

Submitted by: Chair of the Assembly at the
Request of the Mayor
Prepared by: Dept. of Law and Employee
Relations
For reading: August 28, 2018

**ANCHORAGE, ALASKA
AO No. 2018-64(S-1)**

1 **AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 3.70 IN**
2 **COMPLIANCE WITH THE U.S. SUPREME COURT DECISION IN JANUS V.**
3 **AFSCME AND AFFIRMING THE MUNICIPALITY'S COMMITMENT TO**
4 **NEUTRALITY IN DISCUSSIONS WITH EMPLOYEES REGARDING UNION**
5 **MEMBERSHIP.**
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8 **WHEREAS**, on June 27, 2018, the Supreme Court of the United States issued its
9 decision in *Janus v. American Federation of State, County, and Municipal*
10 *Employees, Council 31, et al* ("*Janus v. AFSCME*"); and
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12 **WHEREAS**, pursuant to *Janus v. AFSCME*, certain provisions of Anchorage
13 Municipal Code Chapter 3.70 – Employee Relations require updating; and
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15 **WHEREAS, the Supreme Court instructed that employees who choose to be**
16 **non-members can be required to pay a union for reasonable costs for the**
17 **union's representation unrelated to the negotiation of a collective bargaining**
18 **agreement; and**
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20 **WHEREAS**, in the wake of the *Janus v. AFSCME* decision, the Municipality reaffirms
21 its support for and commitment to organized labor, and seeks to make clear that it will
22 remain neutral in discussions with employees regarding union membership; now,
23 therefore,
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25 **THE ANCHORAGE ASSEMBLY ORDAINS:**
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27 **Section 1.** Anchorage Municipal Code section 3.70.010 is hereby amended to read
28 as follows (*the remainder of the section is not affected and therefore not set out*):
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30 **3.70.010** **Definitions.**
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32 * * * * *

33 *Dues checkoff* means the obligation [OR PRACTICE] of the government, after
34 obtaining the employee's written authorization, to deduct a specified amount
35 from the employee's wages [OF DEDUCTION FROM THE SALARY OF A
36 PUBLIC EMPLOYEE AT HIS WRITTEN AUTHORIZATION OF AN AMOUNT]
37 for the payment of [HIS] employee organization membership dues or other
38 fees [IN AN EMPLOYEE ORGANIZATION], and [THE OBLIGATION OF THE
39 MUNICIPALITY] to transmit these deducted sums [SO DEDUCTED] to the
40 employee organization. **Unless otherwise specified within the collective**
41 **bargaining agreement, such authorization shall remain in full force and**
42 **effect until an employee revokes the authorization in writing in**

1 accordance with the terms of the authorization and to the extent
2 permitted by law.

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5 (AO No. 69-75; AO No. 88-76; AO No. 77-376; AO No. 84-221(S); AO No. 88-
6 131(S); AO No. 89-46(S-1); AO No. 2008-135(S), § 1, 9-29-09; AO No. 2017-
7 122(S), § 5, 10-24-17)

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9 **Section 2.** Anchorage Municipal Code section 3.70.070 is hereby amended to read
10 as follows (*the remainder of the section is not affected and therefore not set out*):

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13 **3.70.070 Recognition and certification of employee organizations.**

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16 **D. A collective bargaining agreement will allow for notification by the**
17 **Municipality to the bargaining representative of a newly**
18 **represented employee and allow the bargaining representative an**
19 **opportunity to meet with the newly represented employee during**
20 **work time.**

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22 **(AO No. 69-75; AO No. 89-46(S-1))**

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24 **Section 3[2].** Anchorage Municipal Code section 3.70.080 is hereby amended
25 to read as follows (*the remainder of the section is not affected and therefore not set*
26 *out*):

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28 **3.70.080 Certification of bargaining representative.**

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30 A. *Generally.* The board shall determine the bargaining representative
31 according to the procedures set out in this section. Upon such
32 determination, the board shall certify the bargaining representative. As
33 a condition of certification, the bargaining representative shall represent
34 all employees within the unit to the extent required by law [WITHOUT
35 REGARD TO MEMBERSHIP IN THE ORGANIZATION]. No closed
36 shop shall be allowed. [NOTHING IN THIS SECTION BARS
37 INCLUSION IN A COLLECTIVE BARGAINING AGREEMENT OF A
38 REQUIREMENT THAT ALL MEMBERS OF THE UNIT AFFILIATE
39 WITH THE BARGAINING REPRESENTATIVE WITHIN 30 DAYS
40 AFTER THE DATE OF THEIR EMPLOYMENT, OR THE DATE OF
41 CERTIFICATION, WHICHEVER IS LATER.]

