ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document No. 748

H. P. 567 House of Representatives, February 11, 1969

Referred to Committee on Labor. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. McTeague of Brunswick.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED SIXTY-NINE

AN ACT Creating the Maine Labor Relations Act.

Be it enacted by the People of the State of Maine, as follows:

R. S., T. 26, c. 9, sub-c. IV, additional. Chapter 9 of Title 26 of the Revised Statutes is amended by adding a new subchapter IV, to read as follows:

SUBCHAPTER IV

MAINE LABOR RELATIONS ACT

§ 961. Declaration of policy

It is declared to be the public policy of this State and it is the purpose of this subchapter to promote the improvement of the relationship between employers and their employees by providing a uniform basis for recognizing the right of employees to join labor organizations of their own choosing and to be represented by such organizations in collective bargaining for terms and conditions of employment.

§ 962. Definitions

As used in this subchapter the following terms shall, unless the context requires a different interpretation, have the following meanings:

1. Commissioner. "Commissioner" means the Commissioner of Labor and Industry and state factory inspector.

2. Employee. "Employee" includes any employees and shall not be limited to employees of a particular employer and shall include any individual who has not engaged in an unfair labor practice and whose work has ceased

as a consequence of or in connection with any current labor dispute or because of any unfair labor practice on the part of the employer and who has not obtained any other regular and substantially equivalent employment; but shall not include any individual employed as an agricultural laborer or in domestic service of any family or any individual over whom the National Labor Relations Board has asserted jurisdiction.

3. Employer. "Employer" includes any person active in the interest of an employer directly or indirectly, but shall not include the United States or any corporation wholly owned by the United States, or any federal reserve bank, or any employer subject to the Railway Retirement Act, as amended from time to time, or the State or any political subdivision thereof, or any person over whom the National Labor Relations Board has asserted jurisdiction.

4. Labor organization. "Labor organization" means any organization of any kind or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment or conditions of work.

5. Person. "Person" includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy or receivers.

6. Public emergency. "Public emergency" means an emergency existing when services essential to the public health or safety, or supplies of articles or commodities essential to the public health or safety, have been suspended or substantially curtailed as a result of a labor dispute within the State, whether or not a labor dispute to which persons furnishing or employed in furnishing such services, articles or commodities are parties.

7. Supervisory employee. "Supervisory employee" includes foreman and means an employee whose duties include direction or supervision of the activities of other employees or the computation of the pay of other employees or the determination of time worked by other employees or the supervisor or administrators of the factors on the basis of which pay of other employees is computed.

8. Unfair labor practice. "Unfair labor practice" means any unfair labor practices listed in section 968.

§ 963. Short title

This subchapter and all Acts amendatory thereof shall be known and may be cited as "The Maine Labor Relations Act".

§ 964. Right to organize; collective bargaining

It shall be lawful for employees to organize together or form, join or assist in labor organization, to engage in lawful concerted activities for the purpose of collective negotiation or bargaining or other mutual aid and protection, or to negotiate or bargain collectively with their employers through representatives of their own free choice.

§ 965. Company unions; interference with unions and discrimination prohibited

It shall be unlawful for an employer or any officer or agent of an employer to interfere with, restrain or coerce employees in the exercise of their rights guaranteed in section 964; to initiate, create, dominate, contribute to or interfere with the formation or administration of any labor organization; to discriminate in regard to hire, terms or other conditions of employment in order to encourage or discourage membership in any labor organization; to encourage membership in, or initiate, create, dominate or contribute to a company union; to discriminate against any employee because he has given testimony or instituted a proceeding under this Act; or to refuse to bargain collectively with the representative of his employees, subject to section 967.

