

March 8, 1965.

Senate File 492

Passed on File.

By MINCKS, FROMMELT, O'MALLEY and COLEMAN.

*Industrial-human relations 3/9
"to pass" 3/17*

Passed Senate, Date.....

Passed House, Date.....

Vote: Ayes..... Nays.....

Vote: Ayes..... Nays.....

*motion table 7/6 - withdrawn 4/6
Approved.....*

Special order of business for 4/20 9am

A BILL FOR

deferred 4/20 (34-23)

An Act to amend chapter seven hundred thirty-six A (736A) and seven hundred thirty-six B (736B), Code 1962, to provide for union security agreements except those agreements that require union membership as a prerequisite to employment and to limit the use of injunctions without a hearing in labor disputes and also providing for the establishment of a state mediation and conciliation commission and prescribing the powers and duties of said commission.

HF 677 substituted for 3/5/1

Be It Enacted by the General Assembly of the State of Iowa:

1 Section 1. Section seven hundred thirty-six A point one (736A.1),
 2 Code 1962, is amended by adding after the word "deprived" in line
 3 three (3) the words "or abridged". Further amend section seven
 4 hundred thirty-six A point one (736A.1) by striking the comma
 5 (,) at the end of line five (5) and inserting in lieu thereof
 6 the word "or". Further amend section seven hundred thirty-six A
 7 point one (736A.1) by striking from lines six (6) and seven (7)
 8 the words ", withdrawal or expulsion from, or refusal to join,".

1 Sec. 2. Section seven hundred thirty-six A point two (736A.2)
 2 Code 1962, is hereby repealed and the following enacted in lieu
 3 thereof:

4 "Refusal to employ prohibited. It shall be unlawful for any
 5 person, firm, association or corporation to require as a pre-
 6 requisite to employment, membership in, or affiliation with a
 7 labor union, organization or association; provided, however, nothing
 8 in this chapter shall preclude an employer from making an agree-
 9 ment with a labor organization requiring as a condition of employ-

10 ment membership in a labor union subsequent to being employed at
11 least thirty (30) days.

1 Sec. 3. Section seven hundred thirty-six A point three (736A.3)
2 Code 1962, is amended by adding after the word "into" in line
3 four (4) the words "or negotiate for". Further amend section
4 seven hundred thirty-six A three (736A.3) by striking everything
5 after the word "association" in line seven (7) and inserting in
6 lieu thereof a "period (.)".

1 Sec. 4. Section seven hundred thirty-six A point four (736A.4)
2 Code 1962, is amended by striking from lines five (5) and six (6)
3 the words "or a condition of".

1 Sec. 5. Section seven hundred thirty-six A point seven (736A.7)
2 Code 1962, is amended by adding at the end thereof the following:
3 "Provided however that no restraining order or injunction, either
4 temporary or permanent, shall be issued in any labor dispute with-
5 out a hearing after reasonable notice to all parties concerned;
6 provided further that temporary restraining order may be issued
7 without notice of a hearing when it appears that substantial and
8 irreparable injury to complainant's property will be unavoidable,
9 but such order shall be effective no longer than five (5) days
10 and any hearing for any subsequent injunction or restraining order
11 shall be held prior to the expiration of this time limit. The
12 provisions of rule three hundred twenty-six (326) of the Rules of
13 Civil Procedure shall not apply to labor disputes as defined
14 under chapter seven hundred thirty-six B (736B) Code 1962.

1 Sec. 6. Section seven hundred thirty-six A point eight (736A.8)
2 Code 1962, is hereby repealed.

1 Sec. 7. Section seven hundred thirty-six B point one (736B.1)

2 Code 1962, is amended by striking all of lines twelve (12) through
3 twenty (20). Further amend section seven hundred thirty-six B
4 point one (736B.1) by striking from line twenty-one (21) the number
5 and words "3. To force or require" and insert in lieu thereof
6 the number and words "1. Forcing or requiring". Further amend
7 section seven hundred thirty-six B point one (736B.1) by striking
8 from line twenty-six (26) the number and words "4. To force or
9 require" and insert in lieu thereof the number and words "2. Forc-
10 ing or requiring". Further amend section seven hundred thirty-six
11 B point one (736B.1) by adding at the end of line twenty-nine (29)
12 the following:

13 "Nothing in this chapter shall be construed to prohibit publicity
14 within the boundaries of Iowa, in any reasonable manner for the
15 purpose of truthfully advising the public, including consumers
16 and members of a labor organization, concerning the wage rates,
17 working conditions or standards under which a product or service
18 has been or is being manufactured or performed."

