§ 327. Membership in a labor union or a labor organization. 1. Membership in a labor union or a labor organization shall not be, or be made, a condition of employment or a preference in employment nor a condition of, or a preference in, the continuation of employment of any person at any track at which pari-mutuel harness racing is conducted by any association or corporation licensed under sections two hundred twenty-two through seven hundred five of this chapter and it shall be unlawful for any labor union or labor organization, or any of its agents, to cause or attempt to cause any such association or corporation to make membership in a labor union or a labor organization a condition of employment or a preference in employment or a condition of, or a preference in, the continuation of employment of any person at any such track; except that nothing herein shall prohibit the incorporation in any collective bargaining agreement between such an association or corporation and a bona fide labor union or bona fide labor organization (determined to be the exclusive representative of employees in the appropriate bargaining unit covered by such agreement after an election pursuant to the provisions of the New York state labor relations act) of a provision which provides that an employee of such association or corporation shall not be permitted to continue in such employment beyond the fifteenth day after the date of his employment or the effective date of the agreement whichever is later unless by then he has become, and thereafter during his employment shall remain, a member of such labor union or labor organization, or, if such employee is required by the provisions of sections two hundred twenty-two through seven hundred five of this chapter to be licensed, unless he becomes such a member not later than the fifteenth day after the date of his employment, or after the day on which the board shall grant a license to such employee, whichever of said two days shall be later. Notwithstanding any such agreement, no such association or corporation shall discharge any employee for non-membership in a labor union or labor organization if it has reasonable grounds for believing that such membership was not available to the employee on the same terms and conditions generally applicable to other members, or if it has reasonable grounds for believing that membership was denied or terminated for any reason other than the failure of the employee to tender the periodic dues and the initiation fees uniformly required as a condition of acquiring or

retaining membership.

2. Any person who wilfully violates any of the provisions of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than five thousand dollars or to imprisonment for not more than one year, or both.

3. The supreme court of this state shall have jurisdiction, upon petition and upon such notice to the opposing party or parties as the court shall direct, to restrain any violation of this section, any other act of this state to the contrary notwithstanding, and to grant such other relief to any person who shall be aggrieved by any such violation as the court shall deem proper.

4. The provisions of this section shall not apply to employees engaged in the preparation, service and handling of food and beverages in the operation of a restaurant or a food or beverage dispensing facility at such track.