

A Longitudinal Review of Labor Relations Coursework in U.S. Business Schools: 1977-2002-2010

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This study investigates the status of the labor relations course in the undergraduate business school curriculum, comparing the results of our 1977 study with two replications (2002, 2010) of the same survey. The initial survey revealed the course occupied secondary status in the curriculum but cited arguments as to why its importance should be elevated. The 2002 replication showed a continuing decline in the status of the course but showed that related courses in mediation and negotiations were being added. By 2010 labor courses had declined even more but many more business schools were offering related conflict resolution courses, thus allowing students the opportunity to develop critical skills in labor relations and conflict resolution.

BACKGROUND

Traditionally a labor relations course has appeared somewhere in the business school curriculum at the undergraduate level. The logic for such a course has been that practicing managers, and therefore business students, need a general awareness of labor relations concepts to enable them to reduce workplace conflict, to maintain management's rights, to avoid violations of labor law, and to discourage managerial activities which increase the employees' propensity to unionize and/or grieve or strike.

Over thirty years ago one of the present authors investigated the status of the labor relations course in terms of its place in the business school curriculum and in terms of course content (Stephens, 1977). That study demonstrated the labor relations course occupied a position of secondary importance in the curriculum. Arguments were presented that all managers need to understand labor law and labor relations constructs to avoid both blatantly illegal acts and managerial activities that increase the likelihood that employees will unionize and/or grieve or strike. Likewise, the grievance processing and negotiations concepts and skills taught in a labor relations course were useful and crucial for all managers. The study demonstrated that business

administration students not majoring in labor and human resources management received little or no training in grievance processing or negotiations, and were handicapped in their managerial roles. That research provides the baseline for this current research.

A follow-up project was undertaken twenty-five years later (Stephens, Stephens, Kohl, 2004), replicating the early study and identifying important trends and events during the intervening years leading to the authors' conclusion that grievance processing and negotiations skills were even more important for business school graduates, though the labor relations course had continued to decline in frequency and status.

In light of recent significant changes in the political and economic environments the labor union movement is receiving increased attention and organized labor's power and influence in the work place may consequently change. On the political front the election of a pro labor Democratic President, Barack Obama in 2008, and proposed changes in federal labor law, specifically the Employee Free Choice Act (2007) and Police and Firefighter Monopoly Bargaining Bill (2009), introduced in a congress where the historically more labor friendly Democratic Party enjoyed majorities in both the U. S. Senate and House of Representatives, may lead to a strengthening of union power and influence. In the economic arena, the U. S. economy endured the deepest economic recession since the Great Depression, resulting in significant job loss and accelerating a decline in union membership. This dislocation may lead to a loss in labor union power and influence.

With this turbulence in the political and economic environments and possible subsequent changes in the strength and importance of organized labor, the timing seemed right to replicate our early studies and examine the frequency and status of the labor relations course in the business school curriculum in the present and assess the likelihood that the next generation of professional managers will have the skills and training to effectively manage the union/management relationship.

HISTORICAL STATUS OF THE LABOR RELATIONS COURSE

In 1977, fifty universities, one per state, were selected from the National Microfilm Library's College Catalog Collection, (1976-77). For each state the survey included the university which was believed to be the "flagship" institution for that state, based on an assessment of overall university reputation. As can be seen in Table 1, though students at 92% of the schools surveyed could take a labor relations course by exercising their options to do so, it is obvious that most schools did not view the course as having general utility for all business majors. The course was never required of all business majors, or even of all management majors. As conditions four and five from Table 1 indicate, the course was often (48% of the schools surveyed) included in a set of courses for the management major from which one or more must be selected, opening the possibility that the course could be totally avoided. In 1977, the labor relations course was viewed as essential only within a human resources management (HRM) or labor relations (LR) degree specialization when offered (only 28% of the schools offered those specialties as a subset of the management major). The remainder allowed all students the option to avoid the course entirely, and four schools did not even offer a labor relations course.

The course was largely optional in the business curriculum and thereby not perceived as highly important at the undergraduate level.

TABLE 1
STATUS OF THE LABOR RELATIONS COURSE IN BUSINESS SCHOOL
CURRICULA AT THE UNDERGRADUATE LEVEL, 1977

Status in the Curriculum	# of Business Schools (N=50)	% of Sample
1. LR course required of all business majors	0	0%
2. LR course required of all management majors	0	0%
3. LR course required as part of an LR or HRM concentration	14	28%
4. LR course is in a required category for management majors with an HR course where one or the other must be taken	3	6%
5. LR course is included in a list of specialized courses for management majors with courses such as wage and salary administration, selection, performance evaluation, or leadership skills; students are required to choose one to as many as three from the list	21	42%
6. LR course is a free elective	18	36%
7. LR course is not offered	4	8%

THE HISTORICAL CASE FOR REQUIRING THE LABOR RELATIONS COURSE

Any course will likely be required for the management degree or the bachelor's in business if the course content provides concepts or skills which are deemed essential for effective administration. The typical labor relations course treats a broad and diverse set of topics, including labor law, union operations, contract negotiations, content, and administration that are important and useful to aspiring labor relations specialists or human resources managers. For general managers however, certain sections of the course seem to be of greater importance than others.

