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Passed on File

Senate File 383
By CONDON

Industrial and Human Relations 3-3 Pass as Amended 4/3
" " " " 5-16

Passed Senate, Date 5-12-67 Passed House, Date _____
Vote: Ayes 33 Nays 18 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

An Act to establish a labor relations board and define its duties, declaring certain acts unfair labor practices, and repealing and rewriting certain sections of the present statutes.

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

1 Section 1. Title. This Act shall be known and may be
2 cited by the title "Iowa Labor Relations Act."
1 Sec. 2. Definitions.
2 1. "Commissioner" means the commissioner of the bureau of
3 labor of this state.
4 2. "General counsel" means the general counsel provided in
5 section five (5) of this Act.
6 3. "Bureau" means the bureau of labor.
7 4. "Board" means the Iowa labor relations board provided for
8 in section three (3) of this Act.
9 5. "Person" includes any individual, partnership, associa-
10 tion, labor organization, corporation, trustee, trustee in
11 bankruptcy, receiver, or its legal representative.
12 6. "Employer" includes any person acting directly or in-
13 directly in the interest of an employer in relation to an
14 employee, but does not include the United States, or any labor
15 organization, except when acting as an employer.
16 7. "Employee" means any employee, including but not limited
17 to any individual whose employment has ceased as a consequence
18 of any current labor dispute or because of any unfair labor
19 practice and who has not obtained any other regular and sub-
20 stantially equivalent employment, and shall not be limited to

21 the employees of a particular employer; "employee" does not in-
22 clude any individual employed by his parent or spouse or in the
23 domestic service of any person in his home, any individual em-
24 ployed only for the duration of a labor dispute, any individual
25 having the status of independent contractor, or any individual
26 employed as a supervisor.
27 8. "Representative" includes a labor organization or an in-
28 dividual, whether or not employed by the employer or those whom
29 he represents.
30 9. "Labor organization" means any organization which exists
31 and is constituted for the purpose, in whole or in part, of
32 collective bargaining on behalf of employees, or of dealing with
33 employers concerning grievances, wages, terms or conditions of
34 employment.
35 10. "Unfair labor practice" means only those unfair labor
36 practices listed in section seven (7).
37 11. "Labor dispute" includes any controversy concerning terms,
38 tenure, or conditions of employment, or concerning the association
39 or representation of persons in negotiating, fixing, maintaining,
40 changing, or seeking to arrange terms or conditions of employment,
41 regardless of whether the disputants stand in the proximate rela-
42 tion of employer and employee.
1 Sec. 3. Iowa labor relations board.
2 1. There is hereby established in the bureau of labor the Iowa
3 labor relations board, which shall be composed of three (3) members.
4 The offices of the board shall be in Des Moines. On or before July
5 1, 1967, the governor shall, with the advice and consent of the
6 senate, appoint the members of said board. The governor shall
7 designate one (1) member of the board to serve as chairman. The
8 original board shall be composed of one (1) member for a two (2)
9 year term, one (1) member for a four (4) year term and one (1)
10 member for a six (6) year term. The governor shall indicate the
11 length of term when making the appointment of the original board.
12 Biennially thereafter, as the term of each member expires, the
13 governor shall, with the advice and consent of the senate, appoint

