part of your answer why you have recommended a particular course of action.
available? What course of action would you recommend to the union? Please explain as
employees who had performed the work that was now subcontracted.
subcontracted to firms having collective bargaining agreements with the union.
used in installing toilets in office buildings. Since then, almost all of the work had been
the Flush Company had subcontracted substantially all of its vehicles, tools, and equipment.
June 30, 1993.
the Flush Company had

Between August 1994, and May 1995, the Flush Company met with most of the
union employees to work on toilets in office buildings

In February 1994, the Flush Company withdrew its membership in the multi-

The Flush Company began experiencing financial problems, and it looked like
subcontracting

HYPOTHETICAL CASE 1

(781) 592-4000
PROFESSOR PREDERICK T. GOLDBER
FINAL EXAM, DECEMBER 18, 1998
LABOR LAW - PRIVATE SECTOR

MASSACHUSETTS SCHOOL OF LAW
action would you recommend to the NoTel Model and Why?

The NoTel Model has retained you to represent them before the NLRB. What
defenses and arguments would you raise on behalf of the NoTel Model? What
course of

beginning order with the NoTel Model.

Aside the election as an unfair labor practice and is seeking to ask the NLRB for a

The NoTel Model won the election and the HEAT Union is now seeking to set

employee on.

Voice and handed them one of the coffee mugs. Each coffee mug had the name of the
approached each of the employees individually, shook their hand, asked them for a "No"
coffee mugs that bore the slogan "Vote No" and "Just Vote No." The Manager

Three days before election the manager of the NoTel Model began distributing

HYPOTHETICAL CASE 2
NLRB. Please write a decision setting forth the basis and rationale for your decision.

You have been assigned to hear this case as the administrative law judge for the

Good Faith About the Cameras

Claiming that the Sun Hospital violated Section 8 (a) (1) and (c) by refusing to bargain in

The HLPST Union filed an unfair labor practice charge on December 3, 1998.

The discretion of management

lying at the heart of the Sun Hospital's managerial decisions is a matter of law. The

the cameras and the Sun Hospital, as within the scope of managerial decisions.

Union sought to bargain. Under the cameras. The Sun Hospital refused to bargain about

When the collective bargaining agreement expired on May 18, 1998, the HLPST

February 12, 1995.

After waiting for more than six months, the HLPST Union filed a grievance on

Failed to make any reply;

demanded bargaining on the subject of cameras within the hospital. The Sun

response to reasonable demands for union access. On August 16, 1994, the Sun

are in plain view, others are from time to time, strategically placed in other areas in

On August 4, 1994, the Sun Hospital advised the union that while some cameras

about the test room camera and cameras found in the recreation area.

On August 1, 1994, the HLPST Union, sent the Sun Hospital a letter complaining

the Sun Hospital, the camera was removed.

Hidden in an area in the woman's rest room. When this was brought to the attention of

also suspected. Other misconduct. In July, 1994, a union employee discovered a camera

have been installed because of extensive coverage of things that occurred. The Sun Hospital

the mounting of them on any aspect of their use. Since 1990, eleven hidden cameras

Some women in plain view and the employees knew about them. According to the Sun

The Sun Hospital has used surveillance cameras in their hospital since 1981.

The bargaining relationship with the Sun Hospital for more than 20 years.

The Hospital Employees and Licensed Practitioners Union has had a collective

HYPOGEOMETRIC CASE 3