1 Sec. 8. Chapter seven hundred thirty-six B (736B), Code 1962,
2 is further amended by adding the following new section:

3 "Mediation and conciliation commission established. There is
4 hereby created within the bureau of labor, a board known as the
5 Iowa State Mediation and Conciliation Commission. This board
6 shall be compensated at the rate of thirty dollars (\$30.00) per
7 day, plus expenses, when carrying out their duty as outlined in
8 this Act.

9 "On or before July 5, 1965, the governor shall, subject to
10 confirmation of two-thirds ($\frac{2}{3}$) of the senate, appoint the members
11 of said board. One (1) member shall be representative of labor,

12 one (1) member shall be representative of management and one (1)
13 member shall be representative of the interests of the public.
14 The original board shall be composed of one (1) member for a
15 two (2) year term, one (1) member for a four (4) year term and
16 one (1) member for a six (6) year term. The governor shall indi-
17 cate the length of term when making the appointment of the original
18 board. Biennially thereafter, as the term of each member expires,
19 the governor shall, subject to confirmation of two-thirds ($\frac{2}{3}$)
20 of the senate, appoint a successor to serve for a term of six
21 (6) years. Future appointments to this board because of vacancies
22 due to resignation or inability to serve or because of the expir-
23 ation of a member's term of office shall be filled in the same
24 manner and from the same representative group as that of a member
25 whose term is vacant or expiring.

26 "The commissioner of labor shall act as secretary to the board
27 and shall carry out the orders of the board when said board is
28 not in session. The board shall have the power and jurisdiction
29 to do all of the following:

30 "1. To provide mediation and conciliation service in all
31 labor disputes within the boundaries of the state of Iowa where
32 the Federal Mediation and Conciliation Service does not have
33 jurisdiction.

34 "2. To provide for, supervise, and conduct representative
35 elections for employees in any industry in which the National
36 Labor Relations Board does not have jurisdiction to conduct such
37 an election. No representative election to select a bargaining
38 agent shall be held unless a petition signed by at least thirty
39 (30) percent of the employees of any employer requesting a

40 specific bargaining agent be named is presented to the board.
41 It shall take a majority of all employees voting, by secret ballot,
42 to designate a bargaining agent. Thereafter, the bargaining agent
43 designated shall have the exclusive right of representing such
44 employees, until the bargaining agent is changed or discontinued
45 in the same manner as originally designated. Any de-certification
46 petition shall be signed by at least thirty (30) percent of the
47 employees in the bargaining unit to petition for de-certification
48 and no bargaining agent shall be de-certified except by a majority
49 vote by those voting; provided that no de-certification petition
50 shall be honored except during the sixty (60) day period immediately
51 prior to the expiration date of a labor agreement. At least twelve
52 (12) months shall elapse between representative elections.

53 "3. To prescribe rules of practice, receive complaints, issue
54 subpoenas, hold hearings, make findings of fact, conclusions of law
55 and issue orders either dismissing a complaint or ordering a party
56 to cease and desist in stated and specific violations of this Act
57 in all labor disputes in which the National Labor Relations Board
58 does not have jurisdiction. The board shall not be bound by the
59 technical rules of evidence. Any interested party may apply to
60 the district court in the county wherein the labor dispute arose
61 for an order enforcing the orders of the board. Any aggrieved
62 party may within thirty (30) days after the entry of the final
63 order of the board make application for review to the district
64 court in the county wherein the labor dispute arose upon the grounds
65 only that the board acted without or in excess of its jurisdiction
66 or that the board acted arbitrarily and capriciously. The board's
67 findings of fact shall be final.

68 "4. A labor dispute includes any controversy concerning the
69 terms or conditions of employment, or the association or represent-
70 ation of persons in negotiating, fixing, maintaining, changing or
71 seeking to arrange terms or conditions of employment and repre-
72 sentation of employees or advising any interested party of the
73 facts of the controversy."

74 Further amend chapter seven hundred thirty-six B (736B), Code
75 1962, by renumbering the remaining sections.

1 Sec. 9. Amend section seven hundred thirty-six B point four
2 (736B.4), Code 1962, by adding after the word "person" in line
3 one (1) the words "corporation, employer".

1 Sec. 10. Amend section seven hundred thirty-six B point five
2 (736B.5), Code 1962, by adding after the word "person" in line
3 two (2) the words "corporation, employer". Further amend section
4 seven hundred thirty-six B point five (736B.5), Code 1962, by adding
5 at the end thereof the following: "Provided, however, that no
6 restraining order or injunction, either temporary or permanent,
7 shall be issued in any labor dispute without a hearing after
8 reasonable notice to all parties concerned; provided further that
9 temporary restraining order may be issued without notice of a
10 hearing when it appears that substantial and irreparable injury
11 to complainant's property will be unavoidable, but such order
12 shall be effective no longer than five (5) days and any hearing
13 for any subsequent injunction or restraining order shall be held
14 prior to the expiration of this time limit. The provisions of
15 rule three hundred twenty-six (326) of the Rules of Civil Procedure
16 shall not apply to labor disputes as defined under this chapter.