14 a successor to serve for a term of six (6) years. Each member
15 of said board shall have been a qualified elector in this state
16 for at least one (1) year next preceding his appointment.
17 2. Any member may be removed by the governor for cause shown
18 in a public hearing after the accused shall have been given a
19 copy of the charges made and shall have had an opportunity to
20 answer such charges.
21 3. The governor shall fill any vacancy by appointment for the
22 unexpired term.
23 4. Each member shall receive as compensation thirty-five
24 (35) dollars per day, plus actual expenses for actual time spent
25 in carrying out their duties as herein defined.
26 5. The board is authorized to hold hearings at any place
27 in this state, and to administer this Act in accordance with the
28 authority herein granted to it. The board shall appoint such
29 employees for such periods as may be necessary to carry out the
30 work of the board and the provisions of this Act without undue
31 delay. All files, records and documents accumulated by the
32 board shall be kept in offices provided by the bureau.
33 6. All decisions shall be made by a majority of the board
34 and a written copy of each decision, stating findings of fact
35 and conclusions of law, shall be filed with the commissioner.
36 At the end of each fiscal year, and more frequently if required
37 by the governor, the board shall make a written report to the
38 governor, a copy of which shall be filed with the commissioner.
1 Sec. 4. Jurisdiction.
2 The labor relations board herein established shall have juris-
3 diction over any labor dispute which is not subject to the
4 provisions of the Federal Railway Labor Act, and over which the
5 national labor relations board does not have or has declined to
6 assert jurisdiction. For purposes of determining whether or not
7 the national labor relations board has asserted jurisdiction, the
8 board herein established shall respect the relevant rules and
9 regulations, press releases, and case rulings of the national

10 labor relations board.

1 Sec. 5. General counsel.

2 1. The board shall, on or before August 1, 1967 and quad-
3 rennially thereafter, appoint a general counsel for a term of
4 four (4) years at an annual salary to be set by the board with
5 the approval of the executive council. Said general counsel may
6 be removed by the board for cause shown in a public hearing,
7 after the general counsel shall have been given written notifica-
8 tion of the charges made and an opportunity to answer such charges.
9 The board may fill any vacancy in this office by appointment for
10 the unexpired term.

11 2. The general counsel shall diligently investigate any charges
12 referred to him by the board, and any other violations of this Act
13 which come to his attention. He shall have final authority, on be-
14 half of the board, for the investigation of charges and issuance of
15 complaints under section nine (9), and for the prosecutions of such
16 complaints before the board, and shall have such other duties as the
17 board may prescribe or as may be provided by law.

1 Sec. 6. Rights of employees. Employees shall have the right
2 to self-organization, to form, join, or assist labor organizations,
3 to bargain collectively through representatives of their own choos-
4 ing, and to engage in other concerted activities for the purpose
5 of collective bargaining or other mutual aid or protection, and
6 shall also have the right to refrain from any or all such activities
7 except to the extent that such right may be affected by a lawful
8 agreement requiring membership in a labor organization as a condi-
9 tion of employment.

1 Sec. 7. Unfair labor practices.

2 1. It shall be an unfair labor practice for an employer:

3 a. To interfere with, restrain, or coerce employees in the
4 exercise of the rights guaranteed in section six (6);

5 b. To prepare, use, or circulate any blacklist the purpose of
6 which is to prevent the employment or reemployment of individuals
7 because of their exercise of the rights set forth in section six
8 (6);

9 c. To dominate or interfere with the formation or ad-
10 ministration of any labor organization, or contribute financial
11 or other support to it; however, an employer shall not be
12 prohibited from permitting employees to confer with him during
13 working hours without loss of time or pay when the purpose of
14 such conference is not in violation of paragraph (a) of this
15 section;
16 d. By discrimination with respect to hire or tenure of em-
17 ployment, or benefits, or other terms or conditions of employ-
18 ment to encourage or discourage membership in any labor organ-
19 ization; provided, that nothing in this Act shall preclude an
20 employer from making a lawful agreement with a labor organi-
21 zation, which is not established, maintained, or assisted by
22 any action defined in subsection one (1) of this section as an
23 unfair labor practice, to require as a condition of employment
24 membership therein on or after the thirtieth day following the
25 beginning of such employment or the effective date of such agree-
26 ment, whichever is the later, if such labor organization if the
27 lawful representative of the employees as provided in section
28 eight (8);
29 e. To refuse to bargain collectively or discuss grievances
30 with the representatives of his employees, subject to the pro-
31 visions of section eight (8);
32 f. To discharge or otherwise discriminate against an employee
33 because he has filed charges or a petition or has given testimony
34 under this Act:
35 g. To deduct, collect, or assist in collecting from the wages
36 of employees any dues, fees, assessments, or other contributions
37 payable to any labor organization, except where he is authorized
38 to do so with respect to dues and he receives the written auth-
39 orization from each employee whose wages are to be thus affected.
40 Any such authorization given by an employee shall be revocable
41 after one (1) year.
42 2. It shall be an unfair labor practice for a labor organiza-
43 tion or its members or agents:

