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# LABOR AND EMPLOYMENT

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## CHAPTER 215

H. B. No. 803  
(Baker and Gray)

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### COSTS OF MEDICAL EXAMINATIONS AND RECORDS REQUIRED FOR EMPLOYMENT TO BE BORNE BY EMPLOYER; PENALTY

#### AN ACT

Relating to employment; requiring the employer to bear the cost of medical examinations and the furnishing of medical records required as a condition of employment, and providing a penalty.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1.) Whenever any employer requires an employee, or prospective employee, to take a medical examination, or furnish any medical records, as a condition of employment such employer shall bear the cost of such examination or the furnishing of such medical records.

§ 2.) Any employer violating any of the provisions of this Act shall be guilty of a misdemeanor and shall be punished by a fine not exceeding one hundred dollars.

Approved March 17, 1953.

## CHAPTER 216

S. B. No. 231

(Geelan, O'Brien, Day, and Nordhougen)

## LABOR RELATIONSHIPS

## AN ACT

Relating to labor relationships; providing for the prevention and settlement of labor disputes, amending and reenacting section 34-0912 of the 1949 Supplement to the North Dakota Revised Code of 1943 and repealing sections 34-0902, 34-0903, 34-0904, 34-0905, 34-0909, 34-0910, 34-0911, and 34-0915 of the 1949 Supplement of the North Dakota Revised Code of 1943.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. The public policy of the state is declared to be that the best interests of the people of the state are served by the prevention or prompt settlement of labor disputes; that labor disputes result in economic waste detrimental to the public and the state; that the interests and rights of consumers and the people of the state should always be considered, respected, and protected; that relationships between employees and employers are therefore matters of vital public concern; that sound and stable labor relationships, the advancement of the general welfare, health and safety of the state, and the interests of employees and employers can best be secured through the processes of conference and collective bargaining between employers and representatives of their employees; and that the settlement of issues between employers and employees through collective bargaining may be advanced by making available adequate facilities for mediation, conciliation, and arbitration to aid and encourage employers and representatives of their employees to reach and maintain agreements concerning rates of pay, hours, working conditions, and other subjects of labor disputes and to make all reasonable efforts to settle their differences by mutual agreement reached through conference and collective bargaining or by such methods as may be provided for in any applicable agreement for the settlement of dispute.

§ 2.) When any labor dispute causes or is likely to cause a strike or lockout or interferes or is likely to interfere with the due and ordinary course of business or menaces the public peace or jeopardizes the welfare of the community and the parties thereto are unable to adjust the same, the head of the labor division of the department of agriculture and labor,

after investigation, may report such dispute to the governor with the results of his investigation and make application to the governor for the establishment of a labor dispute board.

§ 3.) Upon the receipt of such report and application, or on his own initiative, and upon being satisfied that the dispute comes within the provisions of section 2 of this Act, the governor may establish a labor dispute board which shall have jurisdiction of such dispute as herein provided. The governor shall act as chairman of such board or shall designate a personal representative to serve in his place and stead but in the event that a representative of the governor is so designated, the governor nevertheless may act and serve in person at such times as he may see fit in place of such personal representative. Two additional members of the board shall be appointed by the governor. One such appointive member shall be identified with or representative of business, industry, commerce, management, or employers by background, experience, affiliation, or vocation and one shall similarly be identified with or representative of labor. Neither appointive member, however, shall be directly connected with either faction or party to the dispute. The board so established shall have continuing jurisdiction of such dispute until discharged by the governor.

§ 4.) Upon the establishment of a labor dispute board in any dispute, as provided in this Act, the board, as soon as practical, shall communicate with the parties to the dispute and shall endeavor to obtain an amicable settlement or agreement by mediation, conciliation or arbitration and may advise the parties to the dispute as to what ought to be done in the opinion of the board by either or both parties to the dispute to achieve an equitable and practical settlement. The board itself may serve as a board of arbitration with the consent of the parties to the dispute or it may cooperate with the parties to the dispute in providing for the submission of the dispute to an arbitration board designated by agreement of the parties. In the event that the dispute is not satisfactorily resolved by mediation, conciliation, or arbitration, the board, after careful inquiry into the causes of the dispute, investigation, and hearings or conferences with the parties to the dispute, shall make public a full report in which shall be incorporated the conclusions and recommendations of the board.

§ 5.) Whenever there is involved in a labor dispute for which a labor dispute board has been established as provided in this Act a question concerning representation of employees, the board having jurisdiction of such dispute, after investigation, may determine the appropriate unit or units of representation and the name or names of the representatives designated

or selected by each such unit. The board may utilize any suitable method of determining such representatives except that if either party to the dispute so requests as to any such unit a secret ballot of the employees in such unit shall be taken under the supervision of the board or its agent or agents appointed for that purpose. Representatives so designated or selected in any unit shall represent all employees in such unit for the purpose of collective bargaining concerning rates of pay, wages, hours of employment, or other conditions of employment but notwithstanding such representation any employee or employees shall have the right to confer with or present grievances to their employer.

§ 6.) Expenditures of labor dispute boards established under the provisions of this Act, upon approval of the governor, may be charged to the governor's contingent fund. The members of such boards may be reimbursed for necessary and actual expenses as are other state officers and compensation not in excess of fifteen dollars per diem may be allowed to the appointive members or to any personal representative of the governor serving on any such board for time actually devoted to duties on such board. With the consent of the governor, such boards may appoint or employ agents to supervise elections under the provisions of section 5 of this Act or to conduct investigations and may employ necessary clerical assistance. Such boards shall be represented in all legal proceedings by the attorney general who shall serve as legal advisor to any such board or designate an assistant for that purpose.

§ 7. AMENDMENT.) Section 34-0912 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

34-0912. In any strike in this state it shall be illegal for any person other than an employee of the particular establishment against which such strike is called or a local resident member of the union representing the employees of such establishment to picket in aid of such strike. Picketing in violation of the section is hereby declared to be unlawful and against the peace and dignity of the state and shall be subject to restraint by the district court of the county where such picketing occurs.

§ 8.) Sections 34-0902, 34-0903, 34-0904, 34-0905, 34-0909, 34-0910, 34-0911 and 34-0915 of the 1949 Supplement to the North Dakota Revised Code of 1943 are hereby repealed.

Approved March 11, 1953.