

## BOARDS OF ARBITRATION AND CONCILIATION

### **679B.1 Petition for appointment.**

When any dispute arises between any person, firm, corporation, or association of employers and their employees or association of employees, of this state, except employers or employees having trade relations directly or indirectly based upon interstate trade relations operating through or by state or international boards of conciliation, which has or is likely to cause a strike or lockout, involving ten or more wage earners, and which does or is likely to interfere with the due and ordinary course of business, or which menaces the public peace, or which jeopardizes the welfare of the community, and the parties thereto are unable to adjust the same, either or both parties to the dispute, or the mayor of the city, or the chairperson of the board of supervisors of the county in which said employment is carried on, or on petition of any twenty-five citizens thereof over the age of eighteen years, or the labor commissioner, after investigation, may make written application to the governor for the appointment of a board of arbitration and conciliation, to which board such dispute may be referred under the provisions of this chapter; and the manager of the business of any person, firm, corporation, or association of such employers, or any organization representing such employees, or if such employees are not members of any organization, then a majority of such employees affected may make the application as provided in this chapter, but in no case shall more than twenty employees be required to join in such application.

[S13, § 2477-n; C24, 27, 31, 35, 39, § **1496**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 90.1]

86 Acts, ch 1245, § 944

C87, § 679B.1

### **679B.2 Notification by governor.**

The governor shall at once upon application made to the governor as herein provided, and upon the governor's satisfaction that the dispute comes within the provisions of section 679B.1, notify the parties to the dispute of the application for the appointment of a board of arbitration and conciliation and make request upon each party to the dispute that each of them recommend within three days from the date of notice, the names of five persons who have no direct interest in such dispute and are willing and ready to act as members of the board, and the governor shall appoint from each list submitted one of such persons recommended.

[S13, § 2477-n1; C24, 27, 31, 35, 39, § **1497**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 90.2]

86 Acts, ch 1245, § 944

C87, § 679B.2

### **679B.3 Governor to appoint for parties.**

Should either of the parties fail or neglect to make any recommendation within the said period, the governor shall, as soon thereafter as possible, appoint a fit person who shall be deemed to be appointed on the recommendation of the parties in default.

[S13, § 2477-n1; C24, 27, 31, 35, 39, § **1498**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 90.3]

86 Acts, ch 1245, § 944

C87, § 679B.3

#### **679B.4 Third appointee.**

The members of the board so appointed shall within five days of their appointment recommend to the governor the name of one person who is ready and willing to act as a third member of the board, and upon failure or neglect upon their part to make such recommendation within the said period, or upon the failure or refusal of the person so recommended to act, the governor shall as soon thereafter as possible appoint some person to act as the third member of the board.

[S13, § 2477-n1; C24, 27, 31, 35, 39, § **1499**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 90.4]

86 Acts, ch 1245, § 944

C87, § 679B.4

#### **679B.5 Agreement to be bound by decision.**

In all cases when the application is made by both parties to the dispute, they shall set forth in the application whether or not they agree to be bound by the decision of the board of arbitration and conciliation; and if both parties agree to be so bound by such decision, then the same shall be binding and enforceable as set out in section 679B.12.

[S13, § 2477-n2; C24, 27, 31, 35, 39, § **1500**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 90.5]

86 Acts, ch 1245, § 944

C87, § 679B.5

#### **679B.6 Oath organization.**

Each member of the board shall, before entering upon the duties of the member's office, be sworn to a faithful and impartial discharge thereof; they shall organize at once by the choice of one of their number as chairperson, and one of their number as secretary, and shall have power to employ all necessary clerks and stenographers to properly carry out the duties of their appointment.

[S13, § 2477-n3; C24, 27, 31, 35, 39, § **1501**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 90.6]

86 Acts, ch 1245, § 944

C87, § 679B.6

#### **679B.7 Compensation and expenses.**

The members of the board shall be paid a per diem as specified in section 7E.6 and shall be reimbursed for actual and necessary expenses, these moneys to be payable out of the state treasury upon warrants drawn by the director of the department of administrative services.

[S13, § 2477-n3; C24, 27, 31, 35, 39, § **1502**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 90.7]

86 Acts, ch 1245, § 944

C87, § 679B.7

90 Acts, ch 1256, §55; 2003 Acts, ch 145, §286

### **679B.8 Evidence witnesses.**

For the purpose of this inquiry the board shall have all the powers of summoning before it and enforcing the attendance of witnesses, of administering oaths, and of requiring witnesses to give evidence, to produce books, papers, and other documents or things as the board may deem requisite to the full investigation of the matters into which it is inquiring, as are vested in the district court in civil cases.

[S13, § 2477-n4; C24, 27, 31, 35, 39, § **1503**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 90.8]

86 Acts, ch 1245, § 944

C87, § 679B.8

### **679B.9 Oath rule of evidence.**

Any member of the board may administer an oath, and the board may accept, admit, and call for such evidence as in equity and good conscience it thinks material and proper, whether strictly legal evidence or not.