44 a. To coerce or restrain any employee in the exercise of the
45 rights guaranteed him in section six (6);
46 b. To cause or attempt to cause an employer to discriminate
47 against an employee in violation of subsection one (1) paragraph
48 (d) of this section;
49 c. To engage in, or induce any employee to engage in, picket-
50 ing, or a strike, slowdown, or other refusal in the course of his
51 employment to use, process, transport, or handle any goods or
52 materials or to perform any services, or to threaten, coerce, or
53 restrain any person, where in either case an object thereof is:
54 (1) To force or require any person to cease using, selling,
55 handling, transporting, or otherwise dealing in the products of
56 any other producer, processor, or manufacturer, or to cease doing
57 business with any other person; however, nothing in this subpara-
58 graph (1) of subsection two (2) paragraph (c) of this section shall
59 be construed to make unlawful any primary strike or primary picket-
60 ing of an employer whether or not conducted at the premises of the
61 primary employer;
62 (2) To force or require any employer or union to enter into an
63 agreement which is prohibited by subsection five (5) of this sec-
64 tion;
65 (3) To force or require another employer to recognize or bargain
66 with or refuse to recognize or bargain with any labor organization;
67 (4) To force or require any employer to assign particular work
68 to employees in a particular labor organization or in a particular
69 trade, craft, or class rather than to employees in another labor
70 organization or in another trade, craft, or class, unless such
71 employer is failing to conform to an order issued by the board
72 pursuant to subsection seven (7) section nine (9);
73 d. To picket or cause to be picketed, or to threaten to picket
74 or cause to be picketed, any employer where an object thereof is
75 forcing or requiring an employer to recognize or bargain with a
76 labor organization as the representative of his employees, or
77 forcing or requiring the employees of an employer to accept or
78 select such labor organization as their collective bargaining

79 representative, unless such labor organization is currently certi-
80 fied as the representative of such employees:
81 (1) Where the employer has recognized in accordance with
82 this Act any other labor organization as the representative of
83 such employees and a question concerning representation may not
84 appropriately be raised under section eight (8);
85 (2) Where, within the preceding twelve (12) months, either
86 a valid election under section eight (8) of this Act has been
87 conducted or a petition which has been filed by the picketing
88 labor organization with respect to substantially the same group
89 of employees has been dismissed by the board pursuant to section
90 eight (8) owing to a lack of sufficient interest among the em-
91 ployees; or
92 (3) Where such picketing has been conducted without a pe-
93 tition under section eight (8) being filed within a reasonable
94 time not to exceed thirty (30) days;
95 e. To refuse to bargain collectively with an employer, pro-
96 vided such labor organization is the representative of his
97 employees subject to the provisions of section eight (8);
98 f. To use or threaten the use of violence or sabotage against
99 any person or property to obtain a concession from an employer;
100 an order issued pursuant to subsection two (2) paragraph (f) of
101 this section shall not operate to prevent jurisdiction of any
102 court in a criminal case or civil action for damages when the
103 activity complained of is also the subject of an order by the
104 board.
105 3. Nothing in subsection two (2) of this section shall be
106 construed to make unlawful publicity or peaceful picketing for
107 the purpose of truthfully advising the public, including consumers
108 and members of a labor organization, that a product is produced
109 by an employer with whom the labor organization has a primary
110 dispute and is handled or distributed by another employer, so
111 long as such publicity does not have the effect of inducing any
112 person who is not employed by the primary employer to refuse to
113 pick up, deliver, or transport any goods or perform any services.

