

June 1996

## Juris Libris

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### Recommended Citation

Montgomery, Jack G. (1996) "Juris Libris," *Against the Grain*: Vol. 8: Iss. 3, Article 25.  
DOI: <https://doi.org/10.7771/2380-176X.1916>

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# Juris Libris

## Resources for Labor Law

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### Resources for Labor Law

by **Lawrence D. MacLachlan** (University of Missouri—Kansas City Law Library)

This column deals with resources for research in the area of labor law. Work is one of the defining characteristics of most peoples' lives and labor law, as the law of the workplace, presents a complex combination of statutes, rules, regulations, and agency and judicial decisions. The function of labor law is to enumerate specific rights, obligations and prohibitions and to establish and maintain balance in the relationships of the workplace.

The following items begin with works that present an all-encompassing or general overview treatment of labor law and then proceed to identify single-topic works with a specialized focus to allow for progressively more specific and detailed research. Where available, prices, ISBN, and publisher phone numbers are provided to help in making selection choices. The field of labor law is very dynamic and while additional cost is involved to maintain currency, caution should be noted about the reliability of unsupplemented works.

#### General Overview

**Developing Labor Law.** 3rd ed. American Bar Association Staff. Washington D.C.: Bureau of National Affairs, 1994. ISBN 0-87179-985-5, ph: 1-800-372-1033. \$250.00 + periodic suppl. *Excellent overview and background source for major established principles of labor law. Regular supplements maintain currency. Good reference through footnotes to court and agency decisions.*

**Employment Coordinator.** Judy Wade, ed. New York: Clark Boardman Callaghan/RIA, 1996. ISBN 0-318-59234-7, ph: 1-800-323-1336. \$1,550.00 + annual suppl. *A seventeen-volume looseleaf treatise, continuously updated including weekly newsletter, covers all aspects of labor law: benefits, compensation, employment practices, labor relations and safety. Excellent topical index and finding aids with footnotes to both state and federal cases and statutes.*

Gorman, Robert A. *Basic Text on Labor*

**Law: Unionization and Collective Bargaining.** Egan, MN: West Publishing, 1992. ISBN 0-314-31922-0, ph: 1-800-328-2209. \$33.50. *A classic standard treatise covering all aspects of labor law. This work has itself been cited in court decisions for its analysis and statements of general principles. A well organized and detailed starting point.*

Kheel, Theodore W. **Labor Law.** New York: Matthew Bender, 1973. ISBN 0-8205-1344-X, ph: 1-800-223-1940. \$1,170.00. *Eleven looseleaf volumes, continuously updated provide comprehensive in-depth coverage of the field. This work is for a researcher with previous experience in the area of labor law and knowledge of the major issues and basic principles.*

#### NLRB Practice & Procedure

Modjeska, Lee and Modjeska, Abigail C. **Federal Labor Law: NLRB Practice.** New York: Clark Boardman Callaghan, 1994. ISBN 0-615-00454-7, ph: 1-800-323-1336. \$165.00. *Excellent step-by-step analysis of procedures before the National Labor Relations Board. Covers all aspects of organizing and election petitions, representation proceedings, unfair labor practice charges, investigations and hearings. Designed for the NLRB practitioner, but also understandable by an individual, union agent or business owner.*

#### Public Sector

Horowitz, Morris A. **Collective Bargaining in the Public Sector.** New York: Free Press/McMillan Publishing, 1994. ISBN 0-669-21517-1, ph: 1-800 257-5755. \$45.00. *This work analyzes trends and developments in the fastest growing area of unionization and collective bargaining.*

Leibig, Michael T. and Kahn, Wendy L. **Public Employee Organizing & the Law.** Washington D.C.: Bureau of National Affairs, 1987. ISBN 0-87179-499-3, ph: 1-800-372-1033, \$34.00. *Summarizes and analyzes different models of public sector organizing issues and bargaining relationships. Relevant statutes, regulations and constitutional principles are included. Most likely reader would be an organizer of public employees or re-*

