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Education

School of Law, University of Colorado, J.D., May 1976 (Order of the Coif)
University of Colorado, Boulder, Ph.D. Degree, 1972, English (NDEA Fellow)
University of Wales, Swansea, 10/71-6/72 (Fulbright-Hays Fellow)
Emory University, Atlanta, Georgia, 9/67-6/68 (Woodrow Wilson Fellow)
Fort Lewis College, Durango, Colorado B.A. 1967, Summa cum Laude, English and History

Professional Experience

Fulbright Distinguished Chair of Labor Law, University of Tuscia (Viterbo, Italy), Spring 2007
Professor of Management, College of Business, Colorado State University, August 1988-present
Associate Professor, Department of Labor Studies and Industrial Relations, The Pennsylvania State University, 6/88 (tenured)
Assistant Professor, Department of Labor Studies, Pennsylvania State University, 9/83-6/88
Assistant to Director, Center for Labor Education, University of Colorado, Boulder, 11/79-6/83
Labor Relations Department, Mountain States Employers' Council, Denver, Colorado 9/77-11/79
Law Clerk, The Honorable Ralph Coyte, Colorado Court of Appeals, Denver, Colorado, 9/76-8/77

Publications (articles)

- “The Persistent Effects of Slavery in the United States: Culture, Legal Policy, and the Decline of American Labor Unions.” *Labor and Employment Relations Association 2014 Research Volume*, forthcoming.
- “Killing Unions with Culture: Institutions, Inequality, and the Effects of Labor’s Decline in the United States. *Employee Responsibilities and Rights Journal*, forthcoming 2014 (lead author with Herbert Hunt and Stephan Weiler).
- “Legal History, Labor Law, and the Contributions of Christopher Tomlins,” *Law & Social Inquiry*, 39 (3) (2013), pp. 722-745.
- “Ethical Behavior and Regional Environments: The Effects of Culture, Values, and Trust,” *Employee Responsibilities and Rights Journal*, 25, 2 (Spring 2013), pp. 109-121 (lead author with Christine Henle and Michael Gross).
- “Constitutionalizing Paycheck Protection: What *Knox v. Service Employees International Union* Means for American Labor,” *Labor Law Journal*, 64, 3 (Fall 2012), pp. 153-64.
- “Process, People, and Conflict Management in Organizations: A Viewpoint Based on Weber’s Formal and Substantive Rationality,” *International Journal of Conflict Management*, 24, 1, 2012 (with Michael Gross and Christine Henle)
- “The Attack on Public Sector Unions in the United States: How Regional Culture Influences Legal Policy,” *Labor Law Journal*, 62 (Fall 2011) (lead author with Christine Henle).
- “How Right to Work Is Destroying the American Labor Movement: From the Ku Klux Klan to the Tea Party,” *Employee Responsibility and Rights Journal*. 23, 4, Dec. 2011.
- “A Right to Retirement Security in the United States? How Public Policy Fails American Workers,” *Labor Law Journal*, 61, No. 4 (Winter 2010), pp. 171-183 (lead author with Herbert Hunt).
- “The Social Effects of Labor Organization in the United States: Legal Reform and Public Policy,” *Journal of Workplace Rights*, 14, No. 2 (2009), pp. 175-194 (lead author with Christine Henle).
- “The 2008 Defeat of Right to Work in Colorado: Is It the End of Section 14(b)?” *Labor Law Journal*, 60, No. 1 (Spring 2009), pp. 5-15.
- “Journal Rankings and Academic Research: Two Discourses about the Quality of Faculty Work,” *Management Communication Quarterly*, 23 (Fall 2009), pp. 107-126 (lead author with Michael Gross).
- “Making Governance Work in Academia: Nonunion Arbitration as a Method of Dispute Resolution for University Faculty,” *International Journal of Conflict Management*, 20, No. 1 (2009), pp. 31-45 (lead author with Michael Gross and Zinta Byrne)
- “Pension Reform in the United States: Lessons from the Italian Experience,” *Labor Law Journal*, 59, No. 1 (Spring 2008), pp. 26-39 (lead author with Herbert Hunt III).
- “Meaning in Organizational Communication: Why Metaphor Is the Cake, Not the Icing,” *Management Communication Quarterly*, 21 (Fall 2007), pp. 393-412 (lead author with Michael Gross, Jackie Hartman, and Ann Cunliffe).
- “Exclusive Representation and the Wagner Act: The Structure of Federal Collective Bargaining Law,” *Labor Law Journal*, 58 (Fall 2007), pp. 157-169.