114 4. It shall be an unfair labor practice for any employer and
115 any labor organization to enter into any agreement, express or
116 implied, whereby such employer ceases or refrains from or agrees
117 to cease or refrain from doing business with any other person.
118 Any such provisions in any such agreement are void and unenforce-
119 able. Nothing in this subsection shall be construed to make
120 unlawful any provision of an agreement, the primary object of
121 which is to preserve or obtain work fairly claimable for the
122 bargaining unit covered by that agreement.
123 5. For the purposes of this section, to bargain collectively
124 is the performance of the mutual obligation of the employer and
125 the representative of the employees to meet at reasonable times
126 and confer in good faith with respect to wages, hours, and other
127 terms and conditions of employment, or the negotiation of an agree-
128 ment, or any question arising thereunder, and the execution of a
129 written contract incorporating any agreement reached if requested
130 by either party. Such obligation does not require either party to
131 agree to a proposal or to make a concession.
132 6. The expressing of any views, argument, or opinion, or the
133 dissemination thereof, whether in written, printed, graphic, or
134 visual form, shall not constitute an unfair labor practice under
135 any of the provisions of this Act, if such expression contains no
136 threat of reprisal or force or promise of benefit.
1 Sec. 8. Elections of representatives.
2 1. Representatives selected for the purposes of collective
3 bargaining by the majority of the employees in a unit appropriate
4 for such purposes shall be the exclusive representatives of all
5 the employees in such unit for the purposes of collective bargaining
6 in respect to rates of pay, wages, hours of employment or other
7 terms or conditions of employment. However, an employer may permit
8 employees to personally present grievances.
9 2. With the objective of securing to employees the fullest
10 benefit of this Act, the board shall decide in each case whether
11 the appropriate unit shall be an employer unit, craft unit, plant
12 unit, or any other unit. The extent to which the employees have

13
14 organized is not by itself a sufficient factor to support the find-
15 ing of an appropriate unit. The board shall not decide that any
16 unit is appropriate for such purposes if it includes both pro-
17 fessional employees and nonprofessional employees unless a
18 majority in each group vote for inclusion in such unit; nor shall
19 the board include guards and other employees in the same unit.
20 The board shall not decide that any craft unit is inappropriate
21 for such purposes on the ground that a different unit has been
22 established by a prior board determination, unless a majority of
23 the employees in the proposed craft unit vote against separate
24 representation.
25 3. Whenever a petition is filed with the board:
26 a. By an employee or group of employees or a labor organiza-
27 tion acting in their behalf alleging that a substantial number
28 of employees:
29 (1) Wish to be represented for collective bargaining and that
30 their employer declines to recognize their representative as the
31 representative defined in subsection one (1) of this section; or
32 (2) Assert that the individual or labor organization which has
33 been certified or is being currently recognized by their employer
34 as the bargaining representative no longer represents the wishes
35 of a majority of the employees in the bargaining unit; or
36 b. By an employer, alleging that one or more individuals or
37 labor organizations have presented to him a claim to be recognized
38 as the representative defined in subsection one (1) of this
39 section:
40 The board shall investigate the petition and if it has reasonable
41 cause to believe that a bona fide question concerning representa-
42 tion exists, it shall provide for a hearing upon due notice. If
43 the board finds, on the record of the hearing, that the claim con-
44 cerning representation is supported by a substantial number of
45 employees, and in any case where the claim appears to be supported
46 by thirty (30) percent of the employees in the appropriate
47 bargaining unit, the board shall conduct an election by secret
48 ballot among the employees, and shall certify the results of such
49 election.

