CHAPTER 34-11
MEDIATION OF DISPUTES BETWEEN PUBLIC EMPLOYERS AND EMPLOYEES

34-11-01. Recommendations of mediation board - Effect - Good faith and cooperation required.

No provisions of this chapter may be construed to mean that the state or any subordinate jurisdiction thereof or any board, commission, or department within such public jurisdiction is compelled to accept the recommendations of a mediation board as binding nor is any group of employees affiliated with a union or otherwise compelled to abide by the recommendations of such mediation board; provided, however, that both parties to any dispute or grievance in the public employee field covered by this chapter are required to proceed in good faith according to the terms hereof to create a mediation board and to cooperate fully with such board in attending hearings and supplying data concerning all matters in dispute, to answer questions and in all other particulars to respond in good faith and to cooperate fully with such board in its attempt to settle the matter in dispute. Nor may anything in this chapter be construed to affect, limit, or impair the right of any public employee to express that individual's views, to make complaint or give testimony concerning any grievance pertaining to public employment or to the betterment of that individual's working conditions. Nor may the provisions herein be construed to authorize any public employer covered by this chapter to attempt to or deter any public employee working subject to the public employer's jurisdiction from affiliating with any union, association, or other group of public employees nor may a public employer refuse to consider grievances concerning employment problems with the representatives duly chosen by such union, association, or affiliation of public employees.

34-11-02. Mediation board - Designation - Selection of chairman.

Whenever a public employer or the employing head of a board, commission, or department in the state service or in the services of any subordinate jurisdiction or whenever any union, association, or group of public employees of a public unit of government decides by vote of such group that a grievance or matter in dispute which has been considered between the employer and the employee cannot be settled amicably and without disruption of the public service, it is the duty of the employer or the employees or both to request in writing of the chief executive officer of the unit of government, namely the governor in the state service, the chairman of the county board or commission in county services, and the mayor or city manager of the city in city services, that it is the wish of one or both parties concerned in such dispute or grievance that the provisions of this chapter be made use of by the designation by such officer of two members of a mediation board, one to be recognized as a representative of the employer in the public service and one to be a bona fide employee who is a member of the union, association, or group of employees and who is interested in the point of view of such group of employees. The two persons so designated shall upon their appointment forthwith meet and agree upon a third person who must be chairman of the mediation board.

34-11-03. Duty of mediation board - Public hearings - Determination of issues - Recommendations.

It is the duty of such mediation board to hold public hearings to consider the matter in dispute or the grievance at any place in the state for state employee-employer disputes or grievances, at any place within the jurisdiction of the county in county disputes, and within the limits of the city in a city dispute. Such board has the authority to subpoena witnesses, compel their attendance, administer oaths, take testimony, and receive evidence and it possesses the authority to discuss informally the matter of dispute or the grievance in the presence of both the employer or the employee or their representatives. Following the conclusion of such public hearings or such public considerations of the problem involved, such board shall within thirty days make determination of the issues involved in such dispute or grievance, prepare recommendations thereon in writing and submit a signed copy to the governor in the case of a dispute in the state employee field, to the chairman of the county board or commission in the

case of a county dispute, and to the mayor or city manager in the case of a dispute in city service, and a signed copy to the employer and to the representative of the employees.

34-11-04. Study of recommendations by employer and employees - Reconsideration by board.

The employer and the employees concerned shall in good faith study the recommendations so prepared by the mediation board, and if either party to the dispute or grievance after such consideration of the recommendations feels that for some reason it cannot accept the recommendation, it shall notify the opposing party in writing and give reasons therefor. In such event either party to the dispute is entitled to ask the board of mediators for further consideration. Whenever further consideration is so requested, both parties to the dispute are bound to respond a second time as hereinbefore provided and the mediation board is privileged to exercise all of the powers with which it is clothed.

34-11-05. Expenses of board members reimbursed.

The members of boards of mediation may not receive compensation for their work but they must be reimbursed for any actual or necessary expenses incurred in connection therewith, and the unit of government involved is obligated upon proper affidavit therefor to pay from the treasury actual costs, including subpoena services and other expenses.