

A BILL

FOR AN ACT TO ESTABLISH BOARDS OF ARBITRATION IN THE SEVERAL COUNTIES IN THIS STATE, TO SETTLE AND DETERMINE THE RELATIONS BETWEEN EMPLOYERS OF LABOR AND EMPLOYEES.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. Whenever the employer of any manual labor in any county in this State, whether an individual, a partnership, a corporation, or a joint stock company, or an association of any kind, whether engaged in any branch of agriculture, mining, manufacturing, transportation, commerce, contracting with any public authorities for public improvements, publishing, building, or any other industry requiring such manual labor in any number of employes, and such employes or any trades union, assembly or association to which they belong and in which they are in good standing, shall disagree upon any question of the rate of wages or compensation, hours of labor, or any matter regarded of material interest by either such employer or by such employes, trades union, trades assembly, or other manual labor association as described herein, all such questions and controversies shall be referred to arbitration for final settlement and determination.

SEC. 2. Whenever any such question as is named in the first section of this act shall arise, between any such employer of manual labor and such employes, or such labor union, trades assembly, trades union representing such group of manual labor, and such employer or employers and such employes or such groups of manual labor representing such employes in such controversy, and such parties are unable to settle and determine the questions in dispute, by mutual agreement among themselves within forty-eight hours from the time the proposition in controversy is stated by one party to the other in interest, then and in that case, either party to such controversy shall file with the clerk of the court, either District or Circuit, in the county where either of the parties transact any portion of their business, either as employers or employes, a petition setting forth in common and general terms the points in dispute between such parties. No statutory or other form of pleading shall be required in such petition, and it shall be sufficient if it plainly express the intent of the parties.

SEC. 3. When such petition is filed, as provided herein, such clerk shall deposit in the nearest post-office to his office, a written or printed notice addressed to each of the parties to the controversy, notifying them of the time and place of selecting three arbitrators to determine the questions in dispute, and such time shall not be longer than forty-eight hours

5 from the hour at which said petition is filed, and such clerk is required to endorse on such
6 petition the hour and date of filing thereof.

SEC. 4. On the day named in such notice of selecting arbitrators, if the parties appear
2 thereto at the office of said clerk, the said selection of arbitrators shall take place, the hours
3 when such selection of arbitrators shall be made shall be between the hours of 10 o'clock A.
4 M., and 6 o'clock P. M. of the day named in such notice by such clerk. If any party fail to
5 appear the clerk shall select an arbitrator for such absent party. The party filing the com-
6 plaint shall choose one of the arbitrators who shall be a resident and an elector of the
7 county, and not over sixty years of age. When the complainant has made the selection of
8 one arbitrator, the party responding to such complaint by himself and if it be a corporation
9 or other association, by a duly authorized agent, shall make the selection of a second arbi-
10 trator of the same qualification as the arbitrator selected by the complainant. The clerk of
11 the District or Circuit Courts, the county treasurer and the county auditor shall then, at
12 the same time and place select a third arbitrator, and in the absence, or on account of the
13 death or inability of either of such officers to act in person in the selection of such third ar-
14 bitrator, the deputy of either one of them may act in his stead in such selection, and the
15 deputy of such clerk may act in the filing of such petition and in the giving of all notices
16 provided in this act. If the clerk of the District and Circuit Courts, the county treasurer,
17 and the county auditor fail to agree in the selection of such third arbitrator, after three
18 secret ballots therefor, then any two thereof may select such arbitrator; and if after two
19 more ballots the said officers fail to agree upon such third arbitrator, then the first three
20 names balloted for by the said public officers in their first balloting shall be written upon
27 slips of paper, and placed in some suitable receptacle, and shaken up, and the first name
22 drawn therefrom shall be that of the person who shall act as the third arbitrator, and he
23 shall have the same qualifications as the first and second arbitrators. If any such arbitra-
24 tor thus selected decline to serve or be excused, the vacancy so created shall be filled in the
25 same way as in the original selection of arbitrators, and by the same persons and officers,
26 but no person shall be excused from serving unless his excuse is such as would be valid
27 in any court of record in this State, if drawn and summoned as a juror therein. The clerk
28 of the District and Circuit Courts shall determine the sufficiency of any such excuse, and
29 his decision in that matter shall be final.

SEC. 5. When such arbitrators are selected as provided in the fourth section of this act,
2 the clerk of the District and Circuit Courts shall fix the date for the hearing of such contro-
3 versy before such arbitrators, not earlier than three clear days, nor later than six clear
4 days from the day on which such arbitrators shall be selected, and shall notify all of said
5 parties, and all of such arbitrators of the time and place of such hearing, which shall com-
6 mence at 10 o'clock of the morning fixed for such meeting and hearing. Such notices shall
7 be in writing, and must be served by the sheriff of the county or by any constable in such

8 county. Such arbitrators shall meet and organize at the office of the clerk of the District
9 and Circuit Courts of the county, but after being duly sworn, may by a majority vote ad-
10 journ to any other place in the county, and must give notice of the time and place of such
11 adjournment to the respective parties.

