   2) Contract clauses requiring union membership as a precondition to employment are permitted.
   3) An employee may decline union membership, but still must pay dues and fees.
   4) An employee has a right to work, even if the union strikes.
7. Which employer action is a clear violation of Section 8(a) of the National Labor Relations Act?
   1) providing financial assistance to a union to help with union administrative costs
   2) urging assembled employees to vote against union representation
   3) speaking to individual employees about the advantages of not joining a union
   4) refusing to grant a cost-of-living pay raise demanded by a union

8. The National Labor Relations Board (NLRB) determines that a company refused to bargain in good faith. What is a possible remedy?
   1) An arbitrator makes a binding decision on the contract.
   2) The NLRB makes a binding decision on the contract.
   3) The NLRB issues a cease-and-desist order.
   4) At the NLRB’s request, the courts determine an appropriate remedy.

9. Which act established criteria to resolve questions involving the right of federal employee unions to consultation and exclusive recognition?
   1) National Labor Relations Act
   2) Civil Service Reform Act
   3) Taft-Hartley Act
   4) Landrum-Griffin Act

10. Which factor is used by the National Labor Relations Board to determine the appropriate bargaining unit?
    1) market constraints
    2) jurisdiction of the union
    3) the number of employees
    4) community of interests

11. During an economic strike, strikers are replaced by permanent employees. A decertification election is held within 12 months of the strike. What is the voting status of the strikers as determined by the National Labor Relations Board (NLRB)?
    The NLRB
    1) allows strikers to vote.
    2) does not allow strikers to vote.
    3) decides on a case-by-case basis.
    4) petitions the courts for a ruling.

12. Which process begins with an authorization card campaign and ends with the National Labor Relations Board’s certification of the representation election?
    1) contract settlement
    2) union organizing
    3) a corporate campaign
    4) good faith bargaining

13. Under which set of conditions is management most strongly motivated to continue negotiations and settle a contract without a strike?
    1) Product demand is low, replacement workers are scarce, and substitute goods are available to customers.
    2) Product demand is low, replacement workers are available, and substitute goods are available to customers.
    3) Product demand is high, replacement workers are scarce, and substitute goods are available to customers.
    4) Product demand is high, replacement workers are available, and substitute goods are not available to customers.

14. Which issue is most likely to be the subject of integrative bargaining?
    1) wage rates
    2) alcoholism treatment program
    3) amount of vacation
    4) overtime pay rate
15. Which approach to collective bargaining is likely to be the most adversarial?
   1) distributive bargaining
   2) integrative bargaining
   3) intraorganizational bargaining
   4) mandatory bargaining

16. Which security clause is preferred by a labor organization?
   1) agency shop
   2) union shop
   3) open shop
   4) maintenance of membership

17. Which union security agreement requires any bargaining unit employee who is not a union member to pay a service fee to the union for its representation activities?
   1) closed shop
   2) maintenance of membership
   3) open shop
   4) agency shop

18. A union strikes a company. No unfair labor practices are filed. During the strike, the company hires permanent replacements for many of the company jobs. What are the rights of the striking employees when a settlement is reached?
   Striking employees
   1) are placed in their old jobs; replacement workers are put on a preferential hiring list.
   2) are put on a preferential hiring list; replacement workers keep their new jobs.
   3) have their job status determined by the U.S. Department of Labor.
   4) have their job status determined by the company based on job qualifications.

19. What is typically used to define a grievance under a collective bargaining agreement?
   1) violation of the terms of the contract
   2) violation of labor law
   3) any complaint at the workplace
   4) violation of past practice

20. What is a union’s duty of fair representation when a nonunion member of the bargaining unit files a grievance?
   The union is required to
   1) take the grievance to arbitration.
   2) present the grievance without taking a position.
   3) effectively use the grievance procedure at the union’s expense.
   4) effectively use the grievance procedure at the grievant’s expense.

21. Which similarity exists between New United Motor Manufacturing, Inc. (NUMMI) and Saturn (General Motors) in their joint ventures with the United Automobile Workers (UAW)?
   1) A large percentage of the workforce had never worked in a unionized environment.
   2) A large percentage of the workforce was initially laid off.
   3) The allocation of resources to employee training was increased.
   4) The number of production job classifications was increased.

22. In unionized settings, which is an appropriate activity of joint labor-management committees?
   1) discussing noncontractual problems
   2) processing grievances
   3) setting wages
   4) disciplining employees
SECTI O N F O UR
Rationales

1. (IB2g)
   1) Industrial unions are organized by industry, not by political jurisdictions. Most laws that cover industrial union activities are federal rather than state or local.
   2) Craft unions are organized by trade, not by political jurisdictions. Most laws that cover craft union activities are federal rather than state or local.
   *3) Public-sector unions are organized according to political jurisdictions and most of the laws and policies that cover their union activities are state and local. Public-sector union membership remains stable, maintaining their political influence.
   4) Private-sector unions deal primarily with private companies, not elected public officials. The laws that govern their relations with their employers are generally made at the national, rather than state or local level. Private-sector union membership is declining, reducing their political influence.