Grievance Processes

Line management has traditionally been formally involved in the processing of grievances, and most union contracts require that line managers process grievances through the first and second steps. Non-

unionized firms may or may not have a formal grievance process. Where a grievance procedure does exist, line management usually plays the major role and retains the power to render the final adjudication of grievances (Feuille and Chachere, 1995; Lewin, 2001; Harris, Doughty, Kirk, 2002). Even where there is no formally articulated grievance mechanism, informal grievances arise frequently and must be dealt with by the immediate line supervisor. Thus it seems important that every line manager receive training in the techniques of grievance processing.

Unfortunately, business schools designed their curricula in such a way that only those pursuing degrees formally designated as labor relations or human resources management were required to take the labor relations course and receive training in the grievance process. As the data in Table 1 indicate, only 28% of those schools surveyed offered such majors. In every curriculum surveyed, all other management majors and all other business majors could choose to avoid the labor relations course. Students who opted not to take a labor relations course were likely handicapped in their supervisory role because of a lack of familiarity with the grievance process and a lack of the skills necessary to resolve grievances effectively.

Negotiations Skills

Involvement in labor negotiations has traditionally been limited to the human resources or labor relations director, legal staff, top line officers, or consultants, though at least one line manager with direct supervisory responsibilities over bargaining unit employees is sometimes included. (Carrell and Heavrin, 2004; Holley, Jennings, Wolters, 2009). For this reason the general usefulness of training in the negotiations process is not as obvious as was the case for the grievance process. This apparent lack of general utility for negotiation skills is however a result of viewing negotiating skills as useful to managers only in collective bargaining. A broader view reveals numerous applications for general management in a variety of contexts (Hayford, 2000, Lewicki, Saunders, Barry, 2007).

Nierenberg (1973) argues that the techniques of negotiation strategy and tactics are generally relevant and are used frequently in purchasing and sales as the manager attempts to secure favorable pricing arrangements with both vendors and customers. Real estate transactions almost always present a need for negotiating skills. Likewise, in transactions such as mergers and acquisitions, negotiating skills are essential.

Negotiating skills are also useful to managers in resolving grievances, particularly where there is no contract and where the grievance process is administered solely by management. Management's authority usually puts the manager in a position where negotiating a mutually satisfactory resolution of grievances is not required. The techniques of negotiation however can lead to greater employee acceptance of decisions where employee grievances or complaints are the issue.

General managers are quite likely to experience situations in which negotiating skills would greatly improve organizational effectiveness. Mistakes in negotiations can reduce managerial and employee productivity and result in significant organizational costs and loss of organizational reputation.

The preceding analysis has developed the case for the advisability of training in the grievance process and negotiations skills for human resources and labor relations specialists as well as general managers. It is thereby logical that all students preparing for administrative careers receive training in these processes somewhere in the business school curriculum.

In the 1977 survey, training in those areas was not available except in the labor relations course. Some rudimentary negotiating skills were presented at certain points in the marketing curriculum in the context of product pricing decisions or in the finance curriculum as part of a discussion of mergers and acquisitions. These discussions tended to be brief and descriptive and generally did not present negotiations models or practice via the case method. There was also a lack of training in the grievance process outside the labor relations course. Some human resources management courses contained a module on employee grievances but these tended to place more emphasis on preventing conflict rather than adjudicating grievances once they occurred. Some casual discussion was occasionally included in micro-behavior courses but these generally dealt only with informal employee dissatisfaction rather than formal grievances.

In the initial research, contents of the labor relations course were divided under two general headings: 1) *Description*, and 2) *Process*. The topics of labor history, labor law, union structure and operations, and contract content fall under the first heading. They involve the presentation of relevant facts which heighten student understanding of workers and their attitudes and the interface between management and union officers and organizers. Familiarity with labor law prepares students to respect the sanctity of the labor contract and to avoid the commission of unfair labor practices. Thus these *description* elements prepare students to manage more effectively where unions are present and deal prudently with union organization campaigns. The *process* elements, conceptual material and casework on negotiations and grievance handling, lead to the development of specific skills designed to improve students' abilities as negotiators and to enhance their expertise in handling grievances. They likewise prepare students to manage more effectively where unions are present or are seeking recognition. These skills are also useful in a variety of business contexts beyond labor relations and human resources management.

The 1977 study concluded that most business students could graduate without receiving instruction or training in the important process elements of the labor relations course, grievance-handling and negotiations. This leads to inadequately prepared managers who may make critical and costly errors in negotiations of all types, outside or within the context of collective bargaining. Those not trained in processing employee grievances, regardless of the presence or absence of a union contract or a formal grievance system in a non-union setting, are likely to contribute to organizational unrest and inefficiency. The study thereby recommended the labor relations course be required for all business majors and particularly for all management majors. The initial study likewise concluded that most business students could graduate without receiving significant instruction or training in the *description* elements of the LR course. These constructs are arguably essential for labor relations and human resources graduates but perhaps less important for general managers. One notable exception would be lack of familiarity with labor law, where naïve general managers are likely candidates to commit unfair labor practices during union organizing campaigns. Though a business law course was universally required at that time, a review of course descriptions and popular textbooks revealed that labor law received only scant coverage when it was included, and was often omitted entirely from the required business law course.

TRENDS IMPACTING THE RELEVANCE OF THE LABOR COURSE, 1977-2002-2010

Between 1977 and the subsequent studies, five major trends have emerged which affect the importance of a labor relations course: 1) Shifts in the pattern of union membership; 2) The passage of several major statutes regulating employment conditions; 3) The rising frequency of formal grievance systems in employment, independent of unionization; 4) The increasing rate of employee grievances and employment related litigation; 5) Increasing utilization of negotiations and arbitration across a broad range of business issues, including the emergence of alternative dispute resolution (ADR). Each of these trends has an impact on the need for the contents of a traditional labor relations course in the business school curriculum, particularly the process elements of negotiations and grievance administration.