50 4. No election shall be directed in any bargaining unit or
51 subdivision thereof within which, in the preceding twelve-month
52 period, a valid election has been held.
53 5. In any election in a single bargaining unit where none of
54 the choices on the ballot receives a majority, a run-off shall be
55 held between the two (2) choices receiving the largest and second
56 largest number of valid votes cast in the initial election. Where
57 one of the questions to be decided in the election is the inclusion
58 or exclusion of one (1) unit with respect to another unit, succes-
59 sive elections shall be held in the unit to be included or excluded
60 at which the choice on the ballot receiving the fewest number of
61 votes shall be dropped in each succeeding election until one (1)
62 choice receives a majority.
63 6. Nothing in this section shall be construed to prohibit the
64 waiving of hearings by stipulation for the purpose of a consent
65 election in conformity with the regulations and rules prescribed
66 by the board.
1 Sec. 9. Complaints of unfair labor practices; hearings and
2 orders.
3 1. The board is empowered to prevent any person from engaging
4 in any unfair labor practice. This power shall not be affected by
5 any other means of adjustment or prevention that has been or may
6 be established by agreement, law, or otherwise.
7 2. The board shall refer to the general counsel all charges that
8 any employer or labor organization has engaged in or is engaging in
9 an unfair labor practice. Upon such referral by the board, or if
10 the general counsel upon his own investigation considers that there
11 is or has been a violation of this Act, the general counsel shall
12 issue and cause to be served a complaint upon the person against
13 whose conduct the charge has been filed. The complaint shall set
14 forth the violations charged and summon the named person to a hear-
15 ing before the board at the time and place therein fixed. The time
16 and place of the hearing may be changed by the general counsel or
17 at the request of the board on its own motion or on motion of any
18 other party for cause shown. The hearing should be held not less

19 than seven (7) days after the service of such complaint, unless
20 the threat of immediate and irreparable harm requires a more
21 prompt hearing. No complaint shall issue based on any unfair
22 labor practice occurring more than six (6) months prior to the
23 filing of the charge with the board or, in the case of an in-
24 dependent investigation by the general counsel, more than six
25 (6) months prior to notice to such person that he is under such
26 investigation.

27 3. Any complaint may be amended by the general counsel with
28 the permission of the board in its discretion at any time prior
29 to the issuance of an order based thereon. The person complained
30 of shall have the right to appear in person or otherwise at the
31 hearing and give testimony. In the discretion of the board, any
32 person may be allowed to intervene to present testimony. Hear-
33 ings shall be conducted, insofar as practicable, in accordance
34 with the rules of evidence applicable in the courts.

35 4. A written transcript of the testimony taken at any hear-
36 ing shall be filed with the board. The board may then upon notice
37 to all parties take further testimony, hear argument, or accept
38 submission of briefs.

39 5. If, upon all the evidence, the board determines that the
40 person complained of has engaged in or is engaging in any unfair
41 labor practice, it shall state its findings of fact and shall
42 issue and cause to be served on such person an order requiring
43 him to cease and desist from such unfair labor practice and shall
44 order such further affirmative action as will effectuate the
45 policies of this Act including, but not limited to:

46 a. Payment of back pay by the employer or labor organization
47 responsible for the damage complained of;

48 b. Reinstatement of employees, with or without back pay;

49 c. Hiring of persons refused work in violation of subsection
50 one (1), paragraphs (b) or (d) of section seven (7);

51 d. An offer of preferential future rehiring to employees
52 displaced or replaced in violation of subsection one (1) of
53 section seven (7);

54 e. Initiation or resumption of collective bargaining;
55 f. Withdrawal of recognition from any union established or
56 assisted by an employer in violation of subsection one (1) para-
57 graph (c) of section seven (7) or any union attaining recognition
58 through a violation of subsection two (2) of section seven (7).
59 Such order may further require such person to make reports
60 from time to time showing the extent to which he has complied with
61 the order. Reinstatement of, or an award of back pay to, any in-
62 dividual suspended or discharged for cause shall not be ordered.
63 If, upon all the evidence, the board is not of the opinion that
64 the person or persons complained of have engaged or are engaging
65 in any unfair labor practice, it shall make its findings of fact
66 and issue an order dismissing the complaint.
67 6. The board shall not require as a condition for taking
68 jurisdiction over an employer unfair labor practice that employees
69 engaged in any lawful strike or other lawful concerted activity
70 shall discontinue such activity.
71 7. Whenever it is charged that a person is engaging in an
72 unfair labor practice within the terms of subsection two (2),
73 paragraph (c), subparagraph four (4), section seven (7), the board
74 shall hear the dispute and make an assignment of the disputed work
75 to such group of employees as the board determines to be properly
76 entitled thereto, unless the parties satisfy the board within ten
77 (10) days of the filing of such charge that they have settled the
78 dispute or have agreed upon a reasonably prompt means of settling
79 the dispute.
80 8. Until the record in a case has been filed in the district
81 court, as provided in section ten (10), the board may at any
82 time, upon reasonable notice and in such manner as it deems proper,
83 modify or set aside, in whole or in part, any finding or order
84 made or issued by it.
1 Sec. 10. Enforcement of orders; judicial review.
2 1. The board is empowered, upon issuance of a complaint as
3 provided in subsection two (2) of section nine (9) charging that
4 any person has engaged in or is engaging in an unfair labor practice,