- “Right to Work and the Colorado Labor Peace Act: How Politics Trumped Policy,” *Labor Law Journal*, 58, No. 2 (Summer 2007), pp. 85-96.
- “The Historical Misconception of Right to Work Laws in the U.S.: Senator Robert Wagner, Legal Policy, and the Decline of American Unions” *Hofstra Labor and Employment Law Journal* (vol. 23, Fall 2005), pp. 101-152.
- “What the Shadow Knows: Exploring the Hidden Dimensions of the Consumer Metaphor in Management Education,” *Journal of Management Education*, 29, No. 1 (2005), pp. 3-16 (co-author with Michael Gross).
- “Right-to-Work Legislation, Social Capital, and Variations in State Union Density,” *The Review of Regional Studies*, 34, No. 1 (2004), pp. 95-111 (lead author with Steven Shulman and Stephan Weiler).
- “Right-to-Work Laws and Business Environments: An Analysis of State Labor Policy,” *Journal of Managerial Issues* 16, No. 3 (2004), pp. 289-304 (lead author with Steven Shulman and Stephan Weiler).
- “The Duty of Accommodation and the Workplace Religious Freedom Act of 2003: From Bad Policy to Worse Law,” *Labor Law Journal* 55, No. 3 (2004), pp. 155-165 (coauthor with Christine Henle).
- “Labor Policy and Civic Values: The Curious Contradictions of Right to Work,” *Labor Law Journal*, 54, No. 3 (2003), pp. 214-224 (lead author with Robert LaJeunesse).
- “Oklahoma’s Right to Work Initiative: Labor Policy and Political Ideology,” *Labor Law Journal* 53, No. 3 (2002), pp. 109-121 (lead author with Robert LaJeunesse).
- “Workplace Sexual Harassment Law: An Empirical Analysis of Organizational Justice and Legal Policy,” *Journal of Managerial Issues*, 14 (Summer 2002), pp. 234-250 (lead author with Jennifer Frame and George Thornton).
- “Changing Forms of Workplace Representation: The United States Steel Corporation, 1933-1937,” *Management Decision*, 39 No. 6, 2001, pp. 488-96.
- “The Law, Economics, and Politics of Right to Work: An Analysis of Colorado’s Labor Peace Act,” *University of Colorado Law Review*, vol. 70, No. 3 (Summer 1999), pp. 871-952 (lead author with Steven Shulman).
- “Unions, Politics and Power: The Ideology of Paycheck Protection Proposals,” *Labor Law Journal*, 49 (Dec. 1998), pp. 1195-1204.
- “Internet Recruiting and Employment Discrimination: A Legal Perspective,” *Human Resource Management Review*, 8 (Winter 1998), pp. 149-164 (lead author with Christine Henle and Carol Beamus).
- “Mental Disabilities, the EEOC, and Labor Arbitration,” *Labor Law Journal*, 48 (Sept. 1997), pp. 544-555.
- “Worker Participation and Representation in the United States and the European Union: A Comparative Legal Analysis,” *Labor Law Journal*, 47 (1996), pp. 586-596.
- “Transforming Employment Relationships: Implications for Human Resource Management,” *Human Resource Management Review*, 6 (1996), pp. 75-88.
- “Accounting Standards, Health Care, and Retired American Workers: An Institutional Critique,” *Accounting, Organizations, and Society*, 21 (1996), pp. 423-439 (lead author with H. Hunt and P. Wilson).