*searcher from the union or employees' perspective.*

#### Private Sector

Fossum, John A. **Labor Relations: Development, Structure, Process.** 6th ed.. Homewood, IL : Irwin, 1994. ISBN 0-256-13610-6, ph: 1-800-323-4560, \$66.95. *Directed at a college audience or specialized industrial relations researcher.*

Hilgert, Raymond L. and Schoen, Sterling H. **Cases in Collective Bargaining & Industrial Relations: A Decisional Approach.** 8th ed. Homewood, IL : Irwin, 1995. ISBN 0-256-16214-X, ph: 1-800-323-4560, \$32.95. *Case studies for a college level audience in the processes and decisions involved in collective bargaining.*

Oberer, Walter E., Hanslowe, Kurt L. and Heinsz, Timothy J. **Labor Law: Collective Bargaining in a Free Society.** 4th ed. Egan, MN: West Publishing, 1995. ISBN 0-314-04826-X, ph: 1-800-323-2209, \$ n/a. *College level case studies, less of a legal focus and more industrial relations oriented.*

#### Arbitration

Elkouri, Frank and Elkouri, Edna A. **How Arbitration Works.** 4th ed. with suppl. Washington D.C.: Bureau of National Affairs, 1994. ISBN 0-87179-470-5, suppl. ISBN 0-87179-821-2, ph: 1-800-372-1033. \$205.00 (incl. suppl.). *"The bible" of labor arbitration, this work covers the entire subject matter of disciplinary and contract interpretation issues. Very clearly written and well organized for all users. Extensive footnotes to arbitral precedent.*

Schoonhoven, Ray J. **Fairweather's Practice & Procedure in Labor Arbitration.** 3rd. ed. Washington D.C.: Bureau of National Affairs, 1991. ISBN 0-87179-642-2, ph: 1-800-372-1033. \$78.00. *The procedural counterpart to Elkouri & Elkouri. This work comprehensively covers the arbitration hearing from the initial agreement to arbitrate, selection of the arbitrator, issues at hearing, witnesses, evidence, enforcement or review of the arbitration award. Very clearly written, excellent*

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**Legally Speaking**  
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And so what does the war over electronic publishing rights mean for libraries? **Jeri Van Goethem**, head of the Acquisitions and Serials Department at the William R. Perkins Library, **Duke University**, who has followed the controversy, said, "All writers are entitled to financial return for their work, but unfortunately more dollars tend to go to intermediaries than to writers. Anything published in print and re-published electronically should provide the kinds of revenues for writers as would be obtained for any reprint, or second printing."<sup>33</sup> But she added, "If PRC is successful in obtaining copyright fees, the result for libraries will no doubt be higher charges for access and with additional surcharges added in for the publisher/vendor."<sup>34</sup>

Some librarians don't expect the cost to go up tremendously. "Currently, the fees for electronic services are already so high a few more dollars won't hurt if writers are successful in getting electronic rights agreements," Holley explained.<sup>35</sup>

Librarians interviewed by *Against the Grain* are also concerned that the increasing cost of repaying copyright holders is creating a trend detrimental to the interests of libraries: electronic access is becoming a license to view but not to keep. As Van Goethem explained, "We are paying large charges but have no rights for future control of the information. In databases of electronic journals, titles frequently disappear — as recently happened with *Science* in the UMI ProQuest databases. The backfile can no longer be accessed, even though we paid for the right to the entire file. So this is an unreliable method of providing information to the university community. I think we would be willing to pay copyright charges if we could then 'own' the data."<sup>36</sup>

*Ron Chepesiuk is Professor and Head of Special Collections, Dacus Library, Winthrop University, Rock Hill, SC. He is a contributing editor to American Libraries and Editor-In-Chief of International Leads, the international arm of ALA. His latest book is Sixties Radicals, Then and Now: Candid Conversations with Those Who Moved an Era (McFarland, 1995).*

*Linda P. Albright is Assistant Professor and Head of Acquisitions at the Dacus Library, Winthrop University.*

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practical pointers and footnotes to relevant decisional authority.

