



ALASKA STATE EMPLOYEES ASSOCIATION

American Federation of State, County & Municipal Employees Local 52

Press Release
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Final Judgment on Dunleavy AO Entered in Favor of ASEA

Interference with union membership affirmed after nearly two year "AO" battle with State of Alaska, Case No 3AN-19-09971 CI

Anchorage - Honorable Judge Gregory Miller of the Alaska Superior Court signed the final judgment, confirming that ASEA prevailed in the case filed nearly two years ago after Governor Dunleavy and his attorney general at the time sought to interfere with public employee unions, targeting ASEA/AFSCME Local 52.

In October 2019, Judge Miller granted ASEA's request for a temporary restraining order (TRO) precluding the State from interfering with public employees' ability to be union members. In granting that TRO, Judge Miller stated that *"The State advances a position contrary to the express wording of Janus, contrary to the memorandum opinion issued by his predecessor in office, contrary to all known opinions from other States' Attorneys General, and contrary to nine federal court decisions, two administrative agency decisions, and two arbitration awards."*

Judge Miller further held that the State's September 26, 2019, administrative order (AO) seemed directly at odds with both PERA and the collective bargaining agreement (CBA) the State signed in July 2019. Miller added that *"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."*

Executive Director Jake Metcalfe shared, "this is excellent news and a huge victory for all public employee members that live and work in Alaska. Through these legal tests, brought forth by the governor and his then attorney general, Kevin Clarkson, the rights of union members are now clearer than ever before. The false legal opinion and administrative order that was attempted in the fall of 2019 can never be attempted again and that is a huge victory for all members."

The final judgment awards damages against ASEA/AFSCME Local 52. The final judgment will most likely be appealed to the Alaska Supreme Court.

Here is a timeline and refresher of the AO decision and legal actions that have ensued over the past two years:

- Aug 27, 2019 - AG Clarkson published his opinion letter misinterpreting the Janus v. AFSCME, Council 31 U.S. Supreme Court decision
- Sep 16, 2019 - The State of Alaska sued ASEA over its contract with ASEA that had been previously agreed upon by both parties
- Sep 25, 2019 - ASEA countersued the State of Alaska and asked for a Temporary Restraining Order (TRO) against the State's actions
- Sep 26, 2019 - Governor Dunleavy issued an Administrative Order (AO) that violated state law and the Collective Bargaining Agreement Contracts the State recently agreed to and signed with ASEA
- Oct 3, 2019 - Judge Miller granted ASEA's request for a TRO
- Oct 7, 2019 - The State of Alaska filed an opposition to ASEA's Motion for a Preliminary Injunction
- Oct 17, 2019 - 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.
- Nov 5, 2019 - Judge Miller granted ASEA's request for a preliminary injunction, precluding the State from implementing the AO.
- Dec 16, 2020 - Both Motions for Summary Judgment were fully briefed
- Feb 8, 2020 - the Order was issued
- Aug 4, 2021 – Judge Miller signed the Final judgment in favor of ASEA/AFSCME Local 52

ASEA/AFSCME Local 52 is an affiliate of the American Federation of State, County, and Municipal Employees (AFSCME). AFSCME represents more than 1.4 million public service workers across the country. 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 provide essential services that Alaskans rely on every day including safeguarding our water, managing our natural resources, clearing our roads, inspecting our bridges, and planning 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 and keep Alaska running!

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