§ 534-r. Certain solicitations prohibited; prohibition against the holding of union position by officers, agents or employees who have been convicted of certain crimes and offenses. 1. No person shall solicit, collect or receive any dues, assessments, levies, fines or contributions, or other charges within the state for or on behalf of any labor organization which represents employees registered or licensed pursuant to the provisions of this article or which derives its charter from a labor organization representing one hundred or more of such registered or licensed employees, if any officer, agent or employee of such labor organization, or of a welfare fund or trust administered partially or entirely by such labor organization or by trustees or other persons designated by such labor organization, has been convicted by a court of the United States, or any state or territory thereof, of a felony, any misdemeanor involving moral turpitude or any crime or offense enumerated in paragraph (b) of subdivision three of section five hundred thirty-four-j of this article, unless such person has been subsequently pardoned therefor by the governor or other appropriate authority of the state or jurisdiction in which such conviction was had or has received a certificate of good conduct from the board of parole pursuant to the provisions of this chapter to remove the disability. No person so convicted shall serve as an officer, agent or employee of such labor organization, welfare fund or trust unless such person has been so pardoned or has received a certificate of good conduct. No person, including such labor organization, welfare fund or trust, shall knowingly permit such convicted person to assume or hold any office, agency, or employment in violation of this section.

2. As used in this section, the term "labor organization" shall mean and include any organization which exists and is constituted for the purpose in whole or in part of collective bargaining, or of dealing with employers concerning grievances, terms and conditions of employment, or of other mutual aid or protection; but it shall not include a federation or congress of labor organizations organized on a national or international basis even though one of its constituent labor organizations may represent persons so registered or licensed.

3. Any person who shall violate this section shall be guilty of a

misdemeanor punishable by a fine of not more than five hundred dollars or imprisonment for not more than three hundred sixty-four days, or both.

4. If upon application to the commission by an employee who has been convicted of a crime or offense specified in subdivision one of this section the commission, in its discretion, determines in an order that it would not be contrary to the purposes and objectives of this act for such employee to work in a particular employment for a labor organization, welfare fund or trust within the meaning of subdivision two of this section, the provisions of subdivision two of this section shall not apply to the particular employment of such employee with respect to such conviction or convictions as are specified in the commission's order. This section is applicable only to those employees who for wages or salary perform manual, mechanical, or physical work of a routine or clerical nature at the premises of the labor organization, welfare fund or trust by which they are employed.

5. No person who has been convicted of a crime or offense specified in subdivision one of this section shall directly or indirectly serve as an officer, agent or employee of a labor organization, welfare fund or trust unless such person has been subsequently pardoned for such crime or offense by the governor or other appropriate authority of the state or jurisdiction in which such conviction was had or has received a certificate of good conduct or other relief from disabilities arising from the fact of conviction from a board of parole or similar authority or has received pursuant to subdivision one of this section an order of exception from the commission. No person, including a labor organization, welfare fund or trust within the meaning of subdivision one of this section, shall knowingly permit any other person to assume or hold any office, agency or employment in violation of this section.

6. The commission may maintain a civil action against any person, labor organization, welfare fund or trust or officers thereof to compel compliance with this section, or to prevent any violations, the aiding and abetting thereof, or any attempt or conspiracy to violate this section, either by mandamus, injunction or action and upon a proper

showing a temporary restraining order or other appropriate temporary order shall be granted ex parte and without bond pending final hearing and determination. Nothing in this section shall be construed to modify, limit or restrict in any way the provisions of subdivision one of this section.