

A BILL

FOR AN ACT TO CREATE BOARDS OF ARBITRATION, DEFINING THEIR DUTIES, POWERS AND JURISDICTION.

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

SECTION 1. Whenever the employer of any manual labor within this State, whether an individual, a partnership, a corporation or a joint stock company of any kind, engaged in any industry requiring manual labor in any number of employes, and such employes or employers shall disagree upon any question relating to or affecting the employment, compensation, and methods of computing the same, hours, continuance, kind and method of labor, the employment of child-labor, and any other matter affecting the mutual interests or relations of employers and employed and also any and all rules or regulations adopted or agreed on and attempted to be enforced over or against either side, all such questions and controversies may be referred to arbitration for final settlement and determination; *provided*, that there is expressly accepted and withdrawn from the jurisdiction of said board all matters and controversies over which the Board of Railroad Commissioners now have jurisdiction.

SEC. 2. Whenever any such question as is named in Section 1st of this Act shall arise between any such employer of manual labor and such employes, 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 Commissioner of Labor Statistics of this State, a sworn statement of the facts, setting forth all points in dispute between such parties, and a petition asking that an arbitration may be called. Such petition must be signed by the employer or his representative on the one part or by ten or more employes upon the other part.

SEC. 3. When such statement and petition is filed as provided for in Section 2 of this Act said commissioner (or in his absence his deputy or clerk) shall immediately forward by mail a written or printed notice addressed to each of the parties to the controversy notifying them of the date, hour and place of selecting five arbitrators to determine the questions in dispute, and such time shall be at the earliest possible day succeeding the notification to said Commissioner.

SEC. 4. The place for holding such arbitrament shall be at the county seat of the county
2 in which the controversy arises.

SEC. 5 On the day named in such notice of selecting arbitrators, if the parties appear
2 thereto, the selection of arbitrators shall take place in the following manner: The party
3 filing the complaint shall choose two of the arbitrators who shall be residents and electors
4 of the county, and between the ages of twenty-one and fifty-five years. When such selec-
5 tions have been made the party responding to aforesaid complaint shall make the selection
6 of two arbitrators who shall be qualified in the same manner as required by the provisions
7 of this section for those selected by the complainant. The clerk of the district and circuit
8 courts, the county treasurer and the county auditor shall then at the same time and place
9 select a fifth arbitrator, and in the absence of either of such officers to act in person in the
10 selection of such fifth arbitrator the deputy of either one of them may act in his stead in
11 such selection. If the clerk of the district and circuit courts, the county treasurer, and the
12 county auditor fail to agree in the selection of such fifth arbitrator, after three secret
13 ballots therefor, then any two thereof may select such arbitrator, and if after two more
14 ballots, the said officers fail to agree upon said fifth arbitrator, then the first three names
15 balloted for by said public officers in their first balloting shall be written upon slips of
16 paper and placed in some suitable receptacle and shaken up, and the first name drawn
17 therefrom shall be that of the person who shall act as the fifth arbitrator, and he shall
18 have the same qualifications as the four other arbitrators. If any such arbitrators thus
19 selected decline to serve or desire to be excused, the vacancy so created shall be filled in
20 the same way as in the original selection of arbitrators, and by the same persons and
21 officers, but no person shall be excused from serving unless his excuse be valid in any court
22 of record in this State if drawn as a juror therein. The clerk of the district and circuit
23 courts shall determine the sufficiency of any excuse, and his decision in the matter shall be
24 final.

SEC. 6. The Commissioner of Labor Statistics (or in his absence his deputy or clerk)
2 shall be required to be present at the aforesaid selection of arbitrators, and when such
3 arbitrators have been selected as provided in this act, he shall fix the date for the hearing
4 of such controversy before such arbitrators, not earlier than three days, nor later than six
5 days from the day on which such arbitrators shall be selected, unless it be by unanimous
6 agreement of both parties in the controversy in which case the time may be fixed as
7 mutually and unanimously agreed upon. The Commissioner (who shall be ex-officio secre-
8 tary of the boards of arbitration, but always without a vote) shall notify all of said parties
9 and all of said arbitrators of the time and place of said hearing. Such notices shall be
10 in writing and must be served by the sheriff of the county or by any constable in such
11 county.