Shifts in the Pattern of Union Membership

In 1977 about 24% of the workforce was unionized, compared with slightly more than 13% in 2002. This percentage has declined only slightly since then, down to 11.9% in 2010. This constitutes a contraction of about 50% between 1977 and 2010.

The economy requires fewer labor relations graduates with training in the descriptive elements from the typical labor relations course now than was the case three- plus decades ago. Nonetheless, in 2010, over sixteen million workers were employed where a union contract was in place (Union Members Summary, BLS, 2011). Since about twelve of each one hundred workers are represented by unions, the probability that the workers business graduates supervise in their careers will be represented by unions is non-trivial. The need for professional managers in the contemporary economy with training in the descriptive elements of the labor relations course, labor institutions and labor law, as well as the process elements, negotiations and grievance administration, continues to be sizable.

While private sector union membership has experienced a long-term decline, the rate of unionization in the public sector increased rapidly in the 1960's and 1970's but has been relatively stable since 1983. In 2002, the public sector unionization rate was 37.5 % compared with 8.5% in the private sector. By 2010 the public sector rate had decreased marginally to 36.2% compared with a decline of almost two percent to 6.9% in the private sector. A few less than four in ten government workers were union members, mainly teachers, police officers, and firefighters. This compares with fewer than one in ten private sector workers unionized (Union Members Summary, BLS, 2011). The growth of public sector unions over the past two decades has been a significant offset to declining union membership in the private sector. This public sector expansion in unionization and collective bargaining has significantly offset declining private sector demand for graduates with knowledge of labor institutions and labor law and with negotiations and grievance processing skills.

New Employment Regulation Legislation

Between 1960 and 1990 Congress passed at least two dozen major statutes regulating employment conditions. Among these are the Civil Rights Act of 1964, the Occupational Safety and Health Act in 1970, the Employee Retirement Income Security Act in 1974, the Americans with Disabilities Act in 1990, the Civil Rights Act of 1991, and the Family and Medical Leave Act of 1993. These acts and others fundamentally changed the employer-employee relationship and triggered employee grievances, leading to conflict and litigation over topics including sexual harassment, disabilities, age discrimination, and wrongful termination. More and more aspects of the employment relationship were brought under the influence of regulatory agencies and the courts. (Lipsky and Seeber, 2001). The recognition of such employment problems coupled with legal protections extended to workers has led to considerable workplace conflict, elevating the need not just for legal knowledge, but for basic grievance processing and negotiations skills for managers who seek to solve these types of issues both before and after they are referred to the regulatory agencies or the courts. Consequently, the contents of the traditional labor relations course have become more important for professional managers.

The Rising Frequency of Formal Grievance Systems in Non-Unionized Employment

Formal grievance procedures have been much less frequent in the non-union sector than in the unionized workplace (Ichonowski and Lewin, 1988). During the 1980's and 1990's however, many non-union firms opted to formalize grievance processes in their management-controlled human resources systems. Berenbeim (1980), in a survey of 750 non-union firms found that 48% had some type of formal grievance procedures. Similar studies by Delaney, Lewis, and Ichniowski (1989) and Edelman (1990) found formal grievance procedures in place in 50% and 65% respectively of the non-unionized companies surveyed. A more comprehensive study by Feuille and Chachere (1995) documented the existence of formal grievance procedures in 57% of the non-unionized firms who responded to their survey. Feuille and Chachere therefore concluded that at least 50% of large, private, non-unionized firms in the U. S. have instituted formal grievance processes. Subsequent research corroborates these findings, that more than half of non-unionized firms have instituted formal dispute resolution processes. (Covin, 2003; Lewin, 2004; Colvin, 2006). The chances of a business school graduate being employed in a context where grievance administration skills are needed is significant and rising. The content of the traditional labor relations course thereby becomes more important to a broader group of business school graduates.

The Increasing Rate of Employee Grievances and Employment Related Litigation

The workplace has become increasingly contentious in recent years, resulting in elevated numbers of employee grievances and employment related lawsuits. This is due in part to the rising acceptance and formalization of the concept of "due process" in the employment relationship. Corporate due process can be described as "effective mechanisms and procedures for insuring equity and justice among employees" (Ewing, 1989). In practice, this means that no employee should be deprived of his or her job and well being in the company without a fair hearing. Rising rates of grievances and employment related lawsuits are also a function of increasing federal and state legislation regulating employment.

