

# **WEST VIRGINIA LEGISLATURE**

**2019 REGULAR SESSION**

**Introduced**

## **Senate Bill 322**

BY SENATORS MAYNARD AND MARONEY

[Introduced January 16, 2019; Referred  
to the Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
 2 designated §21-5G-2a, relating to allowing a labor union not to represent an employee  
 3 who does not belong to the union.

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

**ARTICLE 5G. WEST VIRGINIA WORKPLACE FREEDOM ACT.**

**§21-5G-2a. Right not to represent.**

1 (a) The Legislature finds the duty of unions to represent nonmembers is a question which  
 2 is solely within the jurisdiction of the states to determine.

3 (b) A labor union is not required to represent any employee who chooses not to belong to  
 4 the union. The act of not joining the union is a declaration by the employee that he or she does  
 5 not wish to be represented by the union in any capacity.

NOTE: The purpose of this bill is to not require a labor union to represent an employee who chooses not to belong to the union.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.