ALASKA LABOR RELATIONS AGENCY
3301 Eagle Street, Suite 206
ANCHORAGE, ALASKA 99503
Phone (907) 269-4895 Fax (907) 269-4898

Case No._____
Date Filed _____

PUBLIC EMPLOYMENT RELATIONS ACT EXEMPTION CLAIM
[AS 23.40.225, AS 42.40.880; 8 AAC 97.305; 8 AAC 97.310]

Instructions: Submit an original and one copy of this claim to the Alaska Labor Relations Agency office at the above address. (8 AAC 97.010) If more space is required, attach additional sheets.

The purpose of this claim is to claim non-association with a labor organization on the basis of bona fide religious convictions based on tenets or teachings of a church or religious body of which an employee is a member under AS 23.40.225 or AS 42.40.880. (8 AAC 97.310)

1. Name of Employee Claimant _____
2. Telephone No. _____
3. Position Name and Number _____
4. Address _____
5. E-mail_____

6. Name of Recognized Bargaining Agent/Affiliation _____
   a. Name of Contact Person for Recognized Bargaining Agent_____
7. Copy of claim served on recognized bargaining agent? (8 AAC 97.015) ☐ Yes ☐ No
   a. Address and Method served: (Hand Delivered or Mailed *CIRCLE ONE*) _____
   _____
   b. Telephone No. _____
   c. Facsimile No. _____

8. Name of Employer _____
   a. Name of Contact Person for Employer _____
9. Copy of claim served on employer? (8AAC 97.015) ☐ Yes ☐ No
   a. Address and Method served: (Hand Delivered or Mailed *CIRCLE ONE*) _____
   _____
   b. Telephone No. _____
   c. Facsimile No. _____

I, _____, say on oath or affirm that my sincerely held religious beliefs prohibit the payment of dues, initiation fees, or assessments to a labor organization or employee association.

_____
Signature of Employee Claimant

SUBSCRIBED AND SWORN TO OR AFFIRMED before me at _____, Alaska this ____ day of_____, 201_____.

_____
Signature of Notary

Notary Public in and for Alaska
My Commission Expires:_____

PUBLIC EMPLOYMENT RELATIONS ACT EXEMPTION INFORMATION
8 AAC 97.010; 8 AAC 97.015; AS 23.40.225; AS 42.40.880; 8 AAC 97.305; 8 AAC 97.310

8 AAC 97.010. Filing requirements. To file documents with the labor relations agency, a party must mail or deliver the documents to the agency office. The date of filing is the date of receipt by the agency. All documents must be filed in sets of two, except that

(1) only one set of cards or forms showing interest in support of a petition as required by 8 AAC 97.025(c), 8 AAC 97.030(b) and (d), 8 AAC 97.080(a) and (b), and 8 AAC 97.085;
(2) after the agency schedules a prehearing conference, five sets of all documents must be filed;
(3) for appeals under 8 AAC 97.250 and 8 AAC 97.470, five sets of all documents must be filed; and
(4) documents filed by facsimile machine under 8 AAC 97.020 do not count towards the total five sets of documents required under (2) and (3) of this section. (Eff. 7/22/93, Register 127; am 4/14/95, Register 134; am 5/18/2002, Register 162; am 5/20/2007, Register 182)
Authority: AS 23.05.380 AS 23.40.170 AS 42.40.820

Editor's note: The mailing address of the Alaska Labor Relations Agency is the Alaska Labor Relations Agency, 1016 West 6th Avenue, Suite 403, Anchorage, Alaska 99501.
Documents may be delivered to the Alaska Labor Relations Agency, 1016 West 6th Avenue, Suite 403, Anchorage, Alaska.

8 AAC 97.015. Service. (a) At the same time a party files a document with the labor relations agency, that party must serve a copy of that document, by mail or hand delivery, on all other parties involved or on the representatives of the parties involved.
(b) Proof of service must accompany any document filed with the labor relations agency. Proof must be by a written declaration of the names and addresses of the parties served and the date and manner of service. (Eff. 7/22/93, Register 127)

Authority: AS 23.05.380 AS 23.40.170 AS 42.40.820

8 AAC 97.305. Escrow account for disputed service fees. A labor organization or employee association shall maintain an escrow account for disputed dues, initiation fees, assessments, and service fees and shall hold amounts in dispute in escrow. The escrow account must be in a federally insured financial institution. If the payments from more than one objector are combined, records must be kept of each payment and of the interest that the payment earns. The labor organization or employee association shall bear the cost of maintaining the account. (Eff. 4/14/95, Register 134)

Authority: AS 23.05.380 AS 42.40.820
AS 23.40.170 AS42.40.880
AS 23.40.225

8 AAC 97.310. Religious exemption from association. (a) An employee claiming the right of nonassociation with a labor organization or employee association under AS 23.40.225 or AS 42.40.880 shall file the claim with the labor relations agency and shall provide the following information:
(1) the name, address, telephone number, and position control number of the employee;
(2) the name of the collective bargaining unit concerned;
(3) the name, address, telephone number, and facsimile machine number of the collective bargaining representative;
(4) the name, address, telephone number, and facsimile machine number of the public employer; and
(5) a sworn and notarized statement by the employee that the employee's sincerely held religious beliefs prohibit the payment of dues, initiation fees, or assessments to a labor organization or employee association.

