

No. 222, A.]

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CHAPTER 530.

AN ACT to create a board of conciliation, prescribe its duties, define its powers, making an appropriation, and providing a penalty.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. A board of conciliation is hereby created to consist of three members, one of whom shall be a skilled employe, but not having employing or discharging power, one of whom shall be an employer of labor, and one of whom shall have a general knowledge of manufacturing and labor conditions. Immediately after the passage of this act, the governor, by and with the advice and consent of the senate, shall appoint such members, but no member so appointed shall act until so confirmed. The term of the first such appointee shall terminate on the first Monday of February, 1920; the term of the second such appointee shall terminate on the first Monday of February, 1921; and the term of the third such appointee shall terminate on the first Monday in February, 1922. In January, 1920, and annually thereafter, there shall be appointed and confirmed in the same manner, one member for the term of three years from the first Monday in February in such year. Each member shall hold his office until his successor is appointed and qualified. Any vacancies shall be filled by appointment by the governor for the unexpired term, subject to confirmation by the senate, but such appointment shall be in full force until acted upon by the senate. Each member shall receive five dollars per day when actually and necessarily engaged in the discharge of his duties as a member of such board, together with his actual and necessary traveling expenses.

SECTION 2. Whenever any dispute shall arise between an employer of more than twenty-five persons in a common employment, and his employes, over the wages of such employes, such employer, or any number of such employes more than one-half, working in a common employment, may request the board of conciliation to investigate and report as to what is a fair, equitable, and just wage for such employes under all the circumstances surrounding both such employer and his employes. The board may, upon receiving such request, investigate and report as to what, in their opinion, is a fair, equitable, and just wage under all the circumstances and conditions surrounding both such employer and his employes. In the event

such dispute shall arise between any public service corporation and its employes of any class, division or grade, and said board of conciliation shall investigate and report thereon as herein provided, and determine the wages, hours of labor, or working conditions to which such employes are reasonably entitled, such determination shall be immediately submitted to the railroad commission of Wisconsin, which railroad commission shall without delay further investigate the said matter and make and file its determination therein, confirming or modifying the report of said board within forty-five days after receiving the same. If the earnings of such public service business in which such employes are engaged are found to be sufficient to meet the cost of making the determination of the said commission effective without depriving said corporation of a fair return upon the capital employed in such business, as determined by the railroad commission, said railroad commission shall order such public service corporation to make effective the wages, hours of labor and working conditions so determined by it to be fair, equitable, and just, otherwise the commission shall provide for such a revision of the rates, tariffs and charges of such public service business as will enable it to meet such cost and yield a fair rate of return upon the capital employed therein, as determined by the railroad commission, which order of the railroad commission shall be subject to review in the manner now provided by law for the review of orders relating to the rates and service of the public service business affected by the order sought to be reviewed.

SECTION 3. The board may employ such experts as shall be necessary to assist them in making investigations under this act and such clerks and stenographers as may be necessary to perform the clerical work of the board.

SECTION 4. For the purpose of making such investigation and report, the board may issue subpoenas, compel the attendance of witnesses and the production of books, records, papers, and documents. In case of failure of any person to comply with any order of the board or any subpoena lawfully issued or on the refusal of any witness to testify to any matter regarding which he may be interrogated, it shall be the duty of the circuit court of any county or the judge thereof, on the application of a member of the board, to compel obedience by attachment proceedings for contempt, as in the case of disobedience of the requirements of subpoena issued in such court or a refusal to testify therein.

SECTION 5. The board, or any member thereof, or any person employed by the board for that purpose, shall, upon demand, have the right to inspect the books, records, and papers of any employer who is under investigation by the board and to examine under oath any officer, agent, or employe of such employer, provided that any person other than a member of the board who shall make such demand or conduct such examination shall first produce his authority therefor, signed by the board or a majority thereof.

SECTION 6. No person shall be excused from testifying or from producing any books, records, papers or documents before the board on the ground or for the reason that such testimony, books, records, papers or documents may tend to incriminate him or subject him to a penalty or forfeiture, but no person having so testified or produced such books, records, papers or documents, shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may have testified or produced books, records, papers or documents, provided that no person so testifying shall be exempted from prosecution or punishment for perjury in so testifying. Any person who shall wilfully interfere with the board or any of its employes in conducting any examination or who shall wilfully testify falsely to any matter or thing material to the investigation, or who shall, after a proper demand has been made therefor, fail or wilfully refuse to produce any book, record, paper or document which is in his possession or under his control, shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than one hundred, nor more than one thousand dollars for each offense.

SECTION 7. Whenever the board shall have made and compelled an investigation under the provisions of this act, it shall make and file its written report thereon as soon as practicable, which report shall be open to the public and the board shall, immediately upon making and filing such report, furnish a certified copy thereof to the employer so investigated and a like certified copy thereof to his employes.

SECTION 8. There is appropriated from the general fund to the board of conciliation annually such sum as may be necessary to carry out its functions.

SECTION 9. This act shall take effect upon passage and publication.

Approved July 9, 1919.