Zimny, Max, Dolson, William and Barreca, Christopher A. *Labor Arbitration: A Practical Guide for Advocates*. Washington D.C.: Bureau of National Affairs, 1990. ISBN 0-87179-635-X, ph: 1-800-372-1033. \$55.00. A good middle-ground in both price and extent

of coverage between Elkouri and Fairweather. This work assumes the reader has a high level of knowledge of the substance of the issues and as titled focuses on practical details for advocates.

**Discrimination**

*Employment Discrimination* Coordinator, Judy Wade. New York: Clark Boardman Callaghan/RIA, 1994. ph: 1-800-323-1336.

**Endnotes**

- <sup>1</sup>William Glaberson, "Writers' Group Criticize *Times* on Freelancer Policy," *The New York Times*, August 9, 1995.
- <sup>2</sup>Patrick M. Reilly, "*New York Times*' Free-Lance Policy Draws Strong Opposition From Writers," *The Wall Street Journal*, August 9, 1995.
- <sup>3</sup>Alexandria Marks, "Cyber Revolution Creates a Revolt," *Christian Science Monitor*, November 21, 1995, p.13.
- <sup>4</sup>Nan Levinson and Donna Demac, "Information Highway Robbery?" *The Women's Review of Books*, v.8, no.5, February 1996.
- <sup>5</sup>Marks, "Cyber Revolution Creates a Revolt," *Christian Science Monitor*, November 21, 1995, p. 13.
- <sup>6</sup>Ken Follett, Garrison Keillor and Alvin Toffler, "Writer's Statement." News Release Packet of Information. National Writers Union, American Society of Journalists & Authors, and Authors Guild. August 8, 1995.
- <sup>7</sup>Follett, Keillor and Toffler, "Writer's Statement."
- <sup>8</sup>Gens Holley, interview, by Linda P. Albright, telephone, Rock Hill, SC, May 1, 1996.
- <sup>9</sup>Dean A. Haycock, "Freelance Writers Lose Rights to Stories," *Glen Falls (New York) Post-Star*, 3 September 1995, Business section.
- <sup>10</sup>Michael Miner, "Road Hog on the Info Highway," *Chicago Reader*, February 2, 1996.
- <sup>11</sup>"Contracts Watch," *Freelance Writers Report*, Florida Freelance Writers Association, no date.
- <sup>12</sup>"Contracts Watch," *Freelance Writers Report*, Florida Freelance Writers Association, no date.
- <sup>13</sup>Haycock, "Freelance Writers Lose Rights to Stories."
- <sup>14</sup>Miner, "Road Hog on the Info Highway."
- <sup>15</sup>Nicholson Baker, interview, by Linda P. Albright, telephone, Rock Hill, S.C., April 25, 1996.
- <sup>16</sup>Miner, "Road Hog on the Info Highway."
- <sup>17</sup>Reilly, "*New York Times*' Free-Lance Policy Draws Strong Opposition From Writers."
- <sup>18</sup>Holley, interview by Linda P. Albright.
- <sup>19</sup>"Writers Sue to Stop Massive Copyright Infringement," News Release Packet of Information.
- <sup>20</sup>Untitled Statement. News Release Packet of Information. National Writers Union, American Society of Journalists & Authors, and Authors Guild, August 8, 1995.
- <sup>21</sup>"Frequently Asked Question," Publication Rights Clearinghouse, National Writers Union, January 1996.
- <sup>22</sup>"Frequently Asked Questions," Publication Rights Clearinghouse.
- <sup>23</sup>"Frequently Asked Questions," Publication Rights Clearinghouse.
- <sup>24</sup>Irvin Muchnick, "NWU Rolls Out 'PRC,' Pioneering Online Royalty System," interview by Steve Wolf, adapted from *American Writer*, Fall 1993, *National Writers Union Newsletter*, January, 1996.
- <sup>25</sup>Irvin Muchnick, interview by Steve Wolf.
- <sup>26</sup>Irvin Muchnick, interview by Steve Wolf.
- <sup>27</sup>Calvin Reid, "*Harper's* to Pay Authors Royalties on Digitized Content," *Publishers Weekly*, February 12, 1996, p.12.
- <sup>28</sup>Reid, p.12.
- <sup>29</sup>Reid, p.12.
- <sup>30</sup>Reid, p.12.
- <sup>31</sup>Craig Reynolds, "News Column," *Freelance Success Newsletter*, April 25, 1996, p. 1.
- <sup>32</sup>Reynolds, p.1.
- <sup>33</sup>Jeri Van Goethem, interview, by Linda P. Albright, telephone, Rock Hill, SC, April 25, 1996.
- <sup>34</sup>Van Goethem, interview by Linda P. Albright.
- <sup>35</sup>Holley, interview by Linda P. Albright.
- <sup>36</sup>Van Goethem, interview by Linda P. Albright.

