

**OPINION
59-157**

July 29, 1959 (OPINION)

LABOR AND EMPLOYMENT

RE: Mediation of Disputes between Public Employers
and Employees - Grievances Submitted by Union

We have received your request for an opinion with reference to the following question:

"Is a head of a public department or board in this state compelled to consider grievances concerning employment submitted to him by a union representing such employees?"

Section 34-1101 of the 1957 Supplement is the pertinent statute on this question. It deals with mediation of disputes between public employers and employees and reads as follows:

"RECOMMENDATIONS OF MEDIATION BOARD; EFFECT; GOOD FAITH AND COOPERATION REQUIRED. No provisions of this Act (chapter) shall be construed to mean that the state or any subordinate jurisdiction thereof or any board, commission or department within such public jurisdiction shall be compelled to accept the recommendations of a mediation board as binding nor shall any group of employees affiliated with a union or otherwise be 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 Act (chapter) shall be 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, 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 shall anything in this Act (chapter) be construed to affect, limit, or impair the right of any public employee to express his views, to make complaint or give testimony concerning any grievance pertaining to public employment or to the betterment of his or her working conditions. Nor shall the provisions herein be construed to authorize any public employer covered by this Act (chapter) to attempt to or deter any public employee working subject to his jurisdiction from affiliating with any union, association or other group of public employees nor shall a public employer refuse to consider grievances concerning employment problems with the representatives duly chosen by such union, association or affiliation of public employees."

This section, in our opinion, requires a public employer not to deter public employees from affiliating themselves with any union, and also requires such public employer to consider grievances submitted by a union representing such employees.

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