

EXAM CODE **352**

CATALOG NUMBER **BUSx360**

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**PRACTICE EXAMS**  
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# Labor Relations

CREDIT HOURS

**3**

LEVEL

**UPPER**

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## SECTION ONE

# Preparing for the Exam

## Before You Choose This UExcel Exam

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### 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 score.

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

Examinees **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.

For more information on exam availability and actual testing information, see the [Exam Registration and Information Guide](#).

### Examination Length and Scoring

This examination consists of 120 multiple choice and other type questions. You will have two (2) hours to complete the exam. Your score will be reported as a letter grade. Questions are scored either correct (1) or incorrect (0). There is no partial credit. Each credit-bearing exam contains pretest questions, which are embedded throughout the exam. They are indistinguishable from the scored questions. It is to your advantage to do your best on all the questions. Pretest questions are being tried out for use in future versions of the exam.

The UExcel exams do **not** have a fixed grading scale such as A = 90–100%, B = 80–90%, and so forth, as you might have seen on some exams in college courses. Each UExcel test has a scale that is set by a faculty committee and is different for each exam. The process, called standard setting, is described in more detail in the [Technical Handbook](#). Excelsior puts each exam through a standard setting because different test questions have different levels of difficulty. To explain further, getting 70% of the questions right on the exam when the questions are easy does not show the same level of proficiency as getting 70% of questions correct when the questions are hard. Every form of a test (a form contains the test questions) has its own specific grading scale tailored to the particular questions on each exam form.

Please also note that on each form, some of the questions (referred to as pretest questions) count toward the score and some do not; the grading scale applies only to those questions that count toward the score. The area with percentage ratings on the second page of your score report is intended to help identify relative strengths and weaknesses and which content areas to emphasize, should you decide to take the examination again. Your grade

is **based on only the scored questions**. Therefore, the percentage ratings do not necessarily reflect the total percentage that counted toward your grade.

For the best view of the types of questions on this exam, see the sample questions in the back of this guide. Practice, practice, practice!

## Score Reporting

For most of our examinations, based on performance, an examinee is awarded a letter grade of A, B, C, or F. A letter grade of D can be given, but credit is awarded for A, B, and C letter grades only. The letter grades reported to examinees indicate that their performance was equivalent to the performance of students who received the same letter grade in a comparable, on-campus course.

More specifically, the letter grade indicates the examinee's proficiency relative to the learning outcomes specified in the exam content guide. Following are general descriptions of examinee performance at each level:

## Letter Grade Description

- A Highly Competent: Examinee's performance demonstrates an advanced level of knowledge and skill relative to the learning outcomes.
- B Competent: Examinee's performance demonstrates a good level of knowledge and skill relative to the learning outcomes.
- C Marginally Competent: Examinee's performance demonstrates a satisfactory level of knowledge and skill relative to the learning outcomes.
- D Not Competent (no credit recommended): Examinee's performance demonstrates weak knowledge of the content and minimal skill relative to the learning outcomes.<sup>①</sup>
- F Fail (no credit recommended): Examinee's performance demonstrates no knowledge of the content and no skill in the subject relative to the learning outcomes.

Credit is transcribed by Excelsior College for examinees who achieve letter grades of C or higher.

We encourage colleges and universities to use the Excelsior College letter grades of A, B, and C as acceptable standards for awarding credit.

See page 29, at the back of this content guide, for a sample UExcel Grade Report for Examinations.

## 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](http://www.excelsior.edu/bookstore)

## Excelsior College Library

Library services are available to students enrolled in a degree program at Excelsior College. 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. To access the Excelsior College Library, visit [www.excelsior.edu/library](http://www.excelsior.edu/library) (login is required). Access to the library is available 24/7.

## 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 students who take exams 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?

Study for a UExcel exam is comparable to an equivalent college-level course. As an independent

<sup>①</sup> In general, two-hour exams do not award a D letter grade.

learner, you should study and review as much as you would for the same subject in a campus-based college course. If you already have a background in the subject, you may be able to pass the exam successfully with fewer hours of study. It depends upon the learner as well as the subject, the number of credits (for example, a 6- or 8-credit exam will require more hours of study than a 3-credit exam), and the length of the exam. We strongly encourage you to create a long-term action or study plan, so that you have a systematic approach to prepare for the exam. We've included guidelines for creating such a plan.