\$1,250.00 + annual suppl. An eight-volume looseleaf treatise, continuously updated. Includes all federal statutes, presidential documents and regulations. Relevant statutes of every state and topical analysis by type of discrimination, employment practices and remedies follow. Very well organized and usable, good indexing, finding aids and footnotes to case law and other primary material.

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**For Readers Only**  
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Radical candidate, and all the rest. Not all the rest, for the woman has not yet appeared on the scene. But nobody must miss the tale." This hero went on in subsequent novels, to earn a knighthood becoming Sir R.H.. The last of the R.H. books was written by the governor of one of the British commonwealths, who lived from 1875 to 1940. This prolific author published his first novel before he went to Oxford where he served as Librarian of the Oxford Union in 1898. Happily, these books and several others by our author are still in print and are still fun to read.

9. The number in this title alludes to a famous sleuth. The author is not particularly well-known and, if memory serves me, it is a book that is fun to read but not especially memorable except for the title. Was it made into a movie or a television show? I think it might have been but that is not a clue. How can I say more without giving the book away?

10. Another famous person figures in this non-fiction work. At least I think it is non-fiction. Why can't I remember? Am I suppressing something? An address perhaps? Too much Viennese coffee can cause temporary loss of memory.

Now that I have compiled this puzzle it occurs to me that you will probably need an online public access catalog with keyword searching to get some of these answers. I suggest that you use the OCLC online union catalog for comprehensiveness. Actually, some of you may be able to get most of these without leaving your chair. Number ten could be a stumper but if you analyze it carefully you will no doubt find the correct answer.

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Lindemann, Barbara and Grossman, Paul. *Employment Discrimination Law*. Washington D.C.: Bureau of National Affairs, 1983 (with suppl.). ISBN 0-87179-386-5, ph: 1-800-372-1033. \$145.00. *This comprehensive treatise is a good initial point for research into the origins of the law of employment discrimination. Its organization begins with the foundation principles of disparate treatment, present effects of past discrimination and adverse impact. The full scope of discrimination law and procedure at the time of its writing follows.*

Richey, Charles R. *Manual on Employment Law & Civil Rights Actions in the Federal Courts*. 2nd ed. New York: Clark Boardman Callaghan, 1994. ISBN 0-318-72689-0, ph: 1-800-323-1336. \$140.00. *U.S. District Court Judge Richey originally prepared the work as a guide for other judges in the trial of all aspects of employment discrimination suits. Subsequent editions provide step-by-step analysis for practitioners and pro se plaintiffs with claims of discrimination under all federal statutes, constitutional and common law based actions and remedies.*

Sullivan, Charles A., Zimmer, Michael J., Richard F. *Employment Discrimination*. Boston: Little Brown & Co., 1988. ISBN 0-316-82192-6, 1991 suppl. ISBN 0-316-82201-9, *Special Release on Civil Rights Act of 1991*. ISBN 0-316-82202-7, ph: 1-800-343-9204 \$395.00. *A three-volume treatise with regular supplementation. Covers actions under all federal civil rights statutes. Litigation strategies and the status of the employment-at-will doctrine are also presented and analyzed*