2. (IIB6c)
   1) The AFL supported the war effort and the government.
   2) The CIO did not exist until after World War I.
   3) The KOL had disappeared by World War I.
   *4) The IWW was a revolutionary federation that opposed World War I and called for the overthrow of capitalism in the United States.

3. (IB1)
   1) Autocratic governance is the equivalent of a dictatorship, which is contrary to the laws stipulating how unions must be governed.
   2) Bureaucracy is a form of organizational structure, not a governance process.
   *3) In the democratic governance of a union, power, authority, and legitimacy arise from the consent of the governed. The law requires that union officers be elected in free elections.
   4) Theocratic governance is directed by divine guidance. Unions are not religious organizations.

4. (VC3)
   1) Union members do not have to attend 50 percent of local meetings to obtain strike benefits.
   2) Bargaining unit members do not have to vote for the union to receive strike benefits.
   3) Bargaining unit members do not have to show support for union leadership to receive strike benefits.
   *4) Unions can terminate or reduce strike benefits for individual members who work for other employers or do not perform their strike duties.

*correct answer
5.(IIIB11)
1) The Norris-LaGuardia Act prohibited federal courts from issuing injunctions against lawful union activities.
2) The Taft-Hartley Act added a list of unfair union practices to the unfair management practices contained in the Wagner Act.
3) The Wagner Act was a pro-labor act that included only unfair management labor practices.
4) Under the Clayton Act, unions were no longer subject to antitrust restrictions.

6.(IB6)
*1) Right-to-work laws prohibit union membership as a condition of employment.
2) Under right-to-work laws, contract clauses requiring union membership as a precondition to employment are prohibited.
3) An agency shop allows an employee to decline union membership but still pay dues and fees. An agency shop would be prohibited under right-to-work laws.
4) This legal principle was not established under right-to-work laws.

7.(IIIB10)
*1) The employer is forbidden to give financial assistance to a union because this would undermine the union's independence in representing its members.
2) The employer has the right to make the case against voting for the union but cannot threaten employees for voting for the union or promise a specific benefit for voting against the union.
3) The employer can speak to individuals about the advantages of not joining a union under the same conditions as detailed in 2).
4) The employer is required by law to consider a union demand, but not to accede to it.

8.(VC8)
1) An arbitrator's issuance of a binding decision on the contract is not an appropriate remedy for a company that refuses to bargain in good faith.
2) The NLRB is limited in its remedial powers and does not have the authority to make a binding decision on the contract.
*3) When a violation of good faith bargaining is found, the NLRB can order the violator to cease and desist bad faith bargaining and to comply with the law or be subject to fines.
4) NLRB decisions can be appealed to the courts; however, the initial step is for the NLRB to issue a cease-and-desist order.

9.(VIII A1b)
1) The National Labor Relations Act governs labor relations in the private sector.
*2) The Civil Service Reform Act governs labor relations in the federal government.
3) The Taft-Hartley Act is an amendment to the National Labor Relations Act and pertains only to the private sector.
4) The Landrum-Griffin Act primarily governs the internal governance practices of private sector unions.

10.(IVC3c)
1) Market constraints affect the number and types of employees, but not the community of interests among those employed.
2) The jurisdiction of the union will determine which union is interested in organizing a group of workers, not whether all of those workers have a community of interest for purposes of collective bargaining.
3) The number of employees is not a relevant concern in the determination of the appropriate bargaining unit.
*4) Community of interests refers to the mutuality of interest among employees in bargaining for wages, hours, and working conditions and is frequently used by the NLRB to determine the appropriate bargaining unit.

*correct answer
11.(IVC3d)
1) Strikers continue to be members of the bargaining unit even while on strike, therefore, they have a right to vote in the election.
2) Not allowing strikers to vote would violate their rights as members of the bargaining unit.
3) The right to carry out a legal strike is protected for all workers in all situations by the National Labor Relations Act.
4) The National Labor Relations Act is enforced by the National Labor Relations Board, not by the courts.