## How Can I Create an Effective Long-Term Study Plan?

**1. Determine the time you will require to complete your preparation for this exam.** If you have not studied the subject before, you should plan to budget approximately 45 hours of study time for every credit: 135 hours for 3 credits, 180 hours for 4 credits, 270 hours for 6 credits, and 360 hours for 8 credits. These hours are rules of thumb based on expectations for a student taking a course in the subject; it may take you more or less time, depending on how familiar you are with the material and how easily you absorb the information studying on your own. Aside from the content review, you should then factor in time to search for and use other resources, and to complete any projects and assignments in the study materials that will clarify your understanding of the topics in the content outline (that part in the content guide where the specific areas of study are spelled out). Spend more time on concepts and areas in which you feel you are weak. Totaled, this is approximately the amount of time you should expect to devote to a three-credit, campus-based course. The actual amount of time you require depends on many factors, and will be approximate. If your background is weak, you may need to set aside substantially more than 135–150 hours. If your background is strong, you may budget less time.

Take a few minutes to review the content outline to assess your familiarity with the content. Then, in the space below, write the number of hours you will allocate to complete preparing for the exam.

Hours Required =

### **2. Determine the time you will have available for study.**

In self-study, you need structure, as well as motivation and persistence, and a methodical approach to preparation. There is no set class to keep you on task. You have to do that yourself. Construct a time-use chart to record your daily activities over a one-week period. The most accurate way to do this is to complete the chart on a daily basis to record the actual amount of time you spend eating, sleeping, commuting, working, watching television, caring for others and yourself, reading, and everything else in an adult's life. However, if your schedule is regular, you might prefer to complete the chart in one sitting and, perhaps, by consulting your appointment book or planner.

After you have recorded your activities, you will be ready to schedule study periods around these activities or, perhaps, instead of some of them. In the space below, write the number of hours you will be able to set aside for study each week.

Hours Required =

### **3. Divide the first number by the second number.**

This will give you the number of weeks you will need to set aside for independent study. For example, if you think you will require 170 hours of study and you have 10 hours available to study each week, divide 170 hours by 10 hours and you will get 17. This means that you will need about 17 weeks to complete this course of study. However, you will also need to allow about a week for review and self-testing. Moreover, to be on the safe side, you should also add two weeks to allow for unforeseen obstacles and times when you know you will not be able to study (e.g., during family illnesses or holidays). So, in this case, you should allot a total of 18 to 19 weeks to complete your study.

### **4. Schedule your examination to coincide with the end of your study period.**

For example, if you plan to allow 18 weeks for study, identify a suitable examination date and begin study at least 18 weeks before that date. (The date you begin study assumes that you will have received all of your study materials, particularly textbooks, by that time.)

### **5. Format a long-term study plan.**

You will need to use a calendar, planner, or some other tool to format and track your long-term study plan. Choose a method that is convenient and one that keeps you aware of your study habits on a daily basis. Identify the days and exact hours of each day that you will reserve for study throughout your whole independent study period. Check to see that the total number of hours you designate for study on your long-term study plan adds up to the number of hours you have determined you will need to complete this course of study (Step 1).

### **6. Record in your long-term study plan the content you plan to cover during each study period.**

Enter the session numbers, review, and examination preparation activities you will complete during each study period. While it is suggested that approximately 160–170 hours of study is required for this exam, each and every student may require different timelines based on their comfort with, and comprehension of, the material.

You now have a tentative personal long-term study plan. Keep in mind that you will have to adjust your study plan, perhaps several times, as you study. It is only by actually beginning to work systematically through the material, using the content outline, that you will be able to determine accurately how long you should allow for each unit.

## **What Learning Strategy Should I Use?**

The following guidelines are intended to help you acquire the grounding in the knowledge and skills required for successful completion of this examination.

### **1. Approach learning with a positive attitude.**

Most students are capable of learning subject content if they devote enough time and effort to the task. This devotion will give you a positive edge and a feeling of control.

### **2. Diligently complete the exact work you specified in your study plan.**

Your study plan is being designed for the specific purpose of helping you achieve the learning outcomes for this exam.

### **3. Be an active learner.**

You should actively engage in the learning process. Read critically, take notes, and continuously monitor your comprehension. Keep a written record of your progress, highlight content you find difficult to grasp, and seek assistance from someone in your learning community who can help you if you have difficulty understanding a concept.

### **4. Be patient: you may not understand everything immediately.**

When encountering difficulty with new material, be patient with yourself and don't give up. Understanding will come with time and further study. Sometimes you may need to take a break and come back to difficult material. This is especially true for any primary source material (original letters, documents, and so forth) that you may be asked to read. The content outline will guide you through the material and help you focus on key points. You will find that many concepts introduced in earlier sessions will be explained in more detail in later sessions.