Employment discrimination lawsuits filed in federal courts in 1989 were over twenty times the number filed in 1970 (Donohue and Siegelman, 1991). Likewise, during the 1970's and 1980's so many fired non-union employees filed wrongful discharge suits that processing wrongful discharge suits was characterized as a "growth industry" (Dertouzos, Holland and Ebener, 1988). The number of employment related lawsuits filed by employees continued to rise dramatically after the passage of the Civil Rights Act of 1991, so much so that employment law has been described as the "personal injury law of the 1990's" because of the frequency of litigation and the magnitude of the awards (Colsky, 2003). Most recently, 2010 has been described as a "seismic one" for employment-related class action litigation, with the value of such class action employment settlements increasing fourfold over the previous year. (Seyfarth & Shaw, 2011). This increased frequency of formal complaints in the employment relationship not only creates a need for more labor and HR professionals, but elevates the importance of grievance administration and negotiations skills for general managers. These skills are necessary in helping firms reduce the degree of employee discontent and in resolving problems before they are submitted to formal grievance systems, governmental regulatory agencies, or the courts. Once these disputes have been formalized, the same skills are necessary for managers in responding to employee complaints through these venues. Negotiations and grievance administration skills have clearly become more important and useful to business school graduates in light of these developments

The Rise of Negotiation and Arbitration and Alternative Dispute Resolution (ADR)

There has been rapid growth in the use of arbitration and mediation as alternatives to litigation in resolving disputes between businesses and their employees, partners, customers, and suppliers. This system has come to be known as alternative dispute resolution, or ADR. ADR is commonly defined as "the use of any form of mediation or arbitration as a substitute for the public judicial or administrative process available to resolve a dispute" (Lipsky and Seeber, 1988). The increasing use of ADR as a dispute resolution mechanism is perhaps best demonstrated by the rising caseload reported by the American Arbitration Association (AAA). From 1995 through 2001 the AAA set a new caseload record each year, and for 2000-2001, the number of AAA arbitration cases grew by 10%. Insurance disputes have been the largest component in the AAA caseload. Commercial, employment, labor, and accident cases also contributed significantly. In 2001 the number of employment arbitrations increased by 5.5%. Commercial mediations also rose significantly (Dispute Resolution Times, April-June, 2002). Stone (2003) concluded that "the use of arbitration has grown exponentially" in recent years. From 2005 through 2009 the AAA Commercial Business-to-Business caseload increased 27%, expanding from 4,229 cases in 2005 to 5,388 cases in 2009. (Boyle, 2010).

ADR differs from litigation in that it is based more on cooperation in dispute resolution. The parties have more control over the process than would be the case in court. They design the dispute resolution mechanisms together and usually jointly select a mediator or arbitrator. The likelihood of serious negotiations between the disputing parties preceding third party mediation or arbitration is high (Barrier, 1998). These changes in the way disputes are resolved has, according to Hayford (2000), been "...reflected in the recent emphasis in the curricula of progressive business schools and executive education programs on negotiation and conflict management skills. Today, well-trained business executives must have a full understanding of their negotiating styles, an ability to diagnose when negotiations are called for, a grasp of the basic elements of the negotiating process and its several constituent sub-processes, and an appreciation of how to exercise power wisely and thoughtfully. The attitude must be: Negotiate first; litigate only as a last resort."

The trend to ADR in American business clearly elevates the importance of the process elements in the labor relations course, negotiations, and grievance administration. This development strengthens the case for requiring the traditional labor relations course of all business graduates or providing such training elsewhere in the business curriculum.

Taken collectively, the five trends presented in this section further support the case for requiring a labor relations course for all business graduates or for requiring especially the process elements of the course, grievance administration and negotiations skills, somewhere in the curriculum.

EVOLVING STATUS OF THE LABOR RELATIONS COURSE IN THE BUSINESS SCHOOL CURRICULUM

The 1977 study described previously was replicated in 2002 and again in 2010. The business schools at the same fifty universities which had been selected earlier were again the subject of a curriculum analysis. The methodology was modified slightly in that their curricula were obtained from their current catalogs, accessed through their business school websites. The results of this analysis are displayed in Table 2.

TABLE 2
STATUS OF THE LABOR RELATIONS COURSE IN BUSINESS CURRICULA
AT THE UNDERGRADUATE LEVEL, 2002 COMPARED WITH 2010

Status in the Curriculum	#of Schools, (N=50) 2002	# of Schools, (N=50) 2010	% of Sample 2002	% of Sample 2010
1. LR course required of all business majors	0	0	0%	0%
2. LR course on a list of courses from which one to N are required of all business majors	1	3	2%	6%
3. LR course required of all management majors	5	0	10%	0%
4. LR course required as part of an LR or HRM concentration or major	4	6	8%	12%
5. LR course on a list from which students are required to select one to eight courses as part of an LR or HRM concentration	5	11	10%	22%
6. LR course is in a required category for management majors with an HR course where one or the other must be taken	0	0	%0	%0
7. LR course is included on a list of specialized courses for management majors with courses such as wage and salary administration, selection, performance evaluation or leadership skills; students are required to choose one to three from the list	8	2	16%	4%
8. LR course is a free elective	6	8	12%	16%
9. LR course is not offered	17	21	34%	42%

An analysis of the labor relations course in the 2002 and 2010 business curricula demonstrated some movement within requirements categories but the net effect was clearly a continual degrading of the importance of the course. In almost every curriculum requirement category analyzed in the 1977 study, the 2002 and 2010 profiles show a decline. It is also apparent that most schools still did not view the LR course as having general utility for all business majors. In all three survey years, 1977, 2002, and 2010, no schools required the course of all business majors. One school in the 2002 and three schools in the 2011 study put the LR course on a list of courses from which one to three were required of all business majors.

In 1977 the labor relations course was never required of all management majors. By 2002, 10%, had made the course mandatory for all management majors. This was the one noticeable change which suggested a recognition of the general utility of the contents of the traditional LR course. For these five schools the course was required even within concentrations in the management curriculum such as entrepreneurship or international management, which do not directly focus on labor or human resources issues. In the 2011 update this trend was reversed, with no schools requiring the course for all management majors, thus demonstrating a general decrease in the status of the LR course in the curriculum.