(b) The employee shall serve copies of the claim as required under 8 AAC 97.015 upon the labor organization or employee association and upon the employer.

(c) Within 30 days after service of the claim, the labor organization or employee association may object to the claim and request a hearing. If the labor organization or employee association does not object, the agency will grant the exemption. If the labor organization or employee association objects, the agency will schedule a hearing under 8 AAC 97.330 -- 8 AAC 97.480.

(d) After an employee files a claim under this section, the employee shall pay the labor organization or employee association amounts equivalent to the amount of dues, initiation fees, and assessments then being assessed members of the labor organization or employee association. The labor organization or employee association shall hold the amounts in the escrow account set out in 8 AAC 97.305.

(e) If the agency determines that the employee is exempt from becoming a member of a labor organization or employee association, the agency will issue an order requiring that the labor organization or employee association contribute to a charitable organization the employee's payments under (d) of this section.

(f) Within 30 days after the agency issues the order in (e) of this section, the labor organization or employee association shall

(1) provide the agency a list of the individuals in the employer's bargaining unit who have claimed exemption under this section;

(2) provide the agency a list designating the charitable organizations that may receive the payments attributable to an exempt employee; and

(3) withdraw from the escrow account set out in 8 AAC 97.305 an amount equivalent to the exempt employee's payments and contribute that amount to one or more of the designated charities.

(g) If the agency determines that a designated charitable organization does not meet the requirements of AS 23.40.225 or AS 42.40.880, the agency will provide the labor organization or employee association a notice of disapproval. Within 15 days after receipt of this notice, the labor organization or employee association may submit additional information in support of the designation. If after examining the additional information the agency disapproves the designated charitable organization, the labor organization or employee association may obtain a hearing before the agency on the question by requesting a hearing within 15 days after the disapproval. Following the hearing, the agency will issue a ruling on the matter.

(h) Within 30 days after the end of its fiscal year, a labor organization or employee association with a bargaining unit that includes one or more exempt employees shall submit to the agency, on a form prescribed by the agency, an annual report showing proof of contributions to one or more of the designated charitable organizations. (Eff. 4/14/95, Register 134)

Authority:	AS 23.05.380	AS 23.40.225	AS 42.40.880
	AS 23.40.170	AS 42.40.820	

Sec. 23.40.225. Exemption from public employment relations act. Notwithstanding the provisions of AS 23.40.220, a collective bargaining settlement reached, or agreement entered into, under AS 23.40.210 that incorporates union security provisions, including but not limited to a union shop or agency shop provision or agreement, shall safeguard the rights of nonassociation of employees having bona fide religious convictions based on tenets or teachings of a church or religious body of which an employee is a member. Upon submission of proper proof of religious conviction to the labor relations agency, the agency shall declare the employee exempt from becoming a member of a labor organization or employee association. The employee shall pay an amount of money equivalent to regular union or association dues, initiation fees, and assessments to the union or association. Nonpayment of this money subjects the employee to the same penalty as if it were nonpayment of dues. The receiving union or association shall contribute an equivalent amount of money to a charity of its choice not affiliated with a religious, labor, or employee organization. The union or association shall submit proof of contribution to the labor relations agency. (§ 1 ch 85 SLA

1976)

Sec. 42.40.880. Exemption. Notwithstanding the provisions of AS 42.40.870, a collective bargaining settlement reached, or agreement entered into, under AS 42.40.860 that incorporates union security provisions, including a union shop or agency shop provision or agreement, shall safeguard the rights of nonassociation of employees having bona fide religious convictions based on tenets or teachings of a church or religious body of which an employee is a member. Upon submission of proper proof of religious conviction to the railroad labor relations agency, the agency shall declare the employee exempt from becoming a member of an organization. The employee shall pay an amount of money equivalent to regular organization dues, initiation fees, and assessments to the organization. Nonpayment of this money subjects the employee to the same penalty as if it were nonpayment of dues. The receiving organization shall contribute an equivalent amount of money to a charity of its choice not affiliated with a religious, labor, or employee organization. The organization shall submit to the railroad labor relations agency proof of contribution. (§ 2 ch 153 SLA 1984)