### **5. Apply your learning to your daily life.**

Use insights you gain from your study to better understand the world in which you live. Apply the learning whenever you can. Look for instances that support or contradict your reading on the subject.

### **6. Accommodate your preferred way of learning.**

How do you learn best? Common ways to learn are reading, taking notes and making diagrams, and by listening to someone (on video or live). Others learn by doing. Do any of these descriptions apply to you? Or does your learning style vary with the learning situation? Decide what works for you and try to create a learning environment to accommodate your preferences.

## **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**
- **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.

Study smart for your UExcel exam! Success starts with establishing a relationship with your advisor.

## Using UExcel Practice Exams

The official UExcel practice exams are highly recommended as part of your study plan. They can be taken using any computer with a supported web browser such as Google Chrome.

The practice exam package comes with two sets of questions. Please be aware that there will be fewer questions on the practice exams than there will be on the exam you take for credit. Generally, the practice questions will not be the same as the ones you will see when you take the actual exam for credit. They are intended to expose you to the types of questions you'll encounter in the actual exam. Practice questions are a tool, and do not provide a full exam experience. For example, the practice question sets do not have time limitations. Begin with the Content Guide, especially the detailed content outline. Memorizing specific questions and answers on the practice sets is not as effective as using the questions to practice, along with the content outline, to see which concepts you may need to study further. To register for the practice exam, visit [www.excelsior.edu](http://www.excelsior.edu) and log into your MyExcelsior

account. **Please note: You must be registered for the corresponding credit-bearing exam before you can register for the practice exam.**

Practice exams are not graded. Rather, they are intended to help you make sure you understand the subject and give you a sense of what the questions will be like on the exam for credit. Ideally, you would check any questions you got wrong, look at the explanations, and go back to the textbook to reinforce your understanding. After taking both forms of the practice exam, you should feel confident in your answers and confident that you know the material listed in the content outline.

Practice exams are one of the most popular study resources. Practice exams are typically shorter than the credit-bearing exam. Since the questions are drawn from the same pool of questions that appear on the credit-bearing exam, what you will see when you sit for the graded exam will be roughly the same. Used as intended, these practice exams will enable you to:

- Review the types of questions you may encounter on the actual exam.
- Practice testing on a computer in a timed environment.
- Practice whenever and wherever it is convenient for you.

Take two different forms of a practice exam within a 180-day period. (We highly recommend that you take the first form of the practice exam as a pretest, early in the study period. Use the results to identify areas to further study and carry out a plan. Then take the second form as a post-test and see how much you have improved.)

Although there is no guarantee, our research suggests that exam takers who do well on the practice exams are more likely to pass the actual exam than those who do not take advantage of the opportunity. Note that since the practice exams are not graded (calibrated) the same way as the scores on the credit-bearing exam, it will be hard for you to use the practice exams as a way to predict your score on the credit-bearing exam. The main purpose of the practice exams is for you to check your knowledge and to become comfortable with the types of questions you are likely to see in the actual, credit-bearing exam.

## 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 does not endorse the products and services of any tutorial or test preparation firm. We do not review the materials provided by these firms for the content or compatibility of their material and resources with UExcel® exams or Excelsior College Examinations®. 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](http://www.excelsior.edu/testprep).

## Exam Preparation Strategies

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Each learner is different. However, all learners should read the content outline in the exam's Content Guide and ensure that they have mastered the concepts. For someone with no prior knowledge of the subject, a rule of thumb is 135 hours of study for a 3-credit exam—this number is just to give you an idea of the level of effort you will need, more or less.

## Content Guides

This content guide is the most important resource. It lists the outcomes, a detailed content outline of what is covered, and textbooks and other study resources. It also has sample questions and suggestions for how to study. Content guides are updated periodically to correspond with changes in particular examinations and in textbook editions. Examinees can download any of the latest free UExcel content guides by visiting the individual exam page or from the list at [www.excelsior.edu/contentguides](http://www.excelsior.edu/contentguides).

### Using the Content Outline

Each content area in the content outline includes 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 among textbook editions.

This content outline contains examples of the types of information you should study. Although these examples are many, 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

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The resources listed below were selected by the faculty members on the examination committee for use in developing this exam.

Resources listed under “Strongly Recommended” were used by the committee to verify all the questions on the exam. Please refer to the Content Outline to see which parts of the exam are cross-referenced to these resources.

