

Alabama Teachers Challenge Limits on Payroll Deductions

Alabama members of the AFT and the International Association of Fire Fighters are challenging the constitutionality of a new state law that seeks to severely restrict or stop the decades-old practice of paying membership dues through payroll deductions.

Their lawsuit filed March 23 in U.S. District Court in Huntsville asks the court to declare the law unconstitutional and to block its enforcement.

"This special law, passed during a lame-duck session of the Legislature under the label of 'reform' was really nothing more than punishment for public employee unions," says Vi Parramore, president of the Jefferson County AFT. "It infringes our members' free speech rights and turns us into second-class citizens. We have no choice but to ask the court to protect our constitutional rights."

The law prohibits payroll deductions for dues to any membership organization that is involved, directly or indirectly, in political activity. The educators, support workers and firefighters were left with two choices. They could abandon payroll deductions altogether or attempt to meet the requirements of an onerous compliance process that is only vaguely defined by the statute and left to the subjective interpretation of numerous public employers throughout the state.

"The law attempts to prohibit our advocacy for our members and for public policies in Alabama that benefit our state's schoolchildren," says Richard Franklin, president of the Birmingham Federation of Teachers. "And its prohibitions are so broad and vague that we simply can't figure out how to comply."

In their lawsuit, the educators, support workers and firefighters say it is clear that the purpose of the dues law is to "interfere with and discriminate against public employees' political speech"—citing the fact that the limitations apply only to activities related to political speech, while placing no restrictions on the many other payroll deductions currently in practice for other membership organizations, charities, credit unions, insurance companies and others.

"The law clearly was meant to squelch the ability of our unions to use payroll deductions to support communication with our members and the public about issues that are important to teachers, support workers, firefighters and all Alabama citizens," Parramore says. "That communication is crucial in a non-collective bargaining state like Alabama, where there is no built-in forum where such issues can be raised."

She adds, "Educators and school support workers are proud to join with the firefighters in this action." One of the missions that firefighters embrace, she notes, is protecting public safety through advocacy for adequate fire and emergency medical services and to ensure that first-responders have the equipment and training they need. Dues deductions to support those efforts appear to be banned under the new statute.

The lawsuit is the second federal court challenge to the dues statute. Last week, in a separate case brought by the Alabama Education Association, U.S. District Judge Lynwood Smith granted a temporary injunction blocking implementation of the law, which had been scheduled to go into effect on March 20. The Alabama attorney general is appealing that ruling. [AFT Alabama press release]

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