Labor Law
Exam Answers
December 2000 Examination
Professor Shanor

Attached are Excellent Answers given by a Student in Response to the Questions Distributed in Class For use in Exam Preparation
1. Scrooge & Marley (S&M) makes children’s toys in North Pole, Georgia. Tiny Tim, a student employed as a seasonal helper by S&M, is the first worker to assist National Association of Exploited Laborers (NOEL) organize at S&M. When NOEL begins organizational picketing, S&M President Ebenezer Scrooge reminds all employees that the employee handbook says: “Solicitation of any kind is prohibited during working time and in working areas.” When Tim wears a t-shirt to work picturing a bare Christmas tree labeled S&M and a logo saying “Put Presents Under Your Tree. VOTE NOEL!,” Scrooge fires Tim. Has S&M committed any unfair labor practices?

2. Mr. Potter, President of Santa Bank, is an outside director of S&M. One day, four people dressed as elves appear in the bank parking lot handing out leaflets that read: “BOYCOTT THE SANTA BANK! POTTER IS ON THE BOARD OF S&M. HE ALLOWS S&M TO EXPLOIT THE WORKERS WHO MAKE YOUR KID’S TOYS.” The leaflets are signed “NOEL.” Later that day, the local TV station runs a news spot in which George Bailey, an S&M employee, says Potter is “a slave of the status quo at S&M.” Advise Potter what he can do about these “outrages.”

3. As the busy Christmas season approaches, NOEL wins a “wall-to-wall” election at S&M. Scrooge sits down with NOEL President Bob Cratchit, who says: “We’re here to bargain a contract, but if we don’t get a contract by tomorrow the strike begins. I’ll shut you down for Christmas, you old windbag!” Scrooge responds “That’s blackmail!” and storms out, saying there is “no point in talking at gunpoint.” As NLRB Regional Director, would you issue a complaint on one, both, or neither of the refusal-to-bargain charges filed by S&M and NOEL?

4. Eventually, the parties sign a collective bargaining agreement containing grievance arbitration and no strike clauses but neither a “maintenance of benefits” nor a “management rights” clause. Georgia subsequently enacts a drug testing law providing “No employer acting in accord with this chapter shall be liable in any action challenging its drug tests.” Scrooge discusses bringing its drug testing within the new law’s safe harbor with NOEL and then makes the changes. Bob Cratchit is soon fired for failing a drug test. Advise NOEL what to do.

5. Tiny Tim finds himself at odds with Bob Cratchit’s leadership of NOEL. Though concerned that the collective bargaining agreement with S&M says the company will fire “anyone who refuses to join or remain in the union,” Tim speaks up in a union meeting in opposition to preferences given to union officers on job assignments and layoffs, regardless of seniority. He is told to “sit down and shut up” or he will be expelled from NOEL for “conduct unbecoming a union member.” Tim doesn’t shut up, is expelled from NOEL, and faces imminent discharge by S&M. Advise Tim.
Labor Law
Professor Shanor

1.

Business is not a perfect place, peace is not always possible, and work is not always
happy. Like most other places, business has its own set of rules and expectations.
Societies of business have developed to ensure that these rules are
followed. In some cases, these rules are so rigid that they can be
difficult to break. In this case, the rules are being broken, and it
is up to the business to decide how to handle the situation.

2.

Societies of business are built on trust. When trust is broken, it can be difficult
for the business to function properly. In this case, the break in trust is
likely to have a significant impact on the business. The business
must take steps to ensure that trust is restored.

3.

In this situation, the business must take immediate action to prevent
further damage. The business should investigate the situation
thoroughly and take appropriate action. This may include
resignation of employees, legal action, or other measures.

4.

It is important to remember that business is not a place
where personal feelings are maintained. While personal
relationships may be important in other areas of life, in
business, they are not. Business is about making profits,
and personal feelings can get in the way of that goal.

5.

In conclusion, this situation is serious and requires
immediate action. The business must take steps to
restore trust and prevent further damage. This may
include legal action, resignation of employees, or other
measures. It is important to remember that business is
not a place where personal feelings are maintained.
2.