Resources listed under “Optional” provide additional material that may deepen or broaden your understanding of the subject, or that may provide an additional perspective on the exam content. Textbook resources, both Strongly Recommended and Optional, may be purchased from the Excelsior College bookstore at [www.excelsior.edu/bookstore](http://www.excelsior.edu/bookstore).

You should allow ample time to obtain the necessary resources and to study sufficiently before taking the exam, so plan appropriately, with an eye towards your own personal learning needs. See the sections in this guide on the Excelsior College Bookstore and the Excelsior College Library, and under Reducing Textbook Costs, to help you secure the Strongly Recommended resources successfully.

## 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 additional Strongly Recommended 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 open educational

resources (OER) has been included in this guide to help you locate additional, possibly free resources to augment your study.

## Strongly Recommended

Holley, W.H., Jennings, K.M., & Wolters, R.S. (2017). *The labor relations process* (11th ed.). Mason, OH: SouthWestern College/West.

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 under optional 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.

The study materials may be purchased from the [Excelsior College Bookstore](http://www.excelsior.edu/bookstore).

## Optional Resources

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

Fossum, J.A. (2015). *Labor relations* (12th ed.). Columbus, OH: McGraw-Hill.

The study materials may be purchased from the [Excelsior College Bookstore](http://www.excelsior.edu/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.

## Open Educational Resources

There are many resources available online free of charge that may further enhance your study for the exam. Known as Open Educational Resources (OER), these may be textbooks, courses, tutorials, or encyclopedias. Any additional OER that you find independently should be used to augment study—not as replacements for the Strongly Recommended resources.

Most sites for university-based OER can be searched through [www.ocwconsortium.org](http://www.ocwconsortium.org) and/or [www.oercommons.org](http://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](http://www.education-portal.com)

[www.opencourselibrary.org](http://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.

Sites like Khan Academy ([www.khanacademy.com](http://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.

### **Open Online 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/>

To achieve academic success, rate yourself at Excelsior College's Self-Regulated Learning Lab. Visit the Diagnostic Assessment & Achievement of College Skills site at <https://srl.daacs.net/>

It's free!

## 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. Examine 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. Identify 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. Identify 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. (Aligns to GECC 5.1)

### **General Education Career Competencies Addressed in this Exam**

GECC-5: Global Understanding: Explain how social, political, economic, or cultural forces shape relations between individuals and groups around the world.

## 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.

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

\*Approximate: For those examinees who know the topic well, less time may be needed to learn the subject matter. For those who are new to the subject matter, more time may be required for study.

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

Holley et al.

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

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### 10 PERCENT OF EXAM

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**Holley et al.**

**Ch. 2, The History of Labor-Management Relationships**

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**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

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
9. National Industrial Recovery Act (1933)
10. Wagner Act (National Labor Relations Act) (1935)
  - 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
11. Labor Management Relations (Taft-Hartley) Act (1947)
  - 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)

### III. American Labor Law in the Private Sector

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**10 PERCENT OF EXAM**

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Ch. 3, Legal Influences

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- 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. *Vegeahn v. Gunter* (1896)
  3. Labor injunction
    - a. Yellow-dog contract

- b. Employee Retirement and Income Security Act (ERISA) (1974)
- c. Worker Adjustment and Retraining Notification Act (WARN) (1988)
- d. Other laws (for example: Bankruptcy Act of 1984)

## IV. The Organizing Process

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### 10 PERCENT OF EXAM

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Ch. 5, Why and How Unions Are Organized

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#### 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

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### 20 PERCENT OF EXAM

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Ch. 6, Negotiating the Labor Agreement

Ch. 7, Economic Issues

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#### 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

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### 10 PERCENT OF EXAM

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#### Holley et al.

Ch. 8, Administrative Issues

Ch. 10, Contract Administration

Ch. 12, Employee Discipline

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#### 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

1. *Breiner v. Sheet Metal Workers Local 6* (1987)
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

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### 10 PERCENT OF EXAM

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Ch. 11, Labor and Employment Arbitration

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#### 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
  2. *Alexander v. Gardner-Denver Company* (1974)
  3. Sexual harassment cases
  4. *Gilmer v. Interstate Johnson Lane Corp.*
  5. *Wright* decision (1998)
  6. *Circuit City Store v. Adams* (2001)
- 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

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### 5 PERCENT OF EXAM

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Holley et al.

