§ 100. Industrial board of appeals. 1. There is hereby created in the department of labor a board, to be known as the industrial board of appeals, which shall be composed of five members, at least one of whom shall be a lawyer. Of the first members of the board, two shall be designated by the governor from among the members of the board of standards and appeals in office on the day preceding the effective date of this act, who shall serve for terms expiring on December thirty-first, nineteen hundred seventy-seven, and three shall be appointed by the governor, with the advice and consent of the senate, two of whom shall be appointed for terms expiring on December thirty-first, nineteen hundred seventy-six, and one of whom shall be appointed for a term expiring on December thirty-first, nineteen hundred seventy-eight. Their successors shall be appointed by the governor, with the advice and consent of the senate, for terms of six years, except that if a vacancy occurs otherwise than by expiration of term, it shall be filled for the unexpired term. The governor shall designate one member to serve as chairman of the board. The governor may remove a member of the board for inefficiency, neglect of duty or misconduct in office after giving him a copy of the charges and an opportunity of being publicly heard in person or by counsel on not less than ten days notice. If a member of the board be removed the governor shall file with the department of state a record of his proceedings in respect of such removal and his findings therein.

2. The members of the board shall receive compensation as determined by the governor within the limits of the appropriation made therefor. The chairman shall devote his entire time to the duties of his office and shall not hold any other public office nor engage in any other business, vocation or employment. The reasonable and necessary traveling and other expenses of the members of the board and other officers and employees of the board, while actually engaged in the performance of their duties shall be paid from the state treasury upon the audit and warrant of the comptroller, upon vouchers approved by the chairman.

3. The industrial commissioner shall detail to the board such employees as shall be reasonably necessary to perform the duties of the board and shall fix their compensation within the limits of the

appropriation made therefor.

4. The principal office of the board shall be in the county of Albany, but it may meet and exercise any or all of its powers at any other place within the state.

5. (a) The board shall not be bound by technical rules of procedure and evidence and shall conduct all hearings according to procedure prescribed by the board.

(b) The board may designate one or more of its members or competent employees to hold a hearing or investigation relating to any matter pertaining to the execution of its functions, and to report to the board.

(c) The board by one or more members shall have the power:

(1) To administer oaths and take affidavits in matters relating to the performance of its functions under this chapter;

(2) To issue subpoenas for and compel the attendance of witnesses and the production of books, contracts, papers, documents and other evidence;

(3) To hear testimony and take or cause to be taken depositions of witnesses residing within or without this state in the manner prescribed by law for like depositions in civil actions in the supreme court. Subpoenas and commissions to take testimony shall be issued under the seal of the department.

8. Notwithstanding any other provision of this chapter or any other law, neither the industrial commissioner nor any board or other agency of the department of labor shall in any way direct, review, modify or reverse any decision or finding of the board, nor shall the industrial commissioner or any board or other agency of the department of labor supervise or control the board in the exercise of any powers or in the performance of its duties or functions under this chapter.