§ 966. Bargaining unit

Whenever the parties involved fail to agree upon the bargaining unit either party may request the commissioner to determine the appropriate bargaining unit. The commissioner, after consultation with the parties, shall determine such a bargaining unit as will best secure to the employees their right of collective bargaining. The unit shall be either the employees of one employer employed in one plant or one enterprise within this State, not holding executive or supervisory positions, or a craft unit, or a plant unit, or a subdivision of any of the foregoing units. In determining whether a supervisory position should be excluded from coverage under this section, the commissioner shall consider, among other criteria, if the principal functions of the position are characterized by performing such management control duties as scheduling, assigning, overseeing and reviewing the work of subordinate employees, or performing such duties as are distrinct and dissimilar from those performed by the employees supervised, or exercising judgment in adjusting grievances, applying other established personnel and procedures and in enforcing the provisions of a collective bargaining agreement or establishing or participating in the establishment of performance standards for subordinate employees and taking corrective measures to implement those standards, or having authority to reprimand or discipline, or to effectively recommend reprimanding or disciplining subordinate employees. If the group of employees involved in the dispute has been recognized by the employer or identified by certification, contract or past practice, as a unit for collective bargaining, the commissioner may adopt such units.

§ 967. Determination of bargaining agent

1. Voluntary recognition. Any employee organization may file a request with an employer alleging that a majority of the employees in an appropriate bargaining unit wish to be represented for the purpose of collective bargaining between the employer and the employees' organization. Such request shall describe the grouping of jobs or positions which constitute the unit claimed to be appropriate and shall include a demonstration of majority support. Such request for recognition shall be granted by the employer unless the employer desires that an election determine whether the organization represents a majority of the members in the bargaining unit.

2. Elections. The commissioner upon signed request of an employer alleging that one or more employees or employee organizations have presented to it a claim to be recognized as the representative of a bargaining unit of employees, or upon signed petition of at least 30% of a bargaining unit of employees that they desire to be represented by an organization shall conduct a secret election to determine whether the organization represents a majority of the members in the bargaining unit.

The ballot shall contain the name of such organization and that of any other organization showing written proof of at least 10% representation of the employees within the unit, together with a choice for any employee to designate that he does not desire to be represented by any bargaining unit.

Where more than one organization is on the ballot and no one of the 3 or more choices receives a majority vote of the employees within the bargaining unit, a run-off election shall be held. The run-off ballot shall contain the 2 choices which received the largest and second-largest number of votes. When an organization receives the majority of votes of the unit, the commissioner shall certify it as the bargaining agent. The bargaining agent certified as representing a bargaining unit shall be recognized by the employer as the sole and exclusive bargaining unit for all of the employees in the bargaining unit unless and until a decertification election by secret ballot shall be held and the bargaining agent declared by the commissioner as not representing a majority of the unit.

Whenever the employer is satisfied that the bargaining agent does not represent a majority of the employees in the unit, and he desires that the bargaining agent be decertified, he may request the commissioner to conduct an election, or whenever 30% of the employees in a bargaining unit petition for a bargaining agent to be decertified, the procedures for conducting an election on the question shall be the same as for representation as bargaining agent hereinbefore set forth.

No question concerning representation may be raised within one year of a certification or attempted certification or decertification or attempted decertification. Where there is a valid collective bargaining agreement in effect, no question of representation may be raised except during the period not more than 90 nor less than 60 days prior to the expiration date of the agreement.

The bargaining agent certified by the commissioner as the sole and exclusive bargaining agent shall be required to represent all the employees within the unit without regard to membership in the organization certified as bargaining agent.

§ 968. Unfair labor practices

1. Employer. It shall be unfair labor practiced by employers:

A. To interfere with, restrain or coerce employees in the exercise of their rights guaranteed in section 964;

B. To dominate or interfere with the formation or administration of any labor organization or to contribute financial or other support to it or to its

welfare fund, provided that financial or other support shall not be unfair, if in accordance with the terms of an agreement between employer and labor organization;

C. To refuse to meet at reasonable times and places within the State or to bargain collectively with the representatives of his employees or to refuse to participate in the settlement of controversies, but refusal to grant any demand made in meeting shall not be construed as refusal to bargain collectively;

D. To participate in any cessation, interruption or variation of employment relations in violation of an existing written labor agreement or of a provision of this subchapter;

E. To bribe or otherwise pay or reward secretly or improperly any employee, labor organization or their agents or representatives;

F. To discriminate against their employees, labor organization or their agents or representatives because of any lawful activity in support of their interests, giving testimony or otherwise exercising rights under law.