SENATE FILE 492

1 Amend Senate File 492 as follows:

- 2 1. Amend section 5, line 5, by striking the words
3 "after reasonable notice to all parties concerned" and
4 inserting in lieu thereof the words "and any party to be so
5 restrained or enjoined shall be given reasonable notice of
6 such hearing".
7 2. Amend section 5, line 7, by striking the words
8 "substantial and", and by striking all of line 8 and insert-
9 ing in lieu thereof the following: "the commission or
10 continuance of some act would greatly or irreparably injure
11 the complainant".
12 3. Amend section 8 by adding after the word "day" in
13 line 7, the words "per member".
14 4. Amend section 8, line 59, by inserting before the
15 word "Any", the following: "In the absence of fraud, the
16 findings of fact made by the board shall be conclusive."
17 5. Amend section 8, line 64, by inserting the word
18 "following" before the word "grounds"; by inserting a colon
19 (:) after "grounds", and by striking lines 65, 66 and 67, and
20 inserting in lieu thereof the following:
21 "1. If the board acted without or in excess of its
22 powers.
23 "2. If the order was procured by fraud.
24 "3. If the facts found by the board do not support the
25 order.
26 "4. If there is not sufficient competent evidence in
27 the record to warrant the making of the order or decision."

Filed

March 18, 1965.

By RILEY.

SENATE FILE 492

1 Amend Senate File 492 as follows:

- 2 By striking all of sec. 5 and renumbering the remaining
3 sections.

Filed

April 19, 1965.

By FLATT.

SENATE FILE 492

1 Amend Senate File 492 as follows:
2 1. Amend the title by striking all after "(736A)"
3 in line 1 and inserting in lieu thereof the words ", Code
4 1962, to permit an employer to enter into certain agreements
5 with labor organizations."
6 2. Further amend Senate File 492 by striking all after the
7 enacting clause and inserting in lieu thereof the following:
8 "Section 1. Section seven hundred thirty-six A point one
9 (736A.1), Code 1962, is hereby amended as follows:
10 1. By striking from line five (5) after the word 'in' the
11 comma and inserting in lieu thereof the word 'or'.
12 2. By striking from lines six (6) and seven (7) the words
13 ' withdrawal or expulsion from, or refusal to join,'.
14 "Sec. 2. Section seven hundred thirty-six A point two
15 (736A.2), Code 1962, is hereby repealed and the following
16 enacted in lieu thereof:
17 'It shall be unlawful for any person, firm, association, or
18 corporation to require as a prerequisite to employment,
19 membership in or affiliaton with a labor union, organization,
20 or association; provided, however, nothing in this chapter shall
21 preclude an employer from making an agreement with a labor
22 organization requiring as a condition of employment membership
23 in a labor union subsequent to being employed not less than
24 thirty (30) days after the effective date of the agreement or
25 not less than thirty (30) days of employment, whichever is the
26 later.'
27 "Sec. 3. Section seven hundred thirty-six A point three
28 (736A.3), Code 1962, is hereby amended as follows:
29 1. By inserting in line four (4) after the word 'into'
30 the words 'or negotiate for'.
31 2. By striking all after the word 'association' in line
32 seven (7) and inserting in lieu thereof a period.
33 "Sec. 4. Section seven hundred thirty-six A point four
34 (736A.4), Code 1962, is hereby amended as follows:
35 1. By striking from lines five (5) and six (6) the words
36 'or a condition of'.
37 2. By adding thereto the following new paragraph:
38 'It shall be unlawful for any labor organization or any of
39 its agents, when an employer has entered into an agreement with
40 the labor organization as authorized under section two (2) of
41 this Act, to:
42 1. Cause or attempt to cause an employer to discriminate
43 against any employee to whom membership into the organization
44 has been denied or terminated on grounds other than failure to
45 pay periodic dues and initiation fees uniformly required as a
46 condition to acquiring or retaining membership.
47 2. Require any employee to pay an excessive or discriminatory
48 fee as a condtion to becoming a member of the organization.
49 Practices and customs of labor organizations in the particular
50 industry, the wages currently paid to the employee affected, and
51 other relevant factors shall be considered in determining
52 whether such a fee is excessive or discriminatory.'

Filed
May 5, 1965.

Adopted 5/21

By Frommelt.