**Internal Union Governance**

Malin, Martin H. *Individual Rights Within the Union*. Washington D.C.: Bureau of National Affairs, 1988. ISBN 0-87179-537-X, ph: 1-800-372-1033. \$88.00. *An excellent analysis of the relationship between workers and their unions. The work discusses the legal status of unions, the union members' "bill of rights," reporting, election and fiduciary responsibilities of unions and union officers and the duty of fair representation. Text of relevant statutes and regulations are in appendices. Very clear analysis, well organized and footnoted to primary authority.*

**ANSWERS TO LAST ISSUE'S QUIZ**

A. *THE LOG FROM THE SEA OF CORTEZ* by John Steinbeck. This book is still in print and still highly readable. Steinbeck includes a long passage on his theory of life, the non-teleological as opposed to the teleological, but he is most successful when he is describing the group of men living deliberately on a fishing boat collecting marine specimens. Steinbeck also appreciates that coastline of Mexico along the Gulf of California, including La Paz. This is a part of Mexico we never hear about, but is it still there almost fifty years later? And I wonder if Steinbeck was influenced by *Walden*, a book that he surely was familiar with.

B. *WALDEN* by Henry David Thoreau. Also in print, this American classic is the ideal that other writers aim for. I have admired this book and its author since high school but the real beauty of *Walden* was not available to me at that age, although I got the message then, too. Backslider that I am, I need to re-read this handbook, or parts of it, from time to time to keep me on the straight and narrow.


C. *CASUALS OF THE SEA* by William McFee. A lot of the action in this book takes place in London and its environs but the sea is central to the theme of the book and to its orientation to life. In this, it parallels the books above, but it is a work of fiction, one of those novels of truth that can help us set our moral compass as we try to steer a steady course. I don't think this book is in print any longer but it was issued by the Modern Library in 1931 and can occasionally be found tucked away on a dusty shelf in some used bookstore, an appropriate place for it, actually, for in the book, the protagonist is awakened to life's promise by secondhand books and the bookseller who urged the young man to read. 

Wallihan, James. *Union Governance & Organization in the United States*. Ann Arbor, MI: Books on Demand, ph: 1-800-521-0600, (original publication: Washington D.C.: Bureau of National Affairs, ISBN 0-87179-4600-8, ph: 1-800-373-1033 \$ 77.60). *A very thorough examination of union structure from the local membership and organization to regional, international and multi-union structures. Includes description of duties of union officers, activities of internal union departments and variations on union financial structures. The role and authority of international unions and the AFL-CIO as multi-union structure is discussed.*

**Individual/At-Will Employment**

Brodie, Donald W. *Individual Employment Disputes: Definite & Indefinite Term Contracts*. Westport, CT.: Greenwood, 1990. ISBN 0-89930-512-1, ph: 1-203-226-3571. \$59.95. *As unions struggle to maintain membership and devise strategies to organize public and previously underrepresented employees, the fastest growing sub-field within labor law is individual/at-will employment. Within this sub-field one of the first questions to be asked is as to the existence of a contract, express or implied, or for a definite or indefinite term. This work provides clear and excellent analysis of this critical initial question.*

Decker, Kurt H. *The Individual Employment Rights Primer*. Amityville, N.Y.: Baywood, 1991. ISBN 0-89503-089-6, ph: 1-516-691-1270. \$24.95. *A good starting point for overview treatment to aid in identifying issues for further research.*

Specter, Howard A., Finkin, Matthew W. *Individual Employment Law & Litigation* (with 1991 Supplements). Charlottesville, VA.: Michie, 1989. ISBN 0-87473-447-9, ph: 1-800-446-3410. \$160.00. *This two-volume work, supplemented with pocket parts, covers the formation, duration and termination of the individual employment relationship. A state-by-state analysis of the law of company policy manuals is included as are discussions of limitation on subsequent employment because of trade-secrets and non-compete covenants. The second volume addresses rights of the individual employee against defamation and interference with prospective employment and covers arbitration, litigation and remedies. A good selection of sample forms, complaints, motions and orders is included. *