2. Employees. It shall be an unfair labor practice for employees:

A. To interfere with, restrain or coerce employers in the exercise of their rights guaranteed in section 969;

B. To interfere with the functioning of an employer in the exercise of his management prerogatives by the use of a secondary boycott, provided the labor organization may freely give information to the public by all peaceful means;

C. To refuse to meet at reasonable times and places within the State or to bargain collectively with an employer or his representatives, or to refuse to participate in the settlement of controversies, but refusal to grant any demand made in meeting shall not be construed as refusal to bargain collectively;

D. To participate in any cessation, interruption or variation of employment relations in violation of an existing written labor agreement or of a provision of this subchapter;

E. To institute, encourage or engage in strikes in violation of the terms of this subchapter, or by the use of force or violence or threats thereof to prevent or to attempt to prevent any individual from quitting or continuing in the employment of or from accepting or refusing employment by an employer, or from entering or leaving any place of such employer;

F. To picket against, except that informational picketing shall be allowed, to withhold labor from or to refuse to handle, use or work on particular products of employers or persons not a party to the labor dispute;

G. To refuse without just cause to accept employees in a labor organization; to coerce or discriminate against employees exercising their right of free choice with respect to membership in a labor organization; to suspend

or expel member employees from such organization without just cause; to charge exorbitant and unreasonable dues or initiation fees or unreasonable assessments as conditions of membership in such organization, or to create or make unnecessary work or to create, encourage or participate in a monopoly by any labor organization;

H. To deprive a member of such labor organization of membership, thereby losing his employment, except on written charges and after a fair hearing before such labor organization according to procedures clearly set forth in the labor organization constitution and bylaws or articles of agreement to which the member assented in writing when he joined, and no member shall be deprived of membership upon a charge that he criticized the officials or policies of any labor organization;

I. To require an employee to join a labor organization during the first 30 days of his employment.

J. To bribe or otherwise pay or reward secretly or improperly any officer, supervisory employee, agent or representative of an employer;

K. To discriminate against an employer, his officers, supervisory employees, agents and representatives because of any lawful activity in support of their interests, giving testimony or otherwise exercising rights under law.

3. Violations. Violations of this section may be enjoined upon complaint of any party affected by such violation. Sections 5 and 6 shall apply to any such injunction proceedings except that neither an allegation nor proof of unavoidable substantial and irreparable injury to the complaint's property shall be required to obtain a temporary restraining order or injunction. In connection therewith, actions may be brought by or against any unincorporated employee organization in the name by which it is known.

§ 969. Obligation to bargain

1. Negotiations. Whenever a bargaining agent has been certified by the commissioner, it shall be the obligation of the employer and the bargaining agent to bargain collectively. "Collective bargaining" means, for the purpose of this subchapter, their mutual obligation:

A. To meet at reasonable times and places;

B. To meet within 10 days after receiving written notice from the other party requesting a meeting for collective bargaining purposes, provided the parties have not otherwise agreed in a prior written contract;

C. To confer and negotiate in good faith with respect to wages, hours, working conditions and contract grievance arbitration except that by such obligation neither party shall be compelled to agree to a proposal or be required to make a concession;

D. To execute a written contract incorporating any agreement reached if requested by either party;

E. To participate in good faith in any mediation, factfinding or arbitration or other impasse solution procedures required by this subchapter or agreed upon by the parties.

2. Mediation. Mediation procedures shall be followed whenever the parties jointly agree to use such services.

3. Inquiry and fact-finding. If the parties, either with or without the services of a mediator, are unable to effect a settlement of their controversy, the controversy may be referred to the Board of Arbitration and Conciliation according to sections 916 and 917, or the parties may mutually agree to other fact-finding procedures.

§ 970. Acts required prior to strike or lockout; notice of dispute, service, time; settlement by mediation

No strike or lockout shall take place or be put into effect until and unless each of the steps have been taken and the requirments complied with as provided in this section.

In the event the parties thereto are unable to settle any labor dispute, the employees or their representatives, in the case of impending strike, or the employer or his agent, in the case of an impending lockout, shall serve notice of such dispute together with a statement of the issues involved upon the commissioner and the other party to the dispute. Said notice may be served personally on the commissioner and a copy thereof personally served upon the other party, or sent by registered mail to the commissioner at the Department of Labor and Industry office and to the employer or the representative of his employees at his regular address not less than 10 days before the strike or lockout is to become effective, or in the case of an employer rendering a hospital service, said notice shall be so served not less than 30 days before the strike or lockout is to become effective.

