

Labor Law

SAMPLE MULTIPLE CHOICE QUESTIONS

1. A labor arbitrator's award may be overturned by a court if:
 - a) It does not draw its essence from the collective bargaining agreement.
 - b) It contains factual and legal errors that would cause a higher court to overturn the decision of a lower court.
 - c) It reinstates a recidivist drug abusing employee to a position that may endanger public safety if the employee is not clean and sober.
 - d) The arbitrator credits the testimony of a known perjurer.

2. A union violates its duty of fair representation if:
 - a) It discriminates in its bargaining position between certain identified groups of employees it represents.
 - b) It refuses to arbitrate a grievance brought by a represented employee because it has concluded it cannot win.
 - c) It refuses to investigate a grievance because the grievant has not yet begun paying dues to the union.
 - d) It settles a discharge grievance for reinstatement but only partial backpay.

3. An employer has implemented and enforced a strict no-solicitation rule. An employee of that employer, while off-duty, enters the store with a T-shirt stating "Sign Up with the UFCW; I'll Show You How". The employer management sees the employee after he has received a few signed cards from other employees, and has the off-duty employee escorted out. The employer:
 - a) has violated 8(a)(1) if the T-shirt is comparable to a union button and the employer cannot show the employee was disruptive.
 - b) has violated 8(a)(3) by singling out the off-duty employee who has a right to visit the store like any other member of the public.
 - c) has not violated 8(a)(1) because it has a right to rigorously enforce its no-solicitation rule.
 - d) has not violated 8(a)(3) because the off-duty employee was trespassing.

4. Employee Fabozzi complained about sexual harassment by her leadman Leon, but the union concluded it could do nothing about it. She then went to the Department of Fair Employment and Housing, which asked her to produce more evidence than she had about Leon. She heard that another employee, Ms. Garcia, had also had a arguably harassing encounter with Leon, and asked Garcia to present her evidence to the DFEH. Garcia expressed reluctance to do so, told management about Fabozzi's approach to her, and management fired Fabozzi. In the ensuing 8(a)(1) charge brought by Fabozzi, the NLRB will:
- a) Rule against the company because it retaliated against her for engaging in protected, concerted activity.
 - b) Rule against Fabozzi because she went to the DFEH for her own individual gain.
 - c) Rule against the company because Ms. Garcia might suffer the same harassment as did Fabozzi.
 - d) Rule against Fabozzi because she could not prove Leon had harassed her.
5. The night shift employees have all signed a petition saying they are not satisfied with the leadership of the union, and have submitted it to management. Which one of the following would it be unlawful for the employer to do:
- a) Refer the employees to the NLRB for advice.
 - b) Refer the employees to the bar association of its state for advice.
 - c) Take a poll of the employees by a show of hands as to which employees wish to have the union represent them.
 - d) Refer the employees to their union.
6. As a result of the petition referred to above, the employer withdraws recognition from the union and refuses to engage further in any collective bargaining processes, asserting it has a "good faith doubt" of continuing union majority status. In response, the union should:
- a) File an 8(a)(5) charge.
 - b) File a grievance claiming the company has violated the "union recognition" provision of the CBA.
 - c) Do a) but not b).
 - d) Do both a) and b).

7. The National Labor Relations Act was originally passed by Congress
- a) to help create jobs following the return of soldiers after World War II.
 - b) in reaction to the loss of jobs as a result of the Great Depression of 1929.
 - c) to assist unions in their ability to organize workers.
 - d) to punish large corporations for their support of the Republicans.
8. During the week of December 10, before an NLRB conducted election scheduled for December 14 to determine whether its employees would choose to be represented by a union, the employer held a mandatory meeting of all eligible voters in its cafeteria during what would have been the employees' regular work day. Employees were told that they would be paid for their time at the meeting. The union files charges with the NLRB against the employer alleging that the meeting was coercive and that unless the employer pays for equal time for the union to address the employees the employer has violated Section 8(a)(1) and (3) of the Act by engaging in disparate treatment.

The Board will:

- a) dismiss all charges.
 - b) find that the meeting was coercive but will only require the employer to post a notice as a remedy and will not find that the employer had an obligation to give the union equal time.
 - c) find that the employer violated the Act by both holding the meeting and not giving the union equal time.
 - d) find that although the meeting was not coercive, per se, the union was entitled to equal time.
9. Willie Worker refuses to attend the meeting. He is
- a) protected by Section 8(a)(1) which prohibits an employer's coercion in supporting or refusing to support protected concerted activity.
 - b) protected by Section 8(a)(3) which prohibits an employer's coercion in supporting or refusing to support union activity.
 - c) not protected by the NLRA because attending the meeting is not considered coercion under either 8(a)(1) or (3).
 - d) permitted to express his disagreement with the employer's point of view by leafleting under Section 8(c)

ANSWERS

- 1.a
- 2.c
- 3.c
- 4.b
- 5.c
- 6.d
- 7.c
- 8.a
- 9.c