April 18, 2014

MEMORANDUM

TO: City and County Superintendents

FROM: Warren Craig Pouncey
Chief of Staff

RE: Discontinuing Payroll Deductions

With the recent ruling from the Eleventh Circuit, Alabama Act No. 2010-761 concerning payroll deductions ("the Act") is in effect and must be followed by local school systems.¹

The Act prohibits governmental entities, including local school boards and their employees, from arranging by salary deduction or otherwise for any payment of employee dues to any membership organization that uses any portion of the dues for political activities.

In particular, the Act requires organizations that request the collection of membership dues through the payroll deduction process to first certify to the employer that none of the membership dues will be used for political activity. It further requires employee organizations to provide the employer with a "detailed breakdown of the expenditure of the membership due collected by the governmental entity" at the end of each calendar year.

I understand that your payroll practices may vary. Accordingly, it is of the utmost importance that you coordinate implementation of the Act with your local school board attorney.

WCP/JW
cc: Chief School Financial Officers
FY14-3039

¹ On February 6, 2014, in Alabama Education Association, et al. v. State Superintendent of Education, et al., the Eleventh Circuit Court of Appeals overturned a preliminary injunction issued by the federal district court which had enjoined enforcement of a 2010 state law concerning payroll deductions. Although certain aspects of the litigation remain pending, the net effect of the Eleventh Circuit's ruling is that the payroll deductions law is now enforceable according to its terms.