

11.5--113.

(A) IT IS AN UNFAIR LABOR PRACTICE FOR THE COMMISSION OR AN EMPLOYEE ORGANIZATION CERTIFIED AS AN EXCLUSIVE REPRESENTATIVE OF A BARGAINING UNIT TO VIOLATE THE RIGHTS OF A COMMISSION EMPLOYEE UNDER THIS SECTION.

(B) WITHIN 30 BUSINESS DAYS AFTER THE ALLEGED VIOLATION, THE PARTY CHARGING AN UNFAIR LABOR PRACTICE SHALL SUBMIT THE CHARGE IN WRITING TO THE LABOR RELATIONS ADMINISTRATOR AND THE PARTY ALLEGED TO HAVE COMMITTED THE UNFAIR LABOR PRACTICE.

(C) WITHIN 15 BUSINESS DAYS AFTER AN UNFAIR LABOR PRACTICE CHARGE IS SUBMITTED, THE COMMISSION AND THE EMPLOYEE ORGANIZATION SHALL REQUEST THE LABOR RELATIONS ADMINISTRATOR TO HOLD A HEARING AND DECIDE WHETHER AN UNFAIR LABOR PRACTICE HAS OCCURRED.

(D) THE LABOR RELATIONS ADMINISTRATOR SHALL:

(1) CONDUCT THE HEARING;

(2) ISSUE A FINDING OF FACTS AND CONCLUSION OF LAW;

(3) ORDER THE PARTY CHARGED WITH THE UNFAIR LABOR PRACTICE TO CEASE AND DESIST FROM THE PROHIBITED PRACTICE; AND

(4) ORDER ALL RELIEF NECESSARY TO REMEDY THE VIOLATION OF THIS SECTION AND OTHERWISE TO MAKE WHOLE ANY INJURED EMPLOYEE OR EMPLOYEE ORGANIZATION OR THE COMMISSION, IF INJURED, INCLUDING REINSTATEMENT, RESTITUTION, BACK PAY, OR INJUNCTIONS NEEDED TO RESTORE THE EMPLOYEE, THE EMPLOYEE ORGANIZATION, OR THE COMMISSION TO THE POSITION OR CONDITION IT WOULD HAVE BEEN IN BUT FOR THE VIOLATION.

(E) THE LABOR RELATIONS ADMINISTRATOR MAY NOT ORDER PUNITIVE DAMAGES, CONSEQUENTIAL DAMAGES, DAMAGES FOR EMOTIONAL DISTRESS, PAIN, AND SUFFERING, OR ATTORNEY FEES FOR PURPOSES OF SATISFYING THE PROVISIONS OF SUBSECTION (D)(4) OF THIS SECTION.

(F) THE DECISION OF THE LABOR RELATIONS ADMINISTRATOR IS FINAL UNLESS APPEALED ON THE BASIS OF BEING ARBITRARY, CAPRICIOUS, OR EXCEEDING AUTHORITY.

(G) IF THE LABOR RELATIONS ADMINISTRATOR FINDS THAT THE PARTY CHARGED WITH THE UNFAIR LABOR PRACTICE HAS NOT COMMITTED ANY PROHIBITED PRACTICE, THE LABOR RELATIONS ADMINISTRATOR SHALL ISSUE AN ORDER DISMISSING THE CHARGES.

(H) THE COMMISSION AND THE EMPLOYEE ORGANIZATION SHALL SHARE EQUALLY THE COST OF ANY UNFAIR LABOR PRACTICE PROCEEDING.

(I) IF THE PARTY FOUND TO HAVE COMMITTED THE UNFAIR LABOR PRACTICE FAILS OR REFUSES TO COMPLY WITH THE LABOR RELATIONS ADMINISTRATOR'S DECISION IN WHOLE OR IN PART, THE CHARGING PARTY MAY