12.(IVC)
1) Contract settlement is an agreement between management and the union representing the employees on the terms of the contract.
2) Union organizing is the process by which a union is either granted or not granted the right to represent employees in collective bargaining with management. It begins with an authorization card campaign. The intermediate steps are: the union requests a representation election if more than 30% of employees sign the authorization card; the NLRB determines the bargaining unit; the NLRB holds an election. Union organizing is concluded with the NLRB's certification of the election results.
3) A corporate campaign is a tactic used by unions to bring pressure on management during an organizing campaign or collective bargaining.
4) Good faith bargaining is the legal requirement that management and the union seriously attempt to arrive at a settlement during collective bargaining.

13.(VF5)
1) If product demand is low, management has less pressure to settle because it is not worried about losing market share during a strike.
2) The same condition would prevail as in 1). In addition, management would have replacement workers available during a strike if it chose to hire them.
3) Given that product demand is high, competitors exist who can meet the demand, and few replacement workers are available, the company risks losing market share if its employees strike.
4) The lack of competitors able to supply the high demand during a strike means that the company can take a strike without losing market share.

14.(VB2b)
1) Wage rates are a distributive bargaining issue.
2) Integrative bargaining occurs when both parties attempt to resolve common concerns such as an employee alcohol treatment program.
3) Amount of vacation is a distributive bargaining issue.
4) Overtime pay rate is a distributive bargaining issue.

15.(VB2a)
1) Distributive bargaining occurs when the goals of the two parties conflict. It encourages threats, bluffs, and secrecy. It is the most adversarial approach to collective bargaining.
2) Integrative bargaining occurs when both parties attempt to resolve common concerns. This approach encourages trust, an understanding of the other negotiators’ real needs and objectives, and emphasizes commonalities between the parties instead of differences.
3) Intraorganizational bargaining occurs when management and union negotiators try to reach accord within their own organizations. Union and management negotiators often have more difficulty with members of their own negotiating teams than with one another.
4) Mandatory bargaining is not an approach to collective bargaining. It is the requirement of the National Labor Relations Act that the union and management bargain in good faith over wages, hours, and working conditions.
16. (IB5b)  
1) An agency shop would not be preferred because it does not require that all employees in the bargaining unit become members of the union, only that they pay the union a fee for services.

*2) A union shop is preferred because it requires that all employees in the bargaining unit become members of the union.

3) An open shop would not be preferred because it does not require employees of the bargaining unit to join the union or to pay fees for services.

4) The maintenance of membership clause would not be preferred. It provides a window at the expiration of a collective bargaining agreement in which employees can withdraw from membership in the union.

17. (IB5c)  
1) A closed shop requires workers to be members of a union before they can be employed in the bargaining unit. A closed shop is almost always illegal.

2) A maintenance of membership clause requires employees of the bargaining unit to remain members of the union until the contract expires.

3) An open shop requires no payment to the union.

*4) Under an agency shop, employees of the bargaining unit do not have to join the union but they have to pay for the services the union provides for them, such as grievance administration and collective bargaining.

18. (VF5)  
1) Striking workers have no rights to their old jobs unless the company agrees to take them back in the contract settlement.

*2) After the strike is over, the striking employees are effectively on layoff status and have recall rights according to seniority when the company needs them.

3) The Department of Labor is not involved in strike resolution.

4) The company first decides what categories of worker it wants to recall, but then workers are recalled by seniority.

19. (VIB1)  
*1) A grievance is an employee's concern over a perceived violation of the labor agreement. The employee's grievance is submitted to the grievance procedure for resolution.

2) Labor law is law passed by federal and state legislatures and primarily governs the relations between unions and employers.

3) While a complaint at the workplace may be a grievance, not all complaints are grievances. Complaints may not involve a violation of the labor agreement and may not be submitted to the grievance procedure for resolution.

4) Past practice refers to a specific and identical action that has been continually employed over a number of years to the recognition and satisfaction of both parties. Although a violation of past practice may represent a grievance, it does not define a grievance.

20. (VIC)  
1) The union is required to process the grievance. The union must only take it forward as far as the union believes it has merit, but not as far as arbitration which is the final step in the grievance procedure.

2) The union is required to provide an adequate defense for a grievant.

*3) Fair representation requires that the union represent all of the bargaining-unit employees, members and nonmembers, in both contract negotiation and administration, including the use of the grievance procedure, at the union's expense.

4) The grievant is not required to pay the expenses.
21.(IXA1)

1) Eighty-five percent of the workers newly hired at NUMMI were former General Motors (GM) employees. In the expansion of the Saturn plant, an agreement was negotiated to hire additional employees from employees laid off at other GM plants. Thus, a large percentage of the workforce had previously worked in a unionized environment.

2) At both NUMMI and Saturn, the original workforce was not employees who had been laid off. A subsequent agreement at the Saturn facility between GM and the UAW allowed for the hiring of additional employees from a group of GM employees who had been initially laid off.