Upon receipt of such notice it shall be the duty of the commissioner to exercise the powers granted in this subchapter to effect a settlement of such dispute by providing mediation between the parties. Prior to the calling of an election as provided, it shall be the duty of each of the parties to such dispute to actively and in good faith participate in the mediation thereof. The Board of Arbitration and Conciliation may be assigned by the commissioner to participate as conciliator in the negotiations of the commissioner may request the chairman of the panel of mediators to assign a member of the panel to mediate the dispute.

§ 971. Election to strike; notice, holding election, time, place; rules and regulations; eligibility of voters; disputes involving hospital

In the event that it becomes apparent to the mediator or Board of Arbitration and Conciliation that there is no reasonable probability of settlement of a labor dispute by mediation and that further efforts to that end would be without avail, there shall be held in the case of an impending strike, an election upon such issue which election shall be conducted and supervised by the commissioner, or by his duly authorized representative. In the event either party to said dispute notifies the commissioner in writing, a copy of which

shall at the same time be served on the other party, that, in the opinion of such party, further efforts to settle said dispute by mediation would be without avail, it shall be the duty of the commissioner to cause an election to be held within 10 days of the receipt of such notice unless it is not practicable to hold such election within said period, in which event said election shall be held within 20 days of receipt of such notice. Every employee in the bargaining unit, which is involved in such dispute, as such bargaining unit is determined under section 966 or as recognized by the employer or as identified by contract or past practice, shall be entitled to vote in such election and in order to authorize a strike under this Act, a majority of all employees casting valid ballots must vote in favor of such action. Said election shall be by secret ballot, and shall be held on the premises where those voting are employed unless the commissioner shall determine that the election cannot be fairly held there, in which case it shall be held at such place as the commissioner shall determine. The commissioner shall have the power and authority to promulgate such rules and regulations as shall be necessary to effectively conduct any election, including provisions for absentee voting. Such provisions shall facilitate voting by all employees, but shall also insure secrecy of the ballot. The willful violation of any such rules and regulations shall be a violation of this Act. The commissioner shall have the power and authority to determine after proper hearing, which may be held either before or after an election and may be conducted by a duly authorized representative of the commissioner, any disputed issue concerning the eligibility of a person or persons to vote in such election. Any such determination with respect to eligibility shall be applicable in the administration of this section, but shall have no force and effect for any other purpose under this Act.

Anything in this section to the contrary notwithstanding, if a dispute involves a hospital, and said dispute is certified to the Governor as provided in section 974, an election under this section shall not be conducted until the expiration of at least 10 days following the filing with the Governor of the report of such special commission.

§ 972. No cessation of employment

It shall be the duty of both employees and employer to avoid a cessation of employment or a change in the normal operation of the business during the entire period in which the respective steps required by section 970 are being taken or until a strike is authorized by an election held as provided in section 971.

§ 973. Voluntary arbitration, procedure; agreement binding; to be in writing, contents; conducting hearing; transcripts; findings; award enforceable; penalty

1. Voluntary arbitration. Any labor dispute, other than a representation question, may lawfully be submitted to voluntary arbitration in the manner provided in this section, provided that arbitration of labor disputes without complying with this section shall be valid as it has heretofore been under the common law.

2. Arbitration.

A. Whenever a labor dispute involves the meaning or interpretation of an existing collective agreement between an employer and a labor organization and the collective agreement provides for the use of a designated arbitrator to decide disputes thereunder, or provides the method for selection of arbitrator or arbitrators, the provisions of such agreement shall be binding upon the parties, and shall be complied with unless the parties agree to submit the dispute to some other arbitration procedure.

B. Disputes, other than representation questions, for which no settlement procedure by arbitration is provided under any collective agreement between the employer and the labor organization involved, may be submitted to arbitration by agreement of the parties. The agreement to arbitrate shall be in writing, shall provide that such arbitration shall be conducted pursuant to this section, and shall include an undertaking by each of the parties thereto that he will faithfully abide by and perform the arbitration award. Such agreement, or a supplemental agreement, shall also specify the issue or issues to be decided.

