



ALASKA STATE EMPLOYEES ASSOCIATION

American Federation of State, County & Municipal Employees Local 52

PRESS RELEASE
FOR IMMEDIATE RELEASE
October 18, 2019
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ASEA/AFSCME Local 52 Files a Motion for a Preliminary Injunction against the State of Alaska in Case No. 3AN-19-09971 CI

On Friday, September 27, the Alaska State Employees Association (ASEA) asked the Court to grant a Temporary Restraining Order (TRO) and Preliminary Injunction against the State for its illegal actions and contract violations with ASEA members. On Thursday, October 3, Judge Miller granted ASEA with a TRO finding “The State’s conduct – including the issuance of its September 26, 2019, administrative order – seems directly at odds with both PERA and the CBA the State signed... The State provides no colorable explanation for why the existing dues authorization form’s annual opt-out period is not sufficient.”

Last week, on October 7, the State filed an opposition to ASEA’s motion for a Preliminary Injunction without providing any substantive reasoning for their motion. Yesterday, ASEA replied to the State of Alaska opposition to our motion for preliminary injunction and its motion to consolidate the resolution of ASEA’s motion for preliminary relief with a trial on the merits (document attached). Legal counsel for ASEA, Molly Brown, told the Court:

The defendants (the State) raise no new argument and present no new evidence in opposition to ASEA’s motion for preliminary injunction. The Court should therefore convert the temporary restraining order into a preliminary injunction.

Brown also opposed the State’s request to consolidate the resolution of ASEA’s motion for preliminary relief with a trial on the merits.

Jake Metcalfe, Executive Director of ASEA/AFSCME Local 52 made the following comment:

The State’s legal maneuvering indicates that they want the court to issue a judgement against it, a judgement they expect to not be in their favor, so that they can appeal that judgement as fast as possible, further delaying relief to ASEA members. This action by the State is further proof that these legal battles are part of a larger political agenda to rob workers of their freedom to come together for a voice on the job. These attacks on workers are attacks to public services. ASEA members work everywhere Alaska needs them, providing safe drinking water, sheltering children, fighting fires, and making sure Alaska families are connected to the vital services they need. They deserve respect and ability to advocate for the services they provide. This is about

following the law, honoring our contracts, and respecting Alaska's public employees – all areas where this administration has utterly failed.

Because the State of Alaska has not provided any new basis for its argument or any reason why the Court erred in granting ASEA's request for a TRO, the ASEA is confident that the Court will grant the request Preliminary Injunction. The ASEA is hopeful the Court will issue its order within the next week.

The ASEA is an affiliate of the American Federation of State, County, and Municipal Employees (AFSCME) which represents over 1.6 million public sector employees and retirees in the nation. ASEA/AFSCME Local 52 is the largest union of state and municipal public service workers in Alaska representing more than 8,000 hardworking public employees. The 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. The 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. Members of ASEA 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 us and deserve the respect of their employer.

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Timeline of Case No. 3AN-19-09971 CI

Aug 27	AG Clarkson published his opinion letter misinterpreting the <i>Janus v. AFSCME, Council 31</i> Supreme Court decision
Sep 16	The State of Alaska sued ASEA to prevent them from following their contract that had been previously agreed upon by all parties
Sep 25	ASEA Countersued the State of Alaska and asked for a Temporary Restraining Order (TRO) against the State's actions
Sep 26	Governor Dunleavy issued an Administrative Order that violated the Public Employee Relations Act (PERA) and Collective Bargaining Agreement (CBA) Contracts that the State recently agreed to sign with ASEA
Sep 27	ASEA filed with the Court a Notice in Support of Motion for Temporary Restraining Order and Preliminary Injunction
Oct 3	Judge Miller granted ASEA with a TRO: <i>The State's conduct – including the issuance of its September 26, 2019 administrative order – seems directly at odds with both PERA and the CBA the State signed, in that the State is "interfere[ing] with the formation, existence, or administration of a[] [labor] organization. The State provides no colorable explanation for why the existing dues authorization form's annual opt-out period is not sufficient. Employer-sponsored health insurance plans, for example, typically have a once-a-year opt-in/opt-out period, and absent special circumstances such as marriage or divorce, that once-annual decision is binding. Political elections are once every four years. Most contracts are not revocable at will. The State does not explain why union membership should be any different.</i>
Oct 7	The State of Alaska filed an opposition to ASEA's motion for a preliminary injunction

Oct 17 ASEA filed a motion to convert the TRO into a Preliminary Injunction and asked for the Court to deny the State's request to consolidate ASEA's motion with a trial on the merits.