SEC. 7. The board of arbitration shall meet and organize at any place within the county
2 agreed upon by a majority of said board, each member of which shall, before entering upon
3 his duties be duly sworn by the secretary of said board, who shall have power to adminis-
4 ter oaths and shall be provided by the State with a seal of his office. Said board may
5 adopt such rules and regulations for proceedings before the board and transactions of busi-
6 ness as it may deem proper and necessary, and not in conflict with the statutes of this
7 State. The secretary shall forthwith place all the notices required in the case before said
8 board in the hands of the proper officer for service and such officer shall forthwith serve
9 the same.

SEC. 8. 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 at least a majority of their
4 number, and shall file the same with the secretary of the board immediately upon reaching
5 and making up said conclusion and findings.

SEC. 9. Such arbitrators shall close the hearing of evidence and arguments of the parties
2 at least six hours before concluding such final findings in writing, and in no case shall the
3 complainant have more than one hour in opening his argument; the respondent shall have
4 only one hour in which to reply; and the complainant shall close the argument in half an
5 hour, after which such arbitrators shall retire and deliberate in secret; and while so delib-
6 erating, their proceedings shall be governed by the rules regulating the conduct of jurors
7 while deliberating in courts of record in this State and under the same penalties to be en-
8 forced in any court of record of the county on complaint of either of the parties to the con-
9 troversy. Attorneys at law or other agents of either party to the dispute shall not be per-
10 mitted to appear or take part in any of the proceedings of the tribunal.

SEC. 10. The secretary of the board shall within twenty-four hours after such findings
2 are filed in his office, give both of the parties to the controversy as certified copy of such
3 findings under the seal of his office; and the parties to such a controversy shall, after the
4 receipt of such copy be bound thereby; and said findings shall be final and conclusive
5 between all the parties named in the controversy and proceedings, and the proper court
6 may, on motion of any one interested, enter judgment thereon; and when the award is for
7 a specific sum of money, may issue final and other process to enforce the same. If the
8 arbitrators fail to agree they may separate after reporting such failure to the secretary who
9 shall at once summon the parties to select new arbitrators.

SEC. 11. 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 pay-
3 ment of wages already earned when such suit is commenced.

SEC. 12. The secretary of this board shall not be entitled to any compensation for his services beyond that of his salary as Commissioner of Labor Statistics, but shall be allowed his hotel and traveling expenses while on duty as such secretary, for which he shall present to the Executive Council of the State vouchers certified by him to be correct, and upon the approval of the same by said council a warrant shall be drawn by the Auditor of State for payment of same. The fifth arbitrator shall be allowed the same per diem as is now allowed jurors of the county courts and such per diem shall be paid by the county in which the controversy arises. All other costs of said arbitrations shall be borne equally by both parties; the employer paying one-half and the employes one-half. The accounts of expenses of such boards shall be submitted and passed upon by said boards at the close of each meeting.

SEC. 13. If there shall be two or more controversies arising at the same time between employer and employes, the date and hour on which the petition is received at the office of the Commissioner of Labor Statistics shall determine the priority of the respective disputes, and the others shall be postponed until the final determination of the dispute first commenced, when they shall be taken up in order received by said commissioner, and shall follow the same course as is provided for the first case.

SEC. 14. Pending the investigation and decision of any difference or disputes, it shall be unlawful for lock-outs on the part of employers or strikes on the part of employes to exist.

SEC. 15. It shall be the duty of the secretary of the Board of Arbitration to keep a complete record of all proceedings of said boards in a book for that purpose, and to publish in the biennial report of the Commissioner of Labor Statistics such parts of said proceedings as he may deem of value to the interests of labor and capital. If at any time prior to the publication of said report said commissioner deem it for the interests of the State that the investigations and results of these boards should be made public, he shall make such opinion known to the Executive Council of the State and they may order such publication to be made by the commissioner. The secretary shall be furnished by the Secretary of State with postage, stationary and such other equipments as may be proper and necessary for the transaction of his duties under this act.

SEC. 16. This act being deemed of immediate importance, it shall take effect and be in force from and after its publication in the Iowa State Register and the Des Moines Daily Leader, newspapers published at Des Moines, Iowa.