#### Ch. 13, Labor Relations in the Public Sector

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##### A. Public sector labor law

1. Federal employees
  - a. Postal Reorganization Act (1970)
    - 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)
  - d. Homeland Security Act (2002)
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**

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### **5 PERCENT OF EXAM**

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#### **Holley et al.**

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

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#### **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

## SECTION THREE

# 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 21–25 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

## SECTION FOUR

# 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.(IIB11)

- 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.(IIB10)

- \*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.(VIII1b)

- 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.

\*correct answer

- 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.

\*correct answer

## 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

## SECTION FIVE

# Taking the Exam

## Registering for Your Exam

### Register Online

[www.excelsior.edu/examregistration](http://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.

### Accessibility Services

Excelsior College is committed to the principle that every individual should have an equal opportunity to enroll in an Excelsior College degree program, to register for courses or examinations in order to demonstrate their knowledge and skills under appropriate conditions, and to complete a degree.

The Accessibility Services Office at Excelsior College is responsible for considering requests for reasonable accommodations for individuals with verifiable, documented disabilities. If you are requesting an accommodation due to a disability/condition, complete a [Request for Accommodation form](#).

### Computer-Delivered Testing

The UExcel exams are delivered by computer. You can take this exam either in a [Pearson VUE testing center](#) or at your home or office with an online proctor. If you are interested in remote proctoring, visit [PearsonVUE OnVUE online proctoring](#).

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. You will use either the keyboard or the mouse to submit your answers, depending upon the type of question.

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](http://home.pearsonvue.com/test-taker/security.aspx)

You also will receive a small, erasable whiteboard if you need one.

### Breaks

Breaks are only permitted for exams taken at Pearson VUE Testing Centers, and are not permitted during exams delivered via online proctoring.

### Online Proctoring

As of spring 2021, Excelsior is offering an [online delivery option for UExcel exams](#), using OnVUE, Pearson VUE's online delivery and proctoring service.

You must use a personal (vs. an employer's) computer if you want to take the exam online and not in a testing center, so the exam can be effectively delivered to you.

Breaks are not allowed during an exam taken online from home. You may not leave your seat during an online-proctored exam, so be prepared to sit for two or three hours. If you need extra time, the exam will have to be taken at a PearsonVUE Testing Center, and an accommodation formally requested.

**NOTE:** English Composition, Spanish, Music, and College Writing will NOT be available for online proctoring.

# On the Day of Your Exam

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## 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 Integrity Nondisclosure Statement

- All examinees must agree to the terms of the Excelsior College Academic Integrity 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 examinee agrees to the terms of the Academic Integrity Nondisclosure Agreement (NDA), 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](http://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.

## UExcel Grade Report

After you complete the exam, you will be issued a UExcel Grade Report for Examinations. See the [sample UExcel Grade Report](#) in this content guide.

## Grade Appeals

If you believe that your score grade is incorrect, you may appeal your grade to [examcredit@excelsior.edu](mailto:examcredit@excelsior.edu). Details about the appeals process are in the [Student Handbook](#).

## What If I Miss My Appointment?

If you don't cancel or reschedule your testing appointment 24 hours before your test appointment, you will have to pay the full fee of the exam, even if you don't show up.

## Late Arrivals

You will also forfeit the exam fee if you arrive to the test center more than 15 minutes late.

## Information About UExcel Exams for Colleges and Universities

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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

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# Sample Grade Report

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Excelsior College  
GRADE REPORT FOR EXAMINATIONS

Contact ID:

Test Date: 11/21/2020

Letter Grade: C

Examination Code and Title: 210 Statistics

Recommended Credit:  
3 Lower Level

Your examination results are expressed as a Letter Grade of A, B, C, or F. Your results are automatically verified when they are received at Excelsior College. If an error is detected, you will be notified immediately.

**Recommended Credit** is the number of semester hours credit that Excelsior College awards and recommends for your grade. Excelsior College awards and recommends credit for letter grades of C or better.

**If you plan to take another examination**, you may download free content guides and the User's Guide by visiting our website at [www.excelsior.edu/exams/content-guides/](http://www.excelsior.edu/exams/content-guides/).

**If you need an Excelsior College Official Examinations Transcript** to document the credit you have earned for this examination for another institution, the request can be made online by accessing the Excelsior College website ([www.excelsior.edu](http://www.excelsior.edu)), logging into your MyExcelsior account, and scrolling down to the For Exams Takers box and clicking on the Request transcripts link. If you do not already have a MyExcelsior username and password, you can obtain one at no cost by accessing the Excelsior College website, clicking the Log In to MyExcelsior button, and then clicking the link "Create a MyExcelsior User Account."



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[excelsior.edu/exams](https://excelsior.edu/exams)