5 to petition the district court within the county wherein the
6 unfair labor practice in question is alleged to have occurred
7 or wherein any person charged with the unfair labor practice
8 resides or transacts business, or, if said court is not in ses-
9 sion, any judge of said court, for appropriate temporary relief
10 or a restraining order, as well as for the enforcement of any
11 order. Where enforcement of an order is sought, the board shall
12 certify and file in the court a transcript of the entire record
13 of any proceedings, including the pleadings, testimony, and find-
14 ings upon which such order was made. Within five (5) days after
15 filing such petition in the district court, the board shall cause
16 a notice of such petition to be sent by registered mail to all
17 parties or their representatives. The district court, or, if
18 said court is not in session, any judge of said court shall have
19 jurisdiction of the proceedings and of the questions determined
20 thereon, and is empowered to grant such relief, including tem-
21 porary relief, as it deems appropriate and to make and enter a
22 decree enforcing, modifying and enforcing as so modified, or
23 setting aside in whole or in part the order of the board.
24 2. Any person aggrieved by an order of the board granting
25 or denying in whole or in part the relief sought may obtain a
26 review of such order in the district court for the county where
27 the unfair labor practice was alleged to have occurred or in the
28 county wherein such person resides or transacts business by filing
29 in the court, within thirty (30) days from the date of such order,
30 a written petition in duplicate praying that the order of the
31 board be modified or set aside, or, if the said court is not in
32 session, with any judge thereof. The clerk of the district court
33 shall thereupon mail the duplicate copy to the board. The board
34 shall then file in said court a transcript of the entire record
35 in the proceeding, including the pleadings, testimony and order
36 of the board; but, by stipulation of all parties to the review
37 proceeding, the record may be shortened. Any party unreasonably
38 refusing to stipulate to limit the record may be taxed by the
39 court for the additional costs. The court may require or permit

40 subsequent corrections or additions to the record when deemed
41 desirable. The court is empowered to grant such relief, includ-
42 ing temporary relief, as it deems appropriate and to make and
43 enter a decree enforcing, modifying and enforcing as so modified,
44 or setting aside in whole or in part the order of the board. Any
45 order by the board shall become final if no appeal is taken there-
46 from within thirty (30) days.
47 3. No objection that has not been urged before the board shall
48 be considered by the court, unless the failure to urge such objec-
49 tion is excused because of extraordinary circumstances. If either
50 party applies to the court for leave to adduce additional evidence
51 and shows to the satisfaction of the court that such additional
52 evidence is material and that there were reasonable grounds for
53 the failure to adduce such evidence in the hearing before the
54 board, the court may order such additional evidence to be taken
55 before the board, and to be made part of the transcript. The
56 board may modify its findings as to the facts, or make new find-
57 ings, by reason of additional evidence so taken, and it shall file
58 such modified or new findings and its recommendations, if any, for
59 the modification or setting aside of its original order.
60 4. The judgment and decree of the district court shall be
61 final, except that the same shall be subject to review by the
62 supreme court, on appeal, by either party, irrespective of the
63 nature of the decree or judgment or the amount involved. Such
64 appeal shall be taken and prosecuted in the same manner and form
65 and with the same effect as is provided in other cases of appeal
66 to the supreme court, and the record so certified shall contain
67 all that was before the lower court.
68 5. Commencement of proceedings under subsections one (1) or
69 two (2) of this section shall not stay enforcement of the board's
70 decision; but the board or the reviewing court may order a stay
71 upon such terms as it deems proper.
72 6. Petitions filed under this section shall be heard ex-
73 peditiously, and if possible within ten (10) days after they
74 have been docketed.