- “Board Composition, Stock Ownership, and the Exemption of Directors from Liability,” *Journal of Management*, 21 (1995), pp. 861-878 (co-author with Paul Mallette).
- “Accounting and Conceptions of Control in the American Corporation,” *British Journal of Management*, 4 (1993) (lead author, with H. Hunt), pp. 177-190.
- “Employee Involvement and Electromation, Inc.: An Analysis and a Proposal for Statutory Change,” *Labor Law Journal*, 44 (1993), pp. 261-274.
- “An Institutional Analysis of Accounting Growth and Regulation,” *Accounting, Organizations and Society*, 18 (1993) pp. 341-360 (co-author with H. Hunt).
- “Public Employee Strikes in Colorado: The Supreme Court Adopts a New Rule,” *The Colorado Lawyer*, 22 (1993), pp. 1-9.
- “Labor Law and Managerial Ideology: Employee Participation as a Social Control System,” *Work and Occupations*, 18 (1991), pp. 138-150 (co-author with G. Grenier)
- “Agency Theory as Ideology: A Comparative Analysis Based on Critical Legal Theory and Radical Accounting,” *Accounting, Organizations, and Society*, 15 (1990) pp. 437-454 (co-author with H. Hunt).
- “Wards Cove and the Theory of Disparate Impact: From Bad Law to Worse Policy,” *Labor Law Journal*, 41 (1990), pp. 138-150 (lead author, with Jeanette Cleveland).
- “Corporate Ownership and Accounting Choice: A Critical Analysis,” *Critical Perspectives in Accounting*, 1 (1990), pp. 53-67 (as co-author with Herbert Hunt)
- “Worker Participation, Employer Anti-Unionism, and Labor Law: The Case of the Steel Industry, 1918-1937,” *Hofstra Labor Law Journal*, 7 (1989), pp. 1-69.
- “Alcoholism and Unemployment Insurance in Colorado,” *The Colorado Lawyer*, 18 (1989), pp. 1963-1966.
- “Just Cause, Judicial Review, and Industrial Justice: An Arbitral Critique,” *Labor Law Journal*, 40 (1989), pp. 281-292.
- “Labor History and Critical Labor Law: An Interdisciplinary Approach to Workers’ Control,” *Labor History*, 30 (1989), pp. 165-192.
- “Critical Theory, Working-Class History, and the New Industrial Relations,” *Industrial Relations Law Journal*, 10 (1988), pp. 116-143.
- “Contractual and Tort Limitations on Employee Discipline for Substance Abuse,” *Employee Relations Law* 13 (Winter 1987-88), pp. 480-500.
- “Law, Ideology, and Industrial Discipline: The Conspiracy Doctrine and the Rise of the Factory System,” *Dickinson Law Review*, 91 (1987), pp. 697-745.
- “Critical Legal Studies and Industrial Relations: A Review Essay,” *Industrial Relations Law Journal*, 9 (1986), pp. 101-114.
- “Taracorp and Remedies for Weingarten Violations: The Evolution of Industrial Due Process,” *Labor Law Journal*, 37 (1986), pp. 403-411.
- “Teacher Strikes in Pennsylvania: A Proposed Alternative,” *Dickinson Law Review*, 90 (1985), pp. 387-414.
- “Employment at Will and Scientific Management: The Ideology of Workplace Control,” *Hofstra Labor Law Journal*, 3 (1985), pp. 27-58.
- “The Common Law of Public Employee Strikes: A New Rule in California,” *Labor Law Journal*, 37 (1986), pp. 94-103.