The most logical point for requiring an LR course is in a labor or human resources major or specialization within a management major. In the 1977 study 28% of the schools sampled had that requirement. By 2002 the percentage dropped to 8% but by 2010 had increased slightly to 12%. In addition to the required category for LR or HRM majors, by 2002 five schools did not require the course within an LR or HRM specialization but the course was on a short list from which the students were required to select from one to eight courses. This number had increased to eleven in 2010. Some of this shift can be explained as some schools shifted the labor relations course from required to optional. For a few schools however this represents a shift from “free elective” status to at least “suggested” or “recommended” status.

In the initial study there were three schools (6%) where all management majors were required to take either a labor relations course or a human resources course to fulfill the major requirements in management. In both 2002 and 2010, no schools had that requirement. In 1977, 36% of the schools in the sample offered a labor relations course as a free elective for all business students, regardless of major. That percentage declined to 12% in 2002 but increased to 16% in 2010.

Finally, in the initial study, four schools or 8% of the sample did not even offer a course in labor relations. That number had increased to thirteen (26%) in 2002 and by 2010, twenty-one schools (42%) did not have an LR course in their curriculum.

Based on the evidence from the 2002 and 2010 studies, the labor relations course appeared less frequently in the business school curriculum and was less often required or recommended than was the case in 1977. Between the 2002 and 2010 reviews, the LR course was required in only one category (HRM or LR major/concentration). The labor relations course is, on net, continuing to be perceived as less important in the mix of business courses offered than was historically the case. The one notable exception is that a labor relations course is now (2010) being included more frequently as an option which can be selected from a list of approved courses for management majors and human resources and labor relations majors or concentrations within a management degree.

The shifting pattern of union membership is likely the justification for curriculum planning committees in eliminating or diminishing the importance of the LR course. This action however ignores the increasing importance of the process elements of the course, negotiations and grievance processing, as critical skills for all business graduates. The other trends identified earlier, increasing legal regulation of the employment relationship, rising frequency of formal grievance systems in non-union employment, increasing incidence of employee grievances and employment related litigation, and the increasing utilization of negotiations and arbitration across a broad range of business issues not limited to the employment relationship, collectively make a strong case for requiring training in negotiations and grievance administration of all business graduates.

Downgrading the labor relations course in the curriculum also seems to ignore the trend of increasing unionization in public employment and downplays the significance of the nearly 12% of the workforce who are covered by union contracts. It could be that curriculum planners believe the description elements for the LR course, including labor law, labor history, union structure and organization, and contract content are sufficiently covered in a general business law course. The curriculum reviews in 2002 and 2011, do show that all schools surveyed require a general business law class in some form of all business majors. The treatment of labor law in these courses varies somewhat but is generally modest. A review of five contemporary business law texts used in these courses, selected randomly from course syllabi from

the fifty schools surveyed, typically showed one chapter or sub-chapter (ten pages or fewer) with a description of the basic laws governing management-union relations in four of the five, along with a listing of unfair labor practices. On average, these texts offer two applications cases, dealing mainly with unfair labor practices (Beatty and Samuelson, 2008; Mann and Roberts, 2008; Kubasek, Brennan, Brennan, and Browne, 2009; Cheeseman, 2010; Cross and Miller, 2012). The likelihood that large numbers of business graduates have only cursory training in labor law and no training in the other descriptive elements of the traditional LR course, labor history, union structure and organization and contract content is high. This curriculum omission makes them likely candidates for dealing ineffectively with labor unions and contracts and for committing unfair labor practices where they are employed in unionized settings or when union organizing drives occur in non-union firms.

In the original study the knowledge and skills taught in the labor relations course were not treated in depth anywhere else in the business curriculum. As a consequence the argument was posited that the labor relations course should be elevated in importance and required across all business majors or other courses should be developed and required to provide business graduates with negotiations and grievance administration skills and at least enough knowledge of labor law and the structure of the labor movement to conduct themselves prudently during union organizing campaigns and avoid committing unfair labor practices. Although the LR course has continued to decline in importance in the business curriculum, the need for the skills contained therein has clearly increased. We therefore reviewed the curricula of the schools in the survey to see, as per our original suggestion, if there have been other courses added which contain the process elements from the LR course, negotiations and grievance processing.

CURRENT STATUS OF NEW COURSES IN NEGOTIATIONS, CONFLICT RESOLUTION AND/OR GRIEVANCE PROCESSING IN THE BUSINESS SCHOOL CURRICULUM

As shown in Table 3, in the 2002 study seventeen schools, or 34%, had added new courses dealing with negotiations and grievance administration. In every case these courses were designed for business situations in general and may or may not include a subsection dealing directly with labor relations or human resources management. Although none were required of all business majors, six, or 35% of those having such a course required the course for all management majors. By 2010 the number of schools which had such courses had increased to twenty-eight, or 56% of the schools surveyed. This represents a 65% increase between 2002 and 2010. The current status of these new courses in negotiations, conflict management, and/or grievance administration, comparing 2002 with 2010, is summarized in Table 3.