3. Hearing. The arbitrator or arbitrators designated in a proceeding under this subchapter shall within 20 days after his or their appointment, proceed to conduct hearings in the dispute. Reasonable notice of such hearings shall be given to the parties, who may appear and be heard both in person and by counsel or other representative. Hearings shall be informal, and the rules of evidence prevailing in judicial proceedings shall not be binding. Any oral or documentary evidence and other data deemed relevant by the arbitrator or arbitrators may be received in evidence. A transcript of the proceeedings shall be taken if the arbitrator or arbirators so desire, or at the request and at the expense of any party. Within 30 days after the conclusion of the hearing, or within such additional period as the parties shall stipulate, the arbitrator or arbitrators shall make written findings and promulgate a written opinion and award upon the issue or issues presented, and shall mail or otherwise deliver a true copy thereof to each of the parties. A majority vote of the arbitrators, if there be more than one, shall constitute a decision on any matter, provided that this section shall not supersede or invalidate the provisions of any collective agreement under which the parties are required to arbitrate disputes under subsection 2, paragraph A.

4. Award. An award rendered in a proceeding under this subchapter shall be enforceable at law or in equity as the agreement of the parties.

§ 974. Labor disputes involving hospitals; procedure

Sections 974 to 979-B shall be applicable only to hospital employers and hospital employees and to labor organizations representing such employees. Labor disputes involving the designation or selection of collective bargaining representatives for such employees shall not be certified by the commissioner to the Governor, as provided in section 975, but such disputes shall be determined in accordance with sections 974 to 979-C.

§ 975. Applicability of certain provisions relative to hospital

1. Procedure. In case of any labor dispute involving hospital employees, except labor disputes concerning the designation or selection of collective bargaining representatives, the following procedure shall be followed.

2. Settlement. Disputes for which a settlement procedure is provided in a collective agreement between a hospital employer and a labor organization shall be handled in accordance with such procedure, or if such procedure does not terminate in voluntary arbitration or does not result in settlement, then in accordance with the procedure provided in subsection 3.

3. No collective agreement. Disputes concerning wages, hours or other terms or conditions of employment, or concerning the interpretation or application of a collective agreement, which are not settled pursuant to the procedure, if any, provided for such settlement in a collective agreement or in a separate agreement between a hospital or public utility employer and a labor organization, shall be handled and settled in accordance with the following procedure.

A. The commissioner shall interview and investigate such dispute to determine whether the parties have engaged in collective bargaining as herein defined. The parties to a hospital dispute shall be obligated under this Act to bargain collectively at all times. The parties shall be under a further obligation to participate actively and in good faith in the mediation of such dispute.

B. The commissioner shall, if at any time he concludes that the parties may not be able to settle their disputes by bargaining, mediation and conciliation, urge upon the parties that they submit the same to arbitration pursuant to section 973. If, within 30 days following the notice to the commissioner, the dispute has not been resolved, or submitted to voluntary arbitration, the commissioner forthwith shall certify such dispute to the Governor.

C. The Governor shall cause the dispute to be submitted to a special commission as provided in section 976.

§ 976. Special commission; designation, hearings, recommendations

A special commission under this Act shall consist of 3 disinterested persons designated by the Governor and 2 nonvoting members, one to be selected by each party to the dispute, to act with respect to a labor dispute. Such commission shall proceed promptly to conduct public or private informal hearings in said dispute, at which the parties shall appear and be heard, following such hearings, and in any case within 30 days after its appointment or such additional time as the Governor may allow, the commission shall make written findings and recommendations with respect to the issues in the dispute, and report such findings and recommendations to the Governor. A majority vote of the members of the commission shall constitute the recommendation of the commission on any matter. Such findings and recommendations shall not be binding upon the parties, but shall be made public. The costs and expenses of such commission proceeding, including a per diem fee of $50 and necessary expenses for each member of the commission, shall be paid out of the General Fund.

§ 977. Hearings; expenses

Reasonable notice of such hearings shall be given to the parties, who shall appear and be heard either in person or by counsel or by other representative. Hearings shall be informal, and the rules of evidence prevailing in judicial proceedings shall not be binding. Any oral or documentary evidence and other data deemed relevant by the special commission may be received in evidence. A transcript of the proceedings shall be taken, and for this purpose the commissioner shall supply the necessary stenographic service.