[S13, § 2477-n4; C24, 27, 31, 35, 39, § **1504**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 90.9]

86 Acts, ch 1245, § 944

C87, § 679B.9

### **679B.10 Subpoenas by whom served fees.**

A subpoena or any notice may be delivered or sent to any sheriff, constable, or any police officer who shall forthwith serve the same, and make due return thereof, according to directions. Witnesses in attendance and officers serving subpoenas or notices shall receive the same fees as are allowed in the district court, payable from the state treasury, upon the certificate of the board that such fees are due and correct. The board shall have the same power and authority to maintain and enforce order at the hearings and obedience to its writs of subpoena as is by law conferred upon the district court for like purposes.

[S13, § 2477-n4; C24, 27, 31, 35, 39, § **1505**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 90.10]

86 Acts, ch 1245, § 944

C87, § 679B.10

### **Footnotes**

Contempts, chapter 665

Witness fees, § 622.69 et seq.

### **679B.11 Investigation report filed public inspection.**

The board shall as soon as practical visit the place where the controversy exists and make careful inquiry into the cause, and the said board may, with the consent of the governor, conduct such inquiry beyond the limits of the state. The board shall hear all persons interested who come before it, advise the respective parties what ought to be done or submitted to by either or both of the parties to the dispute to adjust said controversy, and

make a written decision thereof, which shall at once be made public and open to public inspection and shall be recorded by the secretary of the board, and a copy of such report shall be filed in the office of the clerk of the city in which the controversy arose and shall be open for public inspection.

[S13, § 2477-n5; C24, 27, 31, 35, 39, § **1506**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 90.11]

86 Acts, ch 1245, § 944

C87, § 679B.11

#### **679B.12 Investigation decision.**

The board of arbitration and conciliation shall within ten days from the date of their appointment, unless such time shall be extended by the governor, complete the investigation of any controversy submitted to them, and during the pendency of such period neither party shall engage in any strike or lockout. Any decision made by the board shall date from the date of the appointment of the board and shall be binding upon the parties who join in the application as herein provided for a period of one year.

[S13, § 2477-n6; C24, 27, 31, 35, 39, § **1507**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 90.12]

86 Acts, ch 1245, § 944

C87, § 679B.12

#### **679B.13 Decision report to governor.**

Within five days after the completion of the investigation, unless the time is extended by the governor for good cause shown, the board or a majority thereof shall render a decision, stating such details as will clearly show the nature of the controversy and the point disposed of by them, and make a written report to the governor of their findings of fact and of their recommendation to each party to the controversy.

[S13, § 2477-n7; C24, 27, 31, 35, 39, § **1508**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 90.13]

86 Acts, ch 1245, § 944

C87, § 679B.13

#### **679B.14 Decision filed and published.**

Every decision and report shall be filed in the office of the governor, and a copy served upon each party to the controversy, and a copy furnished to the labor commissioner for publication in the report of the commissioner, who shall cause such decision and report to be published at a rate of not to exceed thirty-three and one-third cents per ten lines of brier type or its equivalent in two newspapers of general circulation in the county in which the business is located upon which the dispute arose.

All evidence taken and exhibits and documents offered shall be carefully preserved and at the close of the investigation shall be filed in the office of the governor of the state and shall only be subject to inspection upon the governor's order.

[S13, § 2477-n7; C24, 27, 31, 35, 39, § **1509**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 90.14]

86 Acts, ch 1245, § 944

C87, § 679B.14

**679B.15 Board of arbitration.**

When any dispute arises between a city having a population of ten thousand or more, or a city under civil service of whatever population, and any city-recognized association of employees of the paid fire department of such city, and the parties are unable to adjust the dispute, either or both parties may make written application to a judge of the district court of the county in which the dispute arises for the appointment of a board of arbitration and conciliation, to which board such dispute may be referred under the provisions of this chapter.

[C62, 66, 71, 73, 75, 77, 79, 81, § 90.15]

86 Acts, ch 1245, § 944

C87, § 679B.15

**679B.16 Recommendations for appointees.**

The judge shall, within ten days after application is made to the judge as provided, notify the parties to the dispute of the application for the appointment of a board of arbitration and conciliation, and shall request each party to recommend within ten days from the date of receipt of notice, the name of a person who has no direct interest in the dispute and is willing and ready to act as a member of the board.

[C62, 66, 71, 73, 75, 77, 79, 81, § 90.16]

86 Acts, ch 1245, § 944

C87, § 679B.16

**679B.17 Failure to act.**

Should either of the parties fail or neglect to make any recommendation within the ten-day period, or if the person recommended fails or refuses to act, the judge shall, as soon thereafter as possible, appoint a person who meets the qualifications provided in section 679B.16. Such person shall be deemed to be appointed on the recommendation of the party in default.