When the current business school requirements for a traditional LR course are viewed in tandem with the requirements for these new negotiations and grievance administration courses the following conditions are extant:

1. Of the seventeen schools in the 2002 survey which did not offer a traditional labor relations course anywhere in the curriculum, nine had added new courses in negotiations, conflict management, and/or grievance administration, courses intended for application beyond labor relations and human resources management. The remaining eight schools had no formal courses dedicated to any labor relations topic and no coursework designed to provide students with training in the skills areas of negotiations and grievance administration outside the labor relations or human resources contexts. By 2010 there were even more schools not offering a labor relations course at all, twenty-one or 42 % of the schools in the survey. Of those not offering an LR course, eight offered a course in conflict resolution, negotiations, and/or grievance administration. The number of schools which did not offer a traditional LR course or a course providing training in the skills areas of negotiations, conflict resolution, or grievance administration had increased to thirteen, up from eight in 2002. Although the number of new dispute resolution courses has increased significantly between 2002 and 2010 (seventeen contrasted to twenty-eight), it is significant that schools which do offer a labor relations course are more likely to offer additional coursework in the area of conflict resolution beyond a labor relations context. Those which do not offer a labor relations course are less likely to have added a conflict resolution course.

2. Across the seventeen schools which had added a new course in negotiations, conflict management, and grievance administration in 2002, none required the course of all business majors. By 2010 there were 28 schools offering such courses, but still, no schools required these new courses of all business majors. Only six (35%) required the course for all management majors in 2002 and by 2010 the number had declined to just two schools, (4%). Most of the others (eight schools, 47% in 2002 and eleven schools, 22% in 2010)) placed the course on a list of three or more courses from which management majors could pick one. In 2002 one school offered a new conflict resolution course which was on a list of three or more courses from which HRM or LR majors must select on. By 2010 the number of schools with this requirement increased to three schools. In 2002 three schools (18%) showed their new course as a totally free elective. This number had grown to twelve schools by 2010. These courses were obviously not yet recognized as being very important in business school curricula.
3. When the analysis of the traditional LR course and the new courses in negotiations, conflict management, and/or grievance administrations were considered simultaneously, the conclusion in 2002 was that at every business school in the survey, all majors except management, if they so exercised their options in selecting courses, could graduate with no training in labor relations. Even more discomfoting, business students could opt to graduate with no training or skills development in negotiations, conflict management or grievance administration in any business context. Even for management majors, just five schools required a labor relations course and six others required one of the new courses in negotiations, conflict management and grievance administration. This constitutes just 22% or only about 1/5 of the business schools in the survey. By 2010 there were no schools which required a labor relations course for even management majors and the number of schools requiring a conflict management course for management majors had receded from six to two.

TABLE 3
STATUS OF NEW COURSES IN NEGOTIATIONS, CONFLICT MANAGEMENT AND
GRIEVANCE ADMINISTRATION IN UNDERGRADUATE BUSINESS SCHOOL
CURRICULA, 2002 COMPARED WITH 2010

Status in the Curriculum	# and % of Business Schools which had a New Course, 2002	# and % of Business Schools which had a New Course, 2010	% Change, 2002 - 2010
Schools with negotiations, conflict management and grievance administration courses	17-34%	28-56%	+ 65%
New course(s) required of all business majors	0-0%	0-0%	0%
New course(s) required of all management majors	6-12%	2-4%	-67%
New course(s) on a list of specialized courses for management majors where students select one from a list of three or more courses	8-16%	11-22%	+38%
New course(s) on a list of specialized courses for HRM or LR majors or concentrations where students select one from a list of three or more courses	1-2%	3-6%	+200%
New course(s) are free electives	3-6%	12-24%	+300%

CONCLUSION AND RECOMMENDATIONS

This study reviews our earlier work (1977) wherein we investigated the labor relations course in terms of its place in the business school curriculum and its content. The results indicated that the course occupied a position of secondary importance. In our sample the course was never required of all business majors, nor was it ever required of all management majors. All students could graduate with a business degree and avoid the course and its contents entirely. Part of the reason for this low status appeared to be the failure of educators to recognize the importance of the process elements of the course, negotiations and grievance administration. The recommendations were that the labor relations course be elevated in stature and required of all students, not only to help them deal with labor relations and human resources problems more effectively, but to provide them with critical skills in negotiations and grievance administration that were generally applicable across a broad spectrum of business problems.

The 1977 study was replicated in 2002 and 2010 to identify changes that have taken place during the thirty-three years spanning the three surveys. Analysis of the 2002 business curricula from the schools in the sample showed that the labor relations course had become even less prominent since 1977, was never required of all business majors and rarely required (just five schools) for all management majors. By 2010 there were no longer any schools requiring a labor relations course of all management majors. In 2002 the number of schools even offering a labor relations course had increased to thirteen schools where in 1977 only four schools had no labor relations course in the curriculum. By 2010 the number of schools without such a course had risen to twenty one, or 42% of the schools surveyed.

Five contemporary trends were identified, which if taken collectively, comprise the argument that the process components of a traditional labor course, negotiations and grievance administration, are significantly more important now than they were at the time of the initial study. As the logical case for elevating the status of the contents of the traditional labor relations course has strengthened, the course has been further de-emphasized in business school curricula. Over the thirty-three years captured in our surveys, it is clear that it is possible for most business students to graduate without a labor relations course and without receiving instruction or training in the important processes of negotiations and grievance handling in a traditional LR course. This leads to inadequately prepared managers who are prone to be ineffective in negotiations of all types and in processing employee grievances, and unprepared to deal with organizational conflict, regardless of its causes.

