



ALASKA STATE EMPLOYEES ASSOCIATION

American Federation of State, County & Municipal Employees Local 52

PRESS RELEASE
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ASEA/AFSCME Local 52 Responds to Judge Henderson's Decision in Case No. 3AN-19-06327 CI

Local 52 Remains Committed to Resolving the Issues at API and Dedicated to its Members in Delivering Critical Public Services to Alaskans by Alaskans

JUNEAU – Judge Jennifer Henderson issued a decision today in ASEA's case against the State of Alaska regarding the State's efforts to privatize the Alaska Psychiatric Institute (API). The court found that most of the union's claims should be litigated in arbitration, pursuant to the collective bargaining agreement (CBA). Judge Henderson also denied the union's request for injunctive relief, finding the State appeared to be abiding by the terms of the CBA. According to Judge Henderson: "At an earlier stage of this case, the Court may have reached a different conclusion regarding the claims under the CBA and injunctive relief. The Court still could reach a different conclusion on these issues if circumstances change or if the Union re-files these claims following arbitration."

Judge Henderson is allowing ASEA's claim for declaratory judgment to move forward. That claim requests that the court find the State of Alaska violated the procurement code with respect to its dealings with Wellpath. ASEA will conduct discovery on that claim, including depositions and written discovery targeted at the State of Alaska's initial decision to contract with Wellpath and the decision to continue to allow Wellpath to operate API. That discovery will include the depositions of several State of Alaska employees, including Al Wall, Deputy Commissioner for Medicaid and Health Care Policy, Adam Crum, the Commissioner of the Department of Health and Social Services, as well as procurement officers and other decision makers.

ASEA filed suit against the State in April 2019 to force the State to abide by mandatory CBA terms. Judge Henderson's order reflects the success of the union's lawsuit in general. An injunction is not necessary because immediately after the union filed suit, the State cancelled its initial sole source contract with Wellpath, and modified its dealings with ASEA to comply (at least in spirit) with the terms of the CBA. Had ASEA not filed suit in April 2019, the State of Alaska would have continued to violate the collective bargaining agreement by privatizing API under its initial sole source contract with Wellpath. In short, the State has only complied with the CBA because of ASEA's demand that it do so.

Jake Metcalfe, Executive Director for the Alaska State Employees Association, Local 52 of the international union American Federation of State County and Municipal Employees (AFSCME), made the following statement:



The decision today provides clarity and allows us to move forward in making sure our contract is being followed. That step is critical to making sure that the employees at API are receiving the resources they need to provide patients with critical care, in a safe work environment. At the end of the day, what we all want is a well-run facility by Alaskans, for Alaskans, in an environment that care providers feel confident to work in.

ASEA/AFSCME Local 52 is the largest union of state and municipal public service workers in Alaska with more than 8,000 hardworking public employees. ASEA members safeguard our water, manage our natural resources, clear our roads, inspect our bridges, and plan for the transportation of tomorrow. They protect consumers and promote a healthy economy. They shelter our children and connect Alaska families to vital services. ASEA members perform clerical and administrative functions that effective government requires. Our members fight fires and protect property. They take emergency calls and dispatch public safety officers for people in need. ASEA members care for people from all walks of life to ensure they have the services they need to live with dignity and respect. They work everywhere Alaska needs them, providing critical public services Alaskans depend on.

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