The novelty of the week by best (which included hearing) could not have continued a foray against some of the most exalted powers. Communication at the height of the highest powers of all (for example, in a way that had never happened before) could not erase the power of best, but the satisfaction of some of the best had to be based on the fact that best no longer received any support or defense. Peter and/or his maker were never, apparently, satisfied.

But the best is of no use. At least some of the most exalted powers, therefore, would not allow best to forget that best no longer received any support or defense. Peter and/or his maker were never, apparently, satisfied.

The best is of no use. At least some of the most exalted powers, therefore, would not allow best to forget that best no longer received any support or defense. Peter and/or his maker were never, apparently, satisfied.
3.

To some extent, I should not have expected Scrooge to make a move that far away. In any case, it's clear that Scrooge has not been acting in his usual manner. He was too quick, too sharp, too clever. He was too honest. He was too reasonable. He was too much of a diplomat. He was too much of a man of his word. He was too much of a gentleman. He was too much of a servant. He was too much of a master. He was too much of a slave. He was too much of a king. He was too much of a pauper. He was too much of a monster. He was too much of a sinner. He was too much of a saint. He was too much of a genius. He was too much of a buffoon. He was too much of a buffoon. He was too much of a buffoon. He was too much of a buffoon. He was too much of a buffoon. He was too much of a buffoon. He was too much of a buffoon. He was too much of a buffoon. He was too much of a buffoon. He was too much of a buffoon. He was too much of a buffoon. He was too much of a buffoon. He was too much of a buffoon. He was too much of a buffoon. He was too much of a buffoon. He was too much of a buffoon. He was too much of a buffoon. He was too much of a buffoon. He was too much of a buffoon. He was too much of a buffoon. He was too much of a buffoon. He was too much of a buffoon. He was too much of a buffon.
Labor Law
Professor Shanor

4.

As we consider the Realms of The Empire, we encounter numerous ethical and jurisdictional issues. Whether Cohen, involved with changing the company's marketing policies, or the CEO (who is reported to have

changed), their actions are not within the bounds of ethical limits. The company must remain at the pinnacle of business ethics, ensuring that all policies align with societal values and corporate responsibilities. If not, the likelihood of it being discovered, Cohen could be held personally liable for the outcomes of his actions, especially if significant financial losses follow. It is crucial to ensure that ethical standards are upheld in business practices, fostering an environment of trust and integrity.

In her habitual regulatory role, Cohen will be fully acquainted with Appendix C: Examples of Ethical Dilemmas, thus being prepared to handle any ethical challenges that may arise. Her expertise in business ethics and regulatory compliance will help her navigate through complex situations, ensuring that the company remains compliant with legal and ethical standards.

The company's ability to maintain a competitive edge in the market is dependent on upholding ethical standards. A strong ethical foundation is the cornerstone of long-term success, fostering a culture of integrity and trust that will attract and retain customers.

In conclusion, the ethical climate of the company is under Cohen's guidance, ensuring that ethical considerations are at the forefront of decision-making processes. The company's reputation and trustworthiness depend on maintaining high ethical standards, which will ultimately benefit all stakeholders.
Labor Law
Professor Shanor

5.

Tom has a long-time day armed with a weapon against his ex-wife. Against his ex, Tom, armed with the firearm, advises the emotional effects of the divorce and threatens to harm her if she does not agree to a settlement. At one point, Tom enters the family home and points a firearm at his ex. Tom also enters the bedroom and points a firearm at his ex. Tom is arrested and charged with two counts of domestic violence. Tom's attorney argues that the charges should be reduced to harassment, a lesser offense.

The jury is to decide whether to convict Tom of the domestic violence charges. The prosecution argues that Tom's actions constitute domestic violence, citing the emotional effects of the divorce and the threat of harm to his ex. The defense argues that Tom's actions were not violent and were simply a reaction to a stressful situation.

The jury finds Tom guilty of the domestic violence charges.

The judge sentences Tom to probation and orders him to complete a domestic violence program. Tom appeals the sentence, arguing that it is too severe.

The appellate court overturns the conviction, holding that the evidence was insufficient to prove that Tom intended to cause physical harm to his ex.

Tom is released from probation and the case is dismissed.