This study however documents an encouraging trend, wherein by 2002, 17(34%) of the schools had added a course in negotiations, conflict management and/or grievance resolution designed for broad applications, not limited to labor or human resources issues. Such courses could fill the void in management education which exists as a consequence of continued de-emphasis of the traditional LR course. By 2010 the number of schools offering such a course(s) had grown to 28(56%). While these new courses were never required of all business majors and rarely for management majors (just two schools), they are increasingly appearing on short lists of courses in management majors, human resources management majors, or specializations, and labor relations majors or specializations where students can select one course. Still, almost all business majors can complete a baccalaureate degree while avoiding any instruction in labor relations or conflict management. In U. S. business schools, between 1977 and 2010 there are fewer schools offering a labor relations course but more schools offering a conflict resolution course of some kind. The number of schools suggesting the students take one or the other has increased, but there are no schools requiring one or the other for all business majors. Beyond a few selected management majors or specializations, almost all students in U. S. business schools can graduate with labor relations or conflict resolution skills.

In summary, several changes in the business school curriculum seem necessary to prepare business school graduates to be effective in the current business environment. First, the current practice of adding new courses specifically dealing with negotiations and conflict resolution beyond employment issues should be expanded. Business curricula should be structured in such a way that all business graduates have access to training in resolving disputes across a wide spectrum of business issues.

Second, since it is well documented that conflict is increasing in the employment relationship and formal grievance systems are expanding dramatically in non-union firms, these new courses should contain a section dealing with employee relations and therein should systematically address the issues of conflict management and the processes of negotiations and grievance administration in both non-union and unionized settings.

Third, given the growth of ADR, negotiation and mediation as alternatives to litigation in settling a broad range of business disputes, where new negotiations and dispute resolution courses have been added, they should include treatment of ADR concepts and practices. Where a traditional LR course exists, its content should be broadened to include more generally applicable ADR skills and experiences.

Fourth, either a traditional labor relations course or one of the new courses should be required of all business majors so that students have basic familiarity and skills in negotiations, conflict resolution, and grievance administration. In the 2002 study, of fifty schools surveyed, eight have neither course in the curriculum containing this material. By 2010 that number had increased to ten. Of the forty schools that have one or the other or both, none require one of the new courses or a traditional LR course of all business majors.

Finally, in spite of several decades of decline in the percent of the workforce unionized, currently about twelve of every one hundred workers are employed under union contracts. Many business graduates therefore will manage in unionized settings in their careers. Though the probability has declined in recent decades, those who manage in non-union firms are still subject to union organizing drives, the majority of which result in unionization. In 2009 the National Labor Relations Board conducted 1,304 union representation elections and the union won sixty-six percent of these elections (Union Representation Elections, BLS, 2010). The prospects for business graduates managing in a unionized firm or facing a union organizing drive at some point in their careers are real. Where business schools have eliminated or de-emphasized their traditional labor course, they should be sure labor law and institutions are included in required courses such as business law or human resources management.

Business schools should strongly consider structuring their curricula in such a way that all business graduates will be familiar with labor institutions and labor law and be capable of avoiding unfair labor practices. Most importantly, they should strongly recommend or require coursework in negotiations, conflict resolution, and grievance administration which can be applied across a broad range of issues, including, but not limited to labor relations and human resources management.

LIMITATIONS AND OPPORTUNITIES FOR FUTURE RESEARCH

The 1977, 2002, and 2010 studies reviewed the status of labor coursework at the undergraduate level in U. S. business schools but did not explore the graduate curriculum. An interesting and potentially valuable addition to the current research would be to replicate the study in the MBA curriculum, which produces a significant component of practicing middle and upper level managers who fill middle and upper level staff and line positions.

The current study surveys only what is presently taught and what is required in terms of labor coursework. It does not attempt to ascertain what percentage of students in U. S. business schools at the undergraduate level actually select labor and labor content courses when they are given the option. A valuable addition to our understanding of the preparation of current business graduates would be to develop a methodology to measure actual enrollment choices.

Yet another area of interest would be to survey practicing managers in terms of the importance they ascribe to the curriculum content issues raised in this study. Consistency in their experience and judgment and the recommendations put forward in this study would go a long way in substantiating the case for additional labor coursework and labor content in the business curriculum.

REFERENCES

Barrier, M. (1998). A Working Alternative for Settling Disputes. *Nation's Business*, 86, (7), 43.