75 7. The review shall be conducted by the court without a jury
76 and shall be confined to the record. The findings of the board,
77 if supported by substantial evidence in view of the entire record
78 as submitted, shall be conclusive. However, in cases of alleged
79 irregularities in procedure before the board, not shown in the
80 record, testimony thereon may be taken in the court. The court
81 shall, upon request, hear oral argument and receive written briefs.
1 Sec. 11. Investigatory powers, oaths, subpoenas, service of
2 process.
3 1. The board, the general counsel, and any duly authorized
4 agents of the board, shall at all reasonable times have access
5 to and the right to copy evidence relating to any person or action
6 under investigation by it in connection with any labor dispute.
7 The board is empowered to administer oaths and to issue subpoenas
8 requiring the attendance of witnesses or the production of evi-
9 dence.
10 2. In case of contumacy or refusal to obey a subpoena issued
11 to any person, the district court, upon application by the board,
12 shall have jurisdiction to order such person to appear before
13 the board to produce evidence or to give testimony touching the
14 matter under investigation, and any failure to obey such order
15 may be punished by said court as a contempt thereof.
16 3. No person shall be excused from attending and testifying
17 or from producing books, records, correspondence, documents or
18 other evidence in obedience to the subpoena of the board, on
19 the ground that the testimony or evidence required of him may
20 tend to incriminate him or subject him to a penalty or forfeiture.
21 No individual shall be prosecuted or subjected to any penalty or
22 forfeiture for or on account of any transaction, matter or thing
23 concerning which he is compelled, after having claimed his priv-
24 ilege against self-incrimination, to testify or produce evidence,
25 except that such individual so testifying shall not be exempt
26 from prosecution and punishment for perjury committed in so test-
27 ifying.
28 4. Complaints, orders and other processes and papers of the

29 board or the general counsel may be served personally, by regis-
30 tered mail, by telegraph or by leaving a copy thereof at the
31 principal office or place of business of the person required to
32 be served. The verified return of service shall be proof of such
33 service. Witnesses summoned before the board or the general coun-
34 sel shall be paid the same fee and mileage allowance that are
35 paid witnesses in the courts of this state, and witnesses whose
36 depositions are taken and the person taking the same shall sev-
37 erally be entitled to the same fees as are paid for like services
38 in the courts of this state.
39 5. All processes of any court to which an application or peti-
40 tion may be made under this Act may be served in the county wherein
41 the person or persons required to be served reside or may be found.
1 Sec. 12. Rules and regulations. The board is hereby author-
2 ized to issue and cause to be published such rules and regulations
3 as may be necessary to carry out the purposes of this Act in ac-
4 cordance with chapter seventeen A (17A), Code 1966.
1 Sec. 13. Delegation of authority. The board may in its dis-
2 cretion delegate the conducting of any hearing, the receiving of
3 any evidence, or the issuance of any subpoena to one of its mem-
4 bers or to any of its employees, as it sees fit.
1 Sec. 14. Penalty for obstruction, contempt. Any person who
2 willfully resists or interferes with any member of the board,
3 the general counsel, or any authorized agent of the board in the
4 performance of duties pursuant to this Act, shall be fined not
5 more than five hundred (500) dollars or imprisoned not more than
6 six (6) months or both, upon conviction in a court of law of this
7 state. Any person who willfully disobeys a final order by the
8 board is punishable for contempt and shall be fined not more than
9 five hundred (500) dollars for each day of such willful disobedi-
10 ence, or imprisoned not more than six (6) months, or both, upon
11 conviction in a court of law of this state.
1 Sec. 15. Budget. Prior to January first of each year, the
2 board shall submit to the state comptroller for his approval an
3 estimated budget of the expenses for administering this Act for

4 the ensuing fiscal year. The general assembly is authorized to
5 appropriate to the bureau such finances as may be needed to ad-
6 minister this Act.

