



STATE of ALASKA

Department of Administration

Division of Personnel and Labor Relations



Frequently Asked Questions

Administrative Order and Attorney General's Opinion on Employee's First Amendment Rights

Q: What does the Administrative Order mean for state employees?

A: The Department of Administration is going to create an initial opt-in program where State employees represented by a union can decide, online or in written form, if they want union dues deducted from their paychecks.

Q: When will the new opt-in program begin?

A: The Department of Administration (DOA) anticipates it will take a couple months to develop the program. DOA will negotiate with unions as part of the development process.

Q: Once the new opt-in program begins, will I have to use the new opt-in program to maintain my union membership or will my prior consent form be sufficient?

A: Because the State must be able to confirm that an employee's consent was freely given and shown by clear and compelling evidence; all employees will be required submit new consent forms through the new opt-in program developed by DOA. Once DOA's program is in place, the State will not continue to rely on prior consent forms. However, the State will, in consultation with the unions, provide reasonable notice so that all employees are alerted to the new process before the opt-in program is deployed.

Q: Can I change my mind?

A: When the new system is in place, it is anticipated that State employees will be able to choose to be represented by a union ("opt-in") or not represented by a union ("opt-out") at any time.

Q: Will I lose my job?

A: Employees no longer have to be a member of a union to be employed with the State of Alaska.

Q: Who will the opt-in program apply to?

A: It will only apply to State of Alaska employees represented by a union. It will not apply to private employees or other public employees whose dues deductions are not handled by the State of Alaska.

Q: What does the AG Opinion mean for state employees?

A: In 2018, the United States Supreme Court in *Janus v. American Federation of State, County, and Municipal Employees* determined that public employees could not be mandated to pay agency fees to a union and that the employee needs to affirmatively consent in order for the State to deduct union dues—or any other payment—from an employee’s paycheck. The Attorney General (AG) Opinion outlines the constitutional requirements the State of Alaska must follow in order to ensure that it has sufficient evidence that an employee has freely consented to the payment of union dues so that the employee’s First Amendment rights are protected. It is up to each employee to choose how they exercise that right by making the decision whether to join a union. The State has no involvement in that personal decision.

Q: What happens to employees who want to remain or become a union member?

A: Whether to become a union member is a personal decision for each employee. Employees who are in a union and choose to remain a union member will still be able to do so. Employees who want to become a union member will be able to opt-in to a union at any time. In both cases, the State simply needs to ensure that it has clear and compelling evidence—in the form of an “opt-in” form as set out in the Administrative Order—to confirm the employee consents to the deduction of dues from the employee's paycheck. It is anticipated that any employee can also opt-out of a union at any time.