- Beatty, J.F. & Samuelson, S.S.(2008). *Essentials of Business Law, 3rd ed.* Cincinnati, OH: Cengage Learning.
- Berenbeim, R. (1980). Nonunion Complaint Systems: A Corporate Appraisal, *Research Report no. 770*, Conference Board, New York.
- Boyle, R. (2010). E-Mail to David Stephens, October 7, 2010, *AAA Commercial B2B Statistics*, American Arbitration Association, New York.
- Carrell, M.R. & Heavrin, C.(2004). *Labor Relations and Collective Bargaining*. Upper Saddle River, NJ: Pearson Prentice Hall.
- Cheeseman, H.R.(2010). *Business Law, 7th ed.* Upper Saddle River, NJ: Pearson Prentice Hall.
- Cheeseman, H.R. (1999). *Essentials of Contemporary Business Law*. Upper Saddle River, NJ: Prentice Hall.
- Colsky, A. (2003). Thoughts on the Limitations of Grievance Procedures in the Private Sector. *Mediate.com, Mediator Direct*, 1-4.
- Colvin, A. J. S.(2003). Institutional Pressures, Human Resource Strategies, and the Rise of Nonunion Dispute Resolution Procedures. *Industrial and Labor Relations Review*, 56(3), 375-392.
- Colvin, A. J. S., Klaas, B., & Mahony, D. (2006). Research on Alternative Dispute Resolution Procedures, in D. Lewin, ed., *Contemporary Issues in Employment Relations*. Champaign, Illinois: Labor and Employment Relations Association, 103-147.
- Cross, F. B. and Miller, R. L., (2012). *The Legal Environment of Business: Text and Cases –Ethical, Regulatory, Global, and Corporate Issues, 8th ed.* Mason, Ohio: Cengage Learning.
- Delaney, J. T., Lewin, D. & Ichniowski, C.(1989). *Human Resource Policies and Practices in American firms*, BLMR 137. Washington, DC: U. S. Department of Labor.
- Dertouzous, J. N., Holland, E. & Ebener, P. (1988). *The Legal and Economic Consequences of Wrongful Termination*. Santa Monica, CA: RAND Corp.
- Donohue, J.J. & Siegelman, P. (1991). The Changing Nature of Employment Discrimination Litigation. *Stanford Law Review*, 43, 983-1033.
- Edelman, L. B.(1990). Legal Environments and Organizational Governance: The Expansion of Due Process in the American Workplace. *American Journal of Sociology*, 9, 1401-1440.
- _____. 2007. Employee Free Choice Act, H. B. 800, 2009 H. R. 1409, S. 560.
- Ewing, D.W. (1989). *Justice on the Job: Resolving Grievances in the Nonunion Workplace*. Boston: Harvard Business School Press.
- Feuille, P. & Chachere, D. R. (1995). Looking Fair or Being Fair: Remedial Voice Procedures in Nonunion Workplaces. *Journal of Management*, 21(1), 27-42.

- Hayford, S. L. (2000). Alternative Dispute Resolution. *Business Horizons*, 43(1), 2-3.
- Harris, L, Doughty, D, & Kirk, Susan. (2002). *Journal of European Industrial Training*, 26 (5), 218-229.
- Holley, W.H., Jennings, K.M. & Wolters, Roger S. (2009). *The Labor Relations Process*, 9th ed. Mason, Ohio; South-Western Cengage Learning.
- Ichniowski, C. & Lewin, D. (1988). Characteristics of Grievance Procedures: Evidence from Nonunion, Union, and Double-breasted Business. In B.B. Dennis (Ed.), *Proceedings of the Fortieth Annual Meeting*. Madison, WI: Industrial Relations Research Association.
- Kubasek, N. K., Brennan, B. A., Brennan, B. A., Browne, N. (2009). *Legal Environment of Business*, 5th ed. Upper Saddle River, N.J.: Pearson Prentice Hall.
- Lewicki, R. J., Saunders, D. M. & Barry, B. (2007). *Essentials of Negotiation*, 5th ed. New York; McGraw-Hill.
- Lewin, D. (2001). IR and HR perspectives on Workplace Conflict: What Can Each Learn From the Other? *Human Resources Management Review*, 11(4), 453-485.
- Lewin D. (2004). Dispute Resolution in Nonunion Organizations: Key Empirical Findings. In S. Estreicher, ed., *Alternative Dispute Resolution in the Employment Arena*. New York: Kluwer, 379-403.
- Lipsky, D. B. & Seeber, R. L. (2000). Resolving Workplace Disputes in the United States: the Growth of Alternative Dispute Resolution in Employment Relations. *Alternative Dispute Resolution in Employment*, 2 (3), 37-49.
- Mann, R.A. & Roberts, B. S. (2008). *Business Law and the Regulation of Business*, 9th ed. Mason, Ohio; Cengage Learning.
- Miller, R.L. & Jentz, G.A. (2004). *Business Law Today*, 6th ed. Cincinnati: Thomson Learning.
- National Microfilm Library. (1976-77). *College Catalog Collection*.
- Nierenberg, G. I. (197). *Fundamentals of Negotiating*. New York: Hawthorn Books, Inc.
- _____. 2009. Public Safety Employer-Employee Cooperation Act of 2009, H.R. 413/S.1611/S.3194/S. Amdt. 4174.
- Seyfath & Shaw, attorneys, LLP (2011). *Annual Work Place Class Action Litigation Report, 2011 ed.* Chicago: Seyfarth & Shaw, LLP.
- Stephens, D. B. (1977). The Labor Relations Course in the Business School Curriculum: A Case of Unrealized Potential. *Proceedings (Abstracted)*. Omaha, NE: Mountain-Plains Management Conference.
- Stephens, D. B., Stephens, R. D., and Kohl, J. P. (2004). The Labor Relations Course in the Business School Curriculum: A Twenty-five Year Retrospective. *Proceedings*. Dallas, TX. Southwest Academy of Management, March 2004, 197-208.
- Stone K. V. W., (2003). *Arbitration Law*. New York: Foundation Press.

U. S. Bureau of Labor Statistics. 2002). *Union members summary*, February 25, 1-4.

U. S. Bureau of Labor Statistics, 2010. *National Labor Relations Board Union Representation Elections, 1997-2009*, June 30, 2010, 1-3.

_____. 2002. AAA caseload hits all-time high. *Dispute Resolution Times*, April-June, 1, 17.