1 Sec. 16. Sections seven hundred thirty-six A point two (736A.2),
2 seven hundred thirty-six A point three (736A.3), seven hundred
3 thirty-six A point five (736A.5), seven hundred thirty-six A
4 point seven (736A.7), seven hundred thirty-six B point one (736B.1),
5 seven hundred thirty-six B point two (736B.2), seven hundred
6 thirty-six B point three (736B.3), seven hundred thirty-six B
7 point five (736B.5), Code 1966, are hereby repealed.

1 Sec. 17. Severability. The provisions of this Act are
2 severable, and if any of its provisions shall be held unconsti-
3 tutional or invalid by a court of competent jurisdiction, the
4 decision of such court shall not affect or impair any of the re-
5 maining provisions.

EXPLANATION

The legislature of the state of Iowa finds that the commerce and relations between employers and employees are from time to time disrupted by labor disputes. These disputes are costly and detrimental to the lawful interests of employers and employees alike, as well as to the public safety and welfare. It is the desire of the legislature to avoid such costly disputes by amicable settlement, and for this purpose there is hereby enacted the Iowa Labor Relations Act.

1 Amend Senate File 383 as follows:
2 1. By striking all of lines seven (7), eight (8) and
3 nine (9) of Section six (6).
4 2. By striking all after the word "Sections" in lines
5 one (1) two (2) and three (3) and the words and figures,
6 "point seven (736A.7)," in line four (4) of Section
7 sixteen (16).

Filed - Adopted 5-12-67
April 3, 1967

By INDUSTRIAL AND HUMAN RELATIONS COMMITTEE

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1 Amend Senate File 383 by striking in section seven (7)
2 the words, "provided that nothing in this Act shall preclude"
3 in line nineteen (19) and all of lines twenty (20) through
4 twenty-eight (28), inclusive.

Filed - Adopted as amended 5-12-67
May 11, 1967

By GAUDINEER

1 Amend Senate File 383 by inserting the following
2 after the word "States" in line fourteen (14), section one (1):
3 ", the state of Iowa or any subdivision thereof".

Filed and adopted
May 12, 1967 By RILEY

1 Amend Senate File 383 by striking the words "one (1) year"
2 in line forty-one (41), section seven (7), and inserting
3 in lieu thereof the following:
4 "thirty days".

Filed and lost
May 12, 1967 By RILEY

1 Amend Senate File 383 as follows:
2 1. By striking from line sixteen (16) of Section
3 Seven (7) the words "By discrimination" and inserting
4 in lieu thereof the words "To discriminate".

Filed and adopted
May 12, 1967 By ELY

1 Amend Senate File 383, section 7, subsection 2 by adding
2 thereto the following:
3 "g. To refuse or deny membership or affiliation to any
4 applicant on the grounds of sex, race, creed, color or religion.
5 It shall be prima facie evidence of a violation of this section
6 if the minority group of which the applicant is a member is not
7 represented in the existing membership."

Filed and lost
May 12, 1967 By POTGETER and NEU

1 Amend the Gaudineer amendment to Senate File 383, filed
2 May 11, 1967, as follows:
3 1. By inserting in line two (2) a comma (,) after the word
4 "provided".
5 2. By inserting in line two (2) after the word "preclude"
6 the word "an".

Filed and adopted
May 12, 1967 By GAUDINEER

1 Amend Senate File 383 by striking lines five (5) and six (6)
2 of section three (3), and inserting in lieu thereof the
3 following:
4 "1, 1967, the governor shall appoint the members of the
5 said board with the approval of two-thirds (2/3) of the
6 senate. The governor shall"
7 Further amend Senate File 383 by inserting the word "interim"
8 before the word "vacancy" in line twenty-one (21) of section
9 three ( ).
10 Further amend Senate File 383 by adding the following
11 after the word "term" in line twenty-two (22) of section
12 three (3):
13 "subject to section two point forty (2.40), Code. All
14 other vacancies shall be filled as provided in subsection
15 one (1) of this section three (3) as well as section two
16 point forty (2.40), Code".

Filed and adopted
May 12, 1967

By RILEY