§ 978. Evidence, provisions governing; report filed with Governor

The special commission appointed under section 976 shall have the power to administer oaths, require the attendance of witnesses and the production of such books, papers, contracts, agreements and documents as may be deemed by the special commission material to a just determination of the issues in dispute, and may for such purpose issue subpoenas. If any person shall refuse to obey such subpoena, or shall refuse to be sworn or to testify, or any witness, party or attorney is guilty of any contempt while in attendance at any hearing held under this subchapter, the special commission may, or the Attorney General if requested shall, on its behalf invoke the aid of any Superior Court within the jurisdiction of which the hearing is being held, and such court shall have jurisdiction to issue an appropriate order. Any failure to obey such order may be punished by the court as a contempt thereof.

§ 979. Powers

The special commission in making its report and recommendations shall consider only the evidence in the record and shall be governed by the following.

When a valid contract is or was in existence defining the rights, duties and liabilities of the parties with respect to any matter in dispute, the special commission shall have power, as to such matter, only to determine the proper interpretation and application of the relevant contract provisions.

When there is no contract between the parties, or when there is a contract, but the issues, or any of them, have arisen with respect to a new contract or an amendment of an existing contract which, with respect to such issues, is subject to reopening and has been duly reopened, the standards, if any, which have been stipulated by the parties as properly controlling with respect to any such issues shall be applied. In the absence of such stipulation, the special commission shall make just and reasonable findings and recommendations.

The report and recommendations of the special commission shall be filed with the Governor, together with the complete record in the case. The Governor shall forthwith make such report and recommendation public and deliver a true copy of such report and recommendation to the commissioner and to each of the parties, and the complete record shall be filed with the commissioner. The parties shall thereupon, and for a period of 10 days following the filing with the Governor of the report of the special commission, resume collective bargaining, and shall in good faith attempt to settle their disputes by this means, with the assistance of the Board of Arbitration and Conciliation and the board shall urge the parties voluntarily to submit such disputed issues as may remain unsettled to arbitration under section 973. In the event the parties shall not reach an agreement or submit to arbitration within this

period, the board shall thereupon certify this fact and the issues remaining unsettled to the Governor.

§ 979-A. Unlawful conduct; injunction

It shall be unlawful for a hospital employer to engage in or continue a lockout, or for a labor organization to engage in or continue a strike or other work stoppage, slowdown or other attempt to interrupt a hospital before the proceedings provided in sections 974 to 979-A have been completed. At the request of the Governor, the Attorney General shall, on behalf of the people, petition any circuit court having jurisdiction for appropriate injunctive relief with respect to any such unlawful conduct. An employer or labor organization which engages in conduct in violation of such injunction shall, upon conviction thereof, be deemed guilty of contempt of court and subject to punishment therefor. Nothing in this Act shall be construed to require an individual employee to continue rendering labor or service without his consent or to make illegal the quitting of his employment, and no court shall have power to issue any process to compel any such employee to continue to render such labor or to remain at his place of employment without his consent.

§ 979-B. Changing wages during proceedings

During the pendency of proceedings under sections 966 to 979-C, existing wages, hours and other terms and conditions of employment shall not be changed by action of either party without the consent of the other.

§ 979-C. Exclusive bargaining representatives; right of individual employee to present grievances

Representatives designated or selected for the purpose of collective bargaining by the majority of the employees in a unit appropriate for such purposes, shall be the exclusive representatives of all the employees in such unit for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment or other conditions of employment, and shall be so recognized by the employer, provided that any individual employee at any time may present grievances to his employer and have the grievances adjusted, without intervention of the bargaining representative, if the adjustment is not inconsistent with the terms of a collective bargaining contract or agreement then in effect, and if the bargaining representative has been given opportunity to be present at such adjustment.

§ 979-D. Loss of reinstatement rights by employees

Whenever it shall be made to appear by competent evidence before any court of this State having jurisdiction, that an employee has engaged in violence, intimidation or unlawful destruction of property in connection with a labor dispute involving his employer or in connection with any organizational activities of a labor organization among employees of his employer, such employee shall not be entitled to reinstatement by or any back pay from such employer, and may be punished by a fine of not more than $100, or by imprisonment for not more than 6 months, or by both.

STATEMENT OF FACTS

Provision for the cost of administration has been made in the executive budget.