

**Senate Bill No. 508**

(By Senator K. Facemyer)

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[Introduced February 3, 2012; referred to the Committee on Labor;  
and then to the Committee on the Judiciary.]

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10 A BILL to amend the Code of West Virginia, 1931, as amended, by  
11 adding thereto a new section, designated §21-1A-3a, relating  
12 to participation in labor organization as condition of  
13 employment prohibited; and providing a penalty.

14 *Be it enacted by the Legislature of West Virginia:*

15 That the Code of West Virginia, 1931, as amended, be amended  
16 by adding thereto a new section, designated §21-1A-3a, to read as  
17 follows:

18 **ARTICLE 1A. LABOR-MANAGEMENT RELATIONS ACT FOR THE PRIVATE SECTOR.**

19 **§21-1A-3a. Participation in labor organization as condition of**  
20 **employment prohibited.**

21 (a) Notwithstanding any other provision of this code to the  
22 contrary, no person may be required, as a condition of employment  
23 or continuation of employment, to:

1           (1) Resign or refrain from voluntary membership in, voluntary  
2 affiliation with, or voluntary financial support of a labor  
3 organization;

4           (2) Become or remain a member of a labor organization;

5           (3) Pay any dues, fees, assessments, or other charges of any  
6 kind or amount to a labor organization;

7           (4) Pay to any charity or other third party, in lieu of such  
8 payments, any amount equivalent to or pro rata portion of dues,  
9 fees, assessments, or other charges regularly required of members  
10 of a labor organization; or

11          (5) Be recommended, approved, referred, or cleared by or  
12 through a labor organization.

13          (b) It is unlawful to deduct from the wages, earnings, or  
14 compensation of an employee any union dues, fees, assessments, or  
15 other charges to be held for, transferred to, or paid over to a  
16 labor organization unless the employee has first authorized the  
17 deduction.

18          (c) The provisions of this section apply to all employment  
19 contracts entered into after the effective date of this section and  
20 apply to any renewal or extension of any existing contract.

21          (d) Any person who directly or indirectly violates any  
22 provision of this section is guilty of a misdemeanor and, upon  
23 conviction thereof, shall be fined not more than \$500.

NOTE: The purpose of this bill is to provide that participation in a labor organization as a condition of employment is prohibited.

This section is new; therefore, strike-throughs and underscoring have been omitted.