[C62, 66, 71, 73, 75, 77, 79, 81, § 90.17]

86 Acts, ch 1245, § 944

C87, § 679B.17

**679B.18 Third member of board.**

The parties to the dispute and the members of the board so appointed shall, within five days of the appointment, recommend to the judge the name of an additional person who is willing and ready to act as the third member of the board. The person recommended shall meet the qualifications provided in section 679B.16. If the recommendation is not made within the period, or if the person recommended refuses or fails to act, the judge shall as soon thereafter as possible appoint a qualified person to act as the third member of the board.

[C62, 66, 71, 73, 75, 77, 79, 81, § 90.18]

86 Acts, ch 1245, § 944

C87, § 679B.18

**679B.19 Organization of board.**

Each member of the board shall, before entering upon the duties of the member's office, be sworn to a faithful and impartial discharge thereof. The board shall organize at once by the choice of one of their number as chairperson, and one of their number as secretary, and shall have the power to employ all clerks and stenographers necessary to properly carry out the duties of their appointment.

[C62, 66, 71, 73, 75, 77, 79, 81, § 90.19]

86 Acts, ch 1245, § 944

C87, § 679B.19

**679B.20 Costs.**

Each party to the dispute shall assume its own costs of the arbitration proceedings and shall share equally the costs of the third member as well as the general expenses of the board of arbitration and conciliation.

[C62, 66, 71, 73, 75, 77, 79, 81, § 90.20]

86 Acts, ch 1245, § 944

C87, § 679B.20

**679B.21 Powers of board.**

For the purpose of this inquiry the board shall have all the powers vested in the district court in civil cases which the board deems necessary to a full investigation of the dispute, including but not limited to the power to summon and enforce the attendance of witnesses, to administer oaths and to require witnesses to give evidence and produce books and papers. Any member of the board may administer oaths.

[C62, 66, 71, 73, 75, 77, 79, 81, § 90.21]

86 Acts, ch 1245, § 944

C87, § 679B.21

**679B.22 Witnesses.**

A subpoena or any notice may be delivered or sent to any sheriff, or any police officer who shall forthwith serve it and make due return thereof according to direction. Every person who is summoned by an arbitration board and who duly attends as a witness, except witnesses summoned at the request of a party, shall be entitled to an allowance for expenses determined in accordance with the scale in effect at the time with respect to witnesses in the district court in civil cases, and the allowance paid shall be a part of the general expenses of the arbitration board. The board shall have the same power and authority to maintain and enforce order at the hearings and obedience to its writs of subpoena as is by law conferred upon the district court for like purposes.

[C62, 66, 71, 73, 75, 77, 79, 81, § 90.22]

86 Acts, ch 1245, § 944

C87, § 679B.22

### **679B.23 Findings and report.**

The board shall as soon as practical visit the place where the dispute exists and make careful inquiry into its cause. The board shall hear all interested persons who come before it and advise the respective parties concerning courses of action to adjust the dispute, and shall put in writing its findings and recommendations. A copy of such report shall be filed by the board secretary in the office of the clerk of the city in which the dispute arose and shall be open for public inspection. All hearings shall be open to the public and press.

[C62, 66, 71, 73, 75, 77, 79, 81, § 90.23]

86 Acts, ch 1245, § 944

C87, § 679B.23

### **679B.24 Time limit.**

The board of arbitration and conciliation shall within twenty days from the date of their appointment, unless such time shall be extended by the judge, complete the investigation of any dispute submitted to them.

[C62, 66, 71, 73, 75, 77, 79, 81, § 90.24]

86 Acts, ch 1245, § 944

C87, § 679B.24

### **679B.25 Decision.**

Within five days after the completion of the investigation, unless the time is extended by the judge for good cause shown, the board or a majority thereof shall render a decision, stating such details as will clearly show the nature of the controversy and the point disposed of by them, and make a written report to the judge of their findings of fact and of their recommendation to each party to the controversy.

[C62, 66, 71, 73, 75, 77, 79, 81, § 90.25]

86 Acts, ch 1245, § 944

C87, § 679B.25

### **679B.26 Filing.**

Every decision and report shall be filed in the office of the clerk of the district court of the county in which the dispute arose, and a copy served upon each party to the controversy, and a copy furnished to the labor commissioner for publication in the report of the commissioner, who shall cause such decision and report to be published in at least one newspaper in the city in which the dispute arose. All evidence taken and exhibits and documents offered shall be carefully preserved and at the close of the investigation shall be filed in the office of the clerk of the district court.

[C62, 66, 71, 73, 75, 77, 79, 81, § 90.26]

86 Acts, ch 1245, § 944

C87, § 679B.26

**679B.27 Nature of decision.**

A decision or report shall be advisory only and shall not be binding on either party.

[C62, 66, 71, 73, 75, 77, 79, 81, § 90.27]

86 Acts, ch 1245, § 944

C87, § 679B.27