

Labor relations project



**ASSIGN
BUSTER**

Labor Relations Project 2007 The management of Happy Trail LLC, an independent living home, wants to economize on their employees' compensations and benefits. Moreover, recently they have fired their previous high-salary experienced staff. Not so long ago, the competitive independent living home situated within the city has been unionized, and the union has negotiated superior wages and benefits for the employees. Now we are going to organize a union among the employees of Happy Trail LLC. Certainly the management is not happy about it. So we have to meet with them and employees in order to explain the laws and the possible consequences.

Unions are an essential part of the labor process. Union members are protected by strict laws that guard their legal rights for the salary, benefits and compensations. Another opportunity is to organize collective bargaining. It is the negotiation between an employer and a group of employees, determining the conditions of employment. The collective bargaining ends in a collective agreement or contract, in which the employees are represented as the members of a union or a labor organization. Since the agreement is achieved, its maintenance is observed by federal and state laws, judicial decisions and organizational agency regulation. The major law governing collective bargain is the National Labor Relations Act, originally enacted by Congress in 1935. Employees working under collective bargaining agreements are also covered and protected by the Labor-Management Reporting and Disclosure Act of 1959, even if they are not union members. These acts guarantee legislative support to the employees.

In accordance with the NRLA a labor organization is selected to represent a unit of employees in collective bargaining. The employer has no right to

interfere with this selection. The employer must bargain with the selected representative of the unit. There are certain employment laws as to the minimum salary, obligatory benefits and compensation to the employees in private sector. These are the Occupational Safety and Health Act of 1970, the Family and Medical Leave Act, Employee Retirement Income Security Act, Employee Retirement Income Security Act, the Fair Labor Standards Act, and some others. Being a member of a union or collective bargain, you are also entitled to all the protection against discharge (Cuomo 2007). Any proposals violating these laws cannot be included into the collective bargain. Moreover, in case the employee does not keep to the contract, the NLRA grants the members of a union or a collective bargain with the right to implement certain tactics to protect their essential constitutional labor rights. These established regulations include strikes, picketing, lock-outs, etc.

Collective agreements are regulated and enforceable under state law. And in case the employer violates the agreement the labor unit can charge a file for litigation. However, a union agent may be chosen as a third party for arbitration. The Uniform Arbitration Act is adopted in 49 states so that the arbiter decisions are enforceable under the federal and state law (Cornell Edu). Members of unions have constitutional rights for free expression of their will, voting, meeting and the like. While the employer attempting to prevent his employees from their rights, has to answer according to law (U. S. Department of Labor 2005).

Thus it is recommend for the LPNs of Happy Trail LLC to become members of a union or to conclude a collective bargaining agreement. Then they may demand bonuses, additional benefits and higher wages and the employer

cannot fire them as it happened to their predecessors. Accordingly, they cannot close the living home without paying out the compensation, which is not beneficial. The members of the union do pay a small membership due. Yet, the collective bargaining agreement does not influence salaries (only improving them).

On the other hand, at the moment the LPNs, though protected by law, will find it more difficult to assert their rights. So it is recommended that the LPNs entered the union or organize the collective bargaining. In no case should they assist the circulation of anti-union petitions. We hope that our recommendations will be adopted and Happy Trail LLC will be unionized to protect its employees.

References:

Cornell Edu. Collective bargaining and labor arbitration: an overview.

Retrieved August 22, 2007 from www.law.cornell.edu/topics/collective_bargaining.html - 25k

Cuomo, Andrew (2007). Can You Be Fired? New York State. Retrieved August 22, 2007 from www.oag.state.ny.us/labor/fired.html - 19k

U. S. Department of Labor (2005). Compliance Assistance Employment Law Guide - Union Members. Retrieved August 22, 2007 from www.dol.gov/compliance/guide/unions.htm - 40k