- “Collective Negotiations in Education and the Public Interest: A Proposed Method of Impasse Resolution,” *Journal of Law and Education*, 14 (1985) pp. 443-469 (lead author with M. Thompson).
- “The Doctrine of Employment at Will and the Evolution of Judicial Policy,” in *Readings in Labor Studies*, ed.G.Glyde and D. Kennedy (Kendall Publishing, 1986), pp. 44-51.
- “Impasse Resolution in Public Sector Collective Negotiations: A Proposed Procedure,” *Industrial Relations Law Journal*, 6 (1984) pp. 481-510 (lead author with C. Krickscuin).
- “Employee Involvement Programs and *NLRB v. Scott & Fetzer Co.*: The Developing Interpretation of Section 8(a)(2),” *Labor Law Journal*, 35 (1984) pp. 21-27.
- “The Regional Transportation District Strike and the Colorado Labor Peace Act: A Study in Public Sector Collective Bargaining,” *University of Colorado Law Review*, 54 (1983), pp. 203-236.
- “Employee Discipline and Due Process Rights: Is There an Appropriate Remedy?” *Labor Law Journal*, 33 (1982), pp. 783-797.
- “Equal Pay, Equal Work, and the United States Supreme Court,” *Labor Law Journal*, 32 (1981), pp. 737-744.
- “Developments in the Right of Representation in Investigatory Interviews,” *Employee Relations Law Journal*, 7 (1981), pp. 224-234 lead author with G. Maloney).
- “Sex Discrimination and Equal Pay Litigation,” *The Colorado Lawyer*, 10 (1981), pp. 480-486.
- “Labor History as Drama: The Trial of Mother Jones,” *Labor Studies Journal*, 5 (1980), pp. 146-149.
- “Industrial Due Process and Judicial Review of Arbitration Awards,” *Labor Law Journal*, 31 (1980), pp. 570-576.
- “Unemployment Compensation and Labor Relations in Colorado,” *The Colorado Lawyer*, 6 (1977), pp. 238-246.
- “Conrad, Kafka, and the Criminal Justice System,” *Journal of Contemporary Law*, 3 (1976), pp. 75-84.
- “Collective Bargaining in Education and the Student,” *Labor Law Journal*, 27 (1976), pp. 712-720.
- “Dramatic Comedy and the Law,” *Journal of Contemporary Law*, 2 (1975), pp. 144-157.
- “Dylan Thomas: The Development of an Idiom,” Parts I and II, *Anglo-Welsh Review*, 21, nos. 47-48 (1972), pp. 113-123 and 102-114.

Publications (books)

The End of American Labor Unions: Right to Work and the Failure of Collective Bargaining in the United States. Under contract with ABC-CLIO, forthcoming 2015.

Employment Relations and Human Resource Management: Readings, Cases, and Materials. Cognella, 2011.

Employment Relations in the United States: Law, Policy, and Practice. Sage, 2004.

Labor and Employment Relations: Instructor’s Manual. St. Paul: West Publishing Co., 1996.

Labor and Employment Relations. St. Paul: West Publishing Co., 1995 (textbook)

Employee Participation and Labor Law in the American Workplace. Westport, CT: Quorum Books, 1992 (lead author with G. Grenier).

The Employment Relationship: Law and Policy. New York: Ardsley House Publishing Co., 1989 (textbook).

Public Sector Strikes: Employee Rights, Union Responsibilities, and Managerial Prerogatives. Washington, D.C.: International Personnel Management Association, 1988 (monograph in the Public Employee Relations Library series).

Substance Abuse in the Workplace: Readings in the Labor and Management Issues (ed.). University Park, Pa.: Department of Labor Studies and Industrial Relations, 1987 (collection of articles published pursuant to a grant from the Commonwealth of Pennsylvania).

Presentations

“Is Organizational Behavior the New Industrial Relations?” Plenary Presentation, Academy of Management Annual Meeting, 2013, Orlando, FL

“The Attack on Public Sector Unions in the United States: How Regional Culture Influences Legal Policy,” Critical Management Studies Conference, 2011, Naples, Italy.

“Pension Reform in the United States and Italy: A Comparative Analysis,” American Accounting Association Annual Meeting 2008, Anaheim, CA.

“Dispute Resolution in Higher Education,” Academy of Management Annual Meeting, 2006, Philadelphia, PA

“Historical Contingency, Legal Ideology, and U.S. Labor Unions: The Origins and Effects of Right to Work Laws” and “Managing Metaphors: Language and Meaning in Organizational Communication,” Fourth Critical Management Studies Conference, University of Cambridge, United Kingdom, July 2005.

“Coining Academic Currency: Business School Research, Journal Rankings and the Value of Faculty Labor.” Academy of Management Annual Meeting, New Orleans, LA, August 2004.

“The Failure of Federal Labor Policy: Employer Personnel Policies, Right to Work Laws, and the Wagner Act,” Academy of Management Annual Meeting, Washington, DC, August 2001, Shared Interest Track

“Managing Ideologies: The Historical Development of Employment Contracts in the United States,” Academy of Management Annual Meeting, Toronto, Canada, August 2000

“Labor Law, Labor History, and Critical Theory,” and “Changing Forms of Workplace Representation: Lessons from the United States Steel Corporation, 1933-1937,” Academy of Management Annual Meeting, San Diego, CA, August 1998.