3) At NUMMI and Saturn, one of the incentives for the union to allow management more flexibility was a management commitment to spend more money on employee training.

4) The number of production job classifications was not increased.

22.(IB3d)

1) Joint labor-management committees attempt to resolve noncontractual problems through cooperative efforts outside of formal contract negotiations.

2) Processing grievances is guided by the grievance procedure as detailed in the collective bargaining agreement.

3) Setting wages is done through the collective bargaining process and the specific wage rates for given job classifications are typically covered in the collective bargaining agreement.

4) Disciplining employees involves managerial actions that are taken against an employee who has violated organizational rules.

*correct answer
Registering for Your Exam

Register Online

www.excelsior.edu/examregistration
Follow the instructions and pay by Visa, MasterCard, American Express, or Discover Card.

Examination Administration

Pearson Testing Centers serve as the administrator for all Excelsior College computer-delivered exams. The Disability Services office at Excelsior College is responsible for considering requests for reasonable accommodations (exceptions for individual students with documented disabilities). If you are requesting an accommodation due to a disability, download and complete a Request for Accommodation form that can be accessed by visiting the Excelsior College website at www.excelsior.edu/disability-services.

Computer-Delivered Testing

You will take the exam by computer, entering your answers using either the keyboard or the mouse. The system is designed to be as user-friendly as possible, even for those with little or no computer experience. On-screen instructions are similar to those you would see in a paper examination booklet.

Before taking your exam, we strongly encourage you to go on a virtual tour of the testing center. To access this tour, click the What to Expect in a Pearson VUE test center at the following link: home.pearsonvue.com/test-taker/security.aspx

You also will receive a small, erasable whiteboard if you need one. You may not take your own calculator, if the exam calls for it. One will be provided on the testing screen.

On the Day of Your Exam

Important Reminders

On the day of your exam, remember to:

• dress comfortably: the computer will not mind that you’re wearing your favorite relaxation outfit
• arrive at the test site rested and prepared to concentrate for an extended period
• allow sufficient time to travel, park, and locate the test center
• be prepared for possible variations in temperature at the test center due to weather changes or energy conservation measures
• bring your ID, but otherwise, don’t weigh yourself down with belongings that will have to be kept in a locker during the test.

Academic Honesty

Nondisclosure Statement

• All test takers must agree to the terms of the Excelsior College Academic Honesty Policy before taking an examination. The agreement will be presented on screen at the Pearson VUE Testing Center before the start of your exam.
• Once the test taker agrees to the terms of the Academic Honesty Nondisclosure Statement, the exam will begin.

If you choose not to accept the terms of the agreement
• your exam will be terminated
• you will be required to leave the testing center
• you will not be eligible for a refund. For more information, review the Student Policy Handbook at www.excelsior.edu/studentpolicyhandbook.

Student behavior is monitored during and after the exam. Electronic measures are used to monitor the security of test items and scan for illegal use of intellectual property. This monitoring includes surveillance of Internet chat rooms, websites, and other public forums.

Information About UExcel Exams for Colleges and Universities

A committee of teaching faculty and practicing professionals determines the learning outcomes to be tested on each exam. Excelsior College Center for Educational Measurement staff oversee the technical aspects of test construction in accordance with current professional standards. To promote fairness in testing, we take special care to ensure that the language used in the exams and related materials is consistent, professional, and user friendly. Editorial staff perform systematic quantitative and qualitative reviews to ensure accuracy, clarity, and compliance with conventions of bias-free language usage.

Excelsior College, the test developer, recommends granting three (3) semester hours of upper-level undergraduate credit to students who receive a letter grade of C or higher on this examination. Other colleges and universities also recognize this exam as a basis for granting credit or advanced standing. Individual institutions set their own policies for the amount of credit awarded and the minimum acceptable grade.

Labor Relations Exam Development Committee

Gregory G. Dell’Omo, PhD
(University of Wisconsin-Madison, Industrial Relations, 1987)
Associate Professor, Saint Joseph’s University

Ronald L. Filippelli, PhD
(The Pennsylvania State University, History, 1969)
Professor of Labor and Industrial Relations, The Pennsylvania State University

Ira B. Lobel, JD
(Catholic University, Law, 1974)
Commissioner, Federal Mediation and Conciliation Services

Scott R. Lyman, PhD (Virginia Polytechnic Institute and State University, Labor Relations/Human Resource Management, 1992) Assistant Professor, Marist College

Nancy G. Lynch, MBA
(State University of New York at Buffalo, Human Resources, 1995)
Adjunct Faculty, Labor Relations and Human Resource Management, State University of New York at Buffalo

John Watson, PhD
(St. Louis University, Management, 1972)
Professor, St. Bonaventure University