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43 * * * * *

44 (AO No. 69-75; AO No. 89-46(S-1))

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46 **Section 4[3].** Anchorage Municipal Code section 3.70.140 is hereby amended to read
47 as follows (*the remainder of the section is not affected and therefore not set out*):

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49 **3.70.140 Unfair labor practices.**

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51 A. *Prohibited acts by municipality.* The municipality or its agents may not:

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1. Interfere, restrain or coerce an employee in the exercise of his rights guaranteed under this chapter.
2. Dominate or interfere with the formation, existence or administration of an organization.
3. Discriminate in regard to hire, tenure, employment or a term or condition of employment for the purpose of encouraging or discouraging membership in an organization.
4. Discharge or discriminate against an employee because he has signed or filed an affidavit, petition or complaint or given testimony under the provisions of this chapter.
5. Refuse to bargain collectively in good faith over wages, hours and other terms and conditions of employment with an organization which is the exclusive representative of employees in an appropriate unit, including but not limited to the discussion of grievances with the exclusive representative.
6. Encourage employees to withdraw from, relinquish membership in, or revoke authorization of the deduction of dues or other fees paid to an organization or bargaining representative.
7. Discourage employees from joining, paying dues or other fees to, or ~~becoming an agency fee payer of~~ participating in an organization or bargaining representative.

B. *Prohibited acts by employees and employee representatives.* An employee organization or bargaining representative or its agents or employees may not:

1. Restrain or coerce:
 - a. An employee in the exercise of the rights guaranteed under this chapter.
 - b. The municipality in the selection of its representative for the purpose of collective bargaining or the adjustment of grievances.
2. Refuse to bargain collectively in good faith over wages, hours and other terms and conditions of employment with the public employer if the bargaining representative has been designated in accordance with the provisions of this chapter as the exclusive representative of employees in the bargaining unit.
3. Authorize or engage in a strike prohibited under this chapter.
4. Hinder or prevent, by threats, intimidations, force or coercion of

1 any kind, the pursuit of any lawful work or employment of the
2 municipality.

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4 5. Engage in a secondary boycott or hinder or prevent by threat,
5 intimidation, force, coercion or sabotage, the obtaining, use or
6 disposition of materials, supplies, equipment or services.
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8 6. Engage in any illegal effort to interfere with productions, functions or
9 services of the public employer.

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11 **Notwithstanding the above, it is not an unfair labor practice or a violation**
12 **of the duty of fair representation for a bargaining representative to**
13 **charge a non-member reasonable costs or fees for representation**
14 **unrelated to the negotiation of a collective bargaining agreement or to**
15 **deny non-members union representation altogether.**

16 *** **

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18 (AO No. 69-75; AO No. 88-131(S); AO No. 88-148; AO No. 89-46(S-1))

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20 **Section 5.** Anchorage Municipal Code section 3.70.150 is hereby amended to read
21 as follows:

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23 **3.70.150 Dues checkoff.**

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25 Upon written authorization of an employee within a bargaining unit, a copy of
26 which shall be provided to the employer, the municipality may deduct monthly
27 from the payroll of the employee the amount of dues and other fees as
28 certified by the secretary of the exclusive bargaining representative and
29 authorized by the employee, and deliver that amount to the chief fiscal officer
30 of the exclusive bargaining representative. Dues checkoff may be revoked
31 upon failure by the certified bargaining representative to pay, within a
32 reasonable time specified by the board, cost allocations arising out of any
33 proceeding conducted by the board in accordance with this chapter. **Unless**
34 **otherwise specified within the collective bargaining agreement, such**
35 **authorization shall remain in full force and effect until an employee**
36 **revokes the authorization in writing in accordance with the terms of the**
37 **authorization and to the extent permitted by law.**

38
39 (AO No. 69-75; AO No. 89-46(S-1))

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41 **Section 6.** This ordinance shall be effective immediately upon passage and
42 approval by the Assembly.

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44 PASSED AND APPROVED by the Anchorage Assembly this _____ day of
45 _____, 2018.

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Chair of the Assembly

51 ATTEST:

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Municipal Clerk