Discussant, “Employee Representation in Historical Perspective,” Conference on Nonunion Forms of Employee Representation, Banff, Canada, September 1997.

“Teaching International Industrial Relations: Global Competition as an Integrating Concept,” Conference on Innovative Teaching in Human Resources and Industrial Relations, Georgia State University, Atlanta, GA, June 1996

“Transforming Employment Relationships: History, Theory, and Practice,” Academy of Management Annual Meeting, 1995 (Vancouver, B.C.), Management History Division

- “An Interdisciplinary Analysis of Accounting Growth and Regulation in the United States,” presentation to American Accounting Association annual conference, Washington, DC, August 1992 (co-presenter with H. Hunt).
- “Accounting, Law, and Conceptions of Control in the American Corporation,” presentation at the Second European Management Control Symposium, HEC School of Management, Jouy-en-Josas, France, July 1992 (presenter, with H. Hunt)
- “An Institutional Analysis of Accounting Growth and Regulation in the United States,” Third Interdisciplinary Perspectives on Accounting Conference, July 1991, Manchester University, UK (co-presenter with H. Hunt).
- “Psychology on Trial: Legitimacy of Statistical Testimony in Title VII Cases,” Society of Industrial/Organizational Psychologists Annual Meeting, April 1990, Miami, FL (presenter and panelist with Frank Landy).
- “Creating a Managerial Ideology: John D. Rockefeller, Jr., and the Colorado Coal Miners,” Academy of Management Annual Meeting, 1990 (San Francisco, CA), Management History Division
- “Employee Representation Plans and Union Organizing in the Steel Industry, 1918-1937,” Academy of Management Annual Meeting, 1989 (Washington, D.C.), Management History Division
- “Objectivity, Ideology and Neoclassicism: A Comparative Analysis of Critical Legal Theory and Radical Accounting,” Second Interdisciplinary Perspectives on Accounting Conference, July 1988 (University of Manchester, England) (co-presenter)
- “Public Sector Strikes, Public Policy, and the Common Law,” Academy of Management Annual Meeting, August 1986 (Chicago, Ill.), Public Sector Division
- “Corporate Ownership and Accounting Choice: A Critical Analysis,” American Accounting Association Annual Meeting, August 1987 (Cincinnati, Ohio) (co-presenter)
- “Critical Labor Law, Working Class History, and the New Industrial Relations,” Ninth Annual North American Labor History Conference, October 1987 (Detroit, Mich.)

Honors and Awards

- Fulbright Distinguished Chair in Labor Law, University of Tuscia, Viterbo, Italy — 2007
- Order of the Coif, University of Colorado School of Law (Class standing: upper 10%)
- University Scholarship, University of Colorado School of Law, 1973-75
- American Jurisprudence Awards, Academic Excellence in Labor Law (1975) and Criminal Procedure (1976)
- Fulbright-Hays Fellowship, University of Wales, Swansea (1971-72)
- National Defense Education Act Fellowship, University of Colorado (1968-71)
- Woodrow Wilson Post-Baccalaureate Fellowship, Emory

University (1967-68)
Humanities Department Student of the Year Award, Fort
Lewis College, 1967 (GPA: 4.0)
Dean's List, Fort Lewis College (1965-67)

Professional Organizations

Colorado Bar Association, 1976-present
Industrial Relations Research Association, 1978-present
Academy of Management, 1983-present
Western Decision Sciences Institute, 2000-present

Professional Certifications

Admitted to legal practice, Colorado (Reg.No. 7684)
Member, Panel of Arbitrators:
Federal Mediation and Conciliation Service
Pennsylvania Bureau of Mediation
American Arbitration Association
West Penn Power Company, 1986-87
Coal Arbitration Service, 1986-88

Service Activities

College of Business Award for Excellence in Service, CSU, 2002-03
Editor, *Journal of Business and Management*, 2000-2004
Committee on Student Life, 1989-92
Committee on Faculty Research Initiation Grants, 1989-90
Faculty Council Executive (Steering) Committee, 1990-1992
Chair, Department of Management Tenure and Promotion Committee, 1993-1998;
2000-2005; 2008
Member of Faculty Council, various terms, 1988-2005; 2008