

ERS, CONTRACTS, AGREEMENTS AND DOCUMENTS AS MAY BE DEEMED BY THE EMERGENCY BOARD MATERIAL TO A JUST DETERMINATION OF THE ISSUES IN DISPUTE AND MAY FOR SUCH PURPOSE ISSUE SUBPOENAS. IF ANY PERSON SHALL FAIL TO OBEY SUCH SUBPOENA OR SHALL REFUSE TO BE SWORN OR TESTIFY, OR ANY WITNESS, PARTY OR ATTORNEY IS GUILTY OF ANY CONTEMPT WHILE ATTENDING ANY HEARING HELD HEREUNDER, THE EMERGENCY BOARD MAY, OR THE ATTORNEY GENERAL OF THE STATE, AS REQUESTED BY THE SAID BOARD, SHALL ON ITS BEHALF INVOKE THE AID OF ANY CIRCUIT 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. THE RULE OF EVIDENCE APPLICABLE IN JUDICIAL PROCEEDINGS SHALL NOT BE BINDING UPON THE SAID BOARD; PROVIDED, HOWEVER, THAT PRIOR NEGOTIATIONS OF THE PARTIES SHALL NOT BE RECEIVED IN EVIDENCE IN ANY MANNER, EXCEPT BY STIPULATION OF THE PARTIES.

(4) IT SHALL BE THE DUTY OF SAID BOARD TO MAKE WRITTEN FINDINGS OF FACT AND PROMULGATE A WRITTEN DECISION AND ORDER UPON THE ISSUE OR ISSUES PRESENTED IN EACH CASE. IN MAKING SUCH FINDINGS SAID BOARD SHALL CONSIDER ONLY THE EVIDENCE IN THE RECORD. WHEN A VALID CONTRACT IS IN EFFECT, DEFINING THE RIGHTS, DUTIES AND LIABILITIES OF THE PARTIES WITH RESPECT TO ANY MATTER IN DISPUTE, SAID BOARD SHALL HAVE POWER ONLY TO DETERMINE THE PROPER INTERPRETATION AND APPLICATION OF THE CONTRACT PROVISIONS WHICH ARE INVOLVED IN SAID DISPUTE.

(5) WHERE THERE IS NO VALID CONTRACT BETWEEN THE PARTIES OR WHERE THERE IS A CONTRACT, BUT THE PARTIES HAVE BEGUN NEGOTIATIONS LOOKING TO A NEW CONTRACT, OR AN AMENDMENT TO AN EXISTING CONTRACT AND WAGE RATES, HOURS OR OTHER CONDITIONS OF EMPLOYMENT UNDER THE PROPOSED NEW OR AMENDED CONTRACT ARE IN DISPUTE, THE FACTORS AMONG OTHERS TO BE CONSIDERED BY SAID BOARD IN ARRIVING AT A DECISION SHALL INCLUDE:

(I) THE INTERESTS AND WELFARE OF THE PUBLIC.

(II) COMPARISON OF THE WAGES, HOURS AND CONDITIONS OF EMPLOYMENT OF THE EMPLOYEES INVOLVED IN THE ARBITRATION PROCEEDINGS, AND THE WAGES, HOURS AND CONDITIONS OF EMPLOYMENT OF EMPLOYEES DOING THE SAME, SIMILAR OR COMPARABLE WORK OR WORK REQUIRING THE SAME, SIMILAR OR COMPARABLE SKILLS AND EXPENDITURE OF ENERGY AND EFFORT, GIVING CONSIDERATION TO SUCH FACTORS AS ARE PECULIAR TO THE INDUSTRY INVOLVED.

(III) COMPARISON OF WAGES, HOURS AND CONDITIONS OF EMPLOYMENT AS REFLECTED IN INDUSTRIES IN GEN-