SEC. 6. The clerk of the District and Circuit Courts or his deputy shall forthwith place
2 all the notices required herein in the hands of the proper officer for service, and such of-
3 ficer shall forthwith serve the same.

SEC. 7. If any arbitrator herein desire to be excused from such service, he shall make
2 the same known to the clerk of such District and Circuit Courts within forty-eight hours
3 from the time he receives legal notice of his selection, as provided herein, and a failure to
4 either attend or make such excuse shall be punishable as a contempt by any court of record
5 in the county, upon the complaint of either party in interest, under oath.

SEC. 8. Sunday shall not be included in ascertaining time in any of the provisions of this
2 act.

SEC. 9. Such arbitrators, by a majority vote, shall determine all questions submitted to
2 them, including those arising during the progress of the investigation, and their conclu-
3 sions and ultimate findings shall be in writing, and signed by a majority at least of their
4 number, and filed with such clerk of the District and Circuit Courts within six days
5 after such arbitrators are duly sworn as such.

SEC. 10. Such arbitrators shall close the hearing of evidence and the arguments of the
2 parties at least six hours before concluding such final findings in writing, and in no case
3 shall the complainant have more than one hour in opening his argument; the respondent
4 shall have only one hour in which to reply, and the complainant shall close the argument
5 in half an hour after which such arbitrators shall retire to deliberate in secret and while
6 so deliberating their proceedings shall be governed by the rules regulating the conduct of
7 jurors while deliberating in courts of record in this State, and under the same penalties to
8 be enforced in any court of record of the county on complaint of either of the parties
9 to the controversy.

SEC. 11. The clerk of the District and Circuit Courts shall within twenty-four hours
2 after such findings are filed in his office, give both of the parties to the controversy a certi-
3 fied copy of such findings under the seal of his office; and the parties to such controversy
4 shall, after the receipt of such copy, be bound thereby; and said findings shall be final and
5 conclusive between all the parties named in the controversy and proceedings. If the
6 arbitrators fail to agree, they may separate after reporting such failure to such clerk, who
7 shall summon the parties to select new arbitrators forthwith.

SEC. 12. The provisions of this act shall not extend to interfere with the jurisdiction of
2 any court now having the power to enforce contracts, either express or implied, for the
3 payment of wages already earned when such suit is commenced.

SEC. 13. One-third of the costs of any proceeding under this act, shall be paid by the
2 county; and the remaining two-thirds shall be paid by the losing party, or the two-thirds
3 costs may be divided between the parties equitably by the arbitrators.

SEC. 14. If the party upon whom the findings of the arbitrators fix a duty or an obliga-
2 tion fails to obey such findings within four days from notice thereof by such clerk of such
3 District and Circuit Courts, then such party aggrieved by such neglect or refusal may file
4 a complaint, under oath in any court of record in the county, together with a certified copy
5 of such findings, and thereupon such court of record shall issue a peremptory writ of man-
6 damus to compel such party to obey such findings of such arbitrators, under penalty of
7 contempt proceedings; and from such mandamus proceedings there shall be no appeal.

SEC. 15. Such Board of Arbitration shall hear such cause upon such proof as they may
2 regard as consistent with justice and equity; but in no case shall hearsay evidence of an
3 oral character be admitted.

SEC. 16. The clerk of the District and Circuit Courts shall issue subpoenas for all wit-
2 nesses whom the majority of such arbitrators may regard as material, at the request of
3 either party, and the fees for serving such subpoenas, and to said witnesses as per diem
4 allowances and for mileage shall be the same as in any District Court of this State.

SEC. 17. Each arbitrator shall receive, to be paid out of the county treasury, upon the
2 order of the board of supervisors, the sum of two dollars per day of six hours attendance,
3 and the mileage as now provided by law for jurors in the District Court, of this State, for
4 each day's service as such arbitrator.

SEC. 18. If the same controversy shall arise at the same time between the same employer,
2 in other counties in this State and employes of the same class or occupation, the hour of
3 filing the petition in the office of the clerk of the District and Circuit Courts shall deter-
4 mine the priority of the respective contentions, and all others of the same class and the
5 same employer shall be postponed, until the final determination of the controversy first be-
6 gun; and the findings of the latter may be enforced in any county in this State where the
7 same is clearly applicable; and shall suspend further proceedings in the other pending
8 controversies of a like kind.

SEC. 19. Adjournments of hearings as fixed and provided in this act, may be had beyond
2 the times stated therein, by mutual consent entered of record.

SEC. 20. The clerks of the District and Circuit Courts shall keep a complete record, in a
2 single journal, of proceedings herein, as far as applicable, from minutes furnished him by
3 such arbitrators; and such book shall be provided for him by the board of supervisors, and
4 be a public record and primary evidence in all the courts of this State.

SEC. 21. It is made the duty of the Commissioner of Labor Statistics to attend all meetings

2 of such arbitrators, and take and preserve a copy of all such proceedings, and embody the
3 same in each of his official reports; and he shall receive no extra compensation therefor ex-
4 cept his ordinary traveling expenses; and provided that he shall have no vote, nor shall he
5 take part in any way in the investigation and deliberation herein except as to the preserva-
6 tion of the record of the same, and to report thereon.