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SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

ANTHONY L. BLANFORD and
JOHN K. BELLVILLE,

Plaintiffs,

v.

MICHAEL J. DUNLEAVY, in his
individual and official capacities;
TUCKERMAN BABCOCK; and the
STATE OF ALASKA,

Defendants.

Case No. 3AN-19-04445CI

Complaint for Damages and Injunctive Relief

Plaintiffs Anthony L. Blanford, M.D., and John K. Bellville, M.D.,
complain and allege as follows:

Introduction

1. Doctors Blanford and Bellville bring this action to vindicate their right to freedom of speech under the Alaska Constitution and the Constitution of the United States.

2. The right to free speech "includes both the right to speak freely and the right to refrain from speaking at all." *Wooley v. Maynard*, 430 U.S. 705, 714 (1977).

3. "The right to speak and the right to refrain from speaking are complementary components of the broader concept of 'individual freedom of mind.'" *Id.*

4. The right not to speak also prohibits the state from compelling its citizens to pledge allegiance to any particular political brand of government.

5. Drs. Blanford and Bellville are psychiatrists who worked at the Alaska Psychiatric Institute (API) and were employed by the State of Alaska.

6. Defendants Michael J. Dunleavy and Tuckerman Babcock demanded that Drs. Blanford and Bellville, along with hundreds of other state employees, pledge allegiance to Gov. Dunleavy's political

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agenda when Mr. Dunleavy assumed the office of Governor on December 3, 2018.

7. Drs. Blanford and Bellville refused to swear allegiance to the Dunleavy agenda, believing that their first obligation was to their patients and that making such a pledge would violate their duties as doctors.

8. Dr. Blanford explained his refusal in a letter to the editor in the Anchorage Daily News, saying that a compelled "symbolic gesture of deference" didn't "settle well" with him, and that he was not "in favor of further cuts and hiring freezes," the only agenda of Mr. Dunleavy's that he had heard of for API.

9. Defendants thereafter fired Drs. Blanford and Bellville for their refusal to offer their pledges of allegiance to the new administration and, as to Dr. Blanford, for the views he expressed in his letter to the editor.

10. By firing Drs. Blanford and Bellville for these reasons, Defendants Dunleavy and Babcock violated the doctors' right to speak freely, as well as their right not to speak at all.

11. Drs. Blanford and Bellville seek in this action to defend and advance the constitutional principle that public employees may not be

coerced by the head of a government into a pledge of loyalty, or retaliated against for speaking out on matters of public concern.

Jurisdiction and Venue

12. This is a complaint for declaratory and injunctive relief and damages brought pursuant to AS 22.10.020(a) and (g). This court has original jurisdiction over the parties and over the subject matter of this dispute pursuant to AS 09.05.015(a)(1) and AS 22.10.020(a).

13. Venue is proper in this district pursuant to AS 22.10.030 and Alaska Rule of Civil Procedure 3(c).

Parties

14. Plaintiff Anthony Blanford is a resident of Anchorage, Alaska.

15. Plaintiff John Bellville is a resident of McMinnville, Oregon. Prior to and during the events complained of in this matter, Dr. Bellville was a resident of Anchorage, Alaska.

16. Defendant Michael J. Dunleavy is the Governor of the State of Alaska and is responsible, in whole or in part, for the decision to terminate Dr. Blanford's and Dr. Bellville's employment. Mr. Dunleavy is sued in his official and individual capacities.

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17. Defendant Tuckerman Babcock is the chief of staff to Governor Dunleavy, and was the chair of Gov. Dunleavy's transition team after Mr. Dunleavy was elected on November 6, 2018. Mr. Babcock is responsible, in whole or in part, for the decision to terminate Dr. Blanford's and Dr. Bellville's employment. Mr. Babcock is sued in his individual capacity.

18. Defendant State of Alaska is a sovereign entity organized in accordance with the laws of the United States.

Factual Statement

19. Anthony Blanford was employed by the State of Alaska as the director of psychiatry at API. He worked in this position, and as a staff psychiatrist, from April 2016 to December 2018. Dr. Blanford also worked at API as a *locum tenens*, or temporary, psychiatrist, from July 2013 to March 2015.

20. John Bellville was employed by the State of Alaska as a staff psychiatrist at API from June to December 2018.

21. API is a state-run acute-care facility meant to provide emergency and court-ordered inpatient psychiatric services.

22. Both Dr. Blanford's and Dr. Bellville's primary responsibilities at API were to care for psychiatric patients who were in

crisis or who had been admitted voluntarily or committed to the institution involuntarily by court order.

23. Neither Dr. Blanford nor Dr. Bellville was in what is considered a "policymaking" role during his employment. Neither affiliation with a particular political party nor allegiance to or eschewing of any political points of view was an appropriate requirement for the effective performance of Dr. Blanford's or Dr. Bellville's jobs.

24. On November 6, 2018, Michael Dunleavy was elected Governor of Alaska. On November 8, 2018, the Governor-elect announced that Tuckerman Babcock would serve as his chief of staff and as the chair of Mr. Dunleavy's transition team.

25. Immediately prior to being selected as Mr. Dunleavy's chief of staff and transition chair, Mr. Babcock served for two-and-a-half years as the chair of the Alaska Republican Party.

26. Mr. Babcock's primary role as chair of the Alaska Republican Party was to promote Republican candidates and get them elected to State offices.

27. As the chair of the Alaska Republican Party, Mr. Babcock was well known for his criticisms of Republicans who, once elected,

attempted to work in bipartisan coalitions or who attempted to work in a bipartisan manner to address important policy issues in Alaska.

28. As the chair of the Alaska Republican Party, Mr. Babcock also attempted to undermine Republican elected officials who worked in a bipartisan manner and attempted to facilitate, sometimes successfully, their removal from office.

29. On November 16, 2018, Mr. Babcock sent a memorandum to more than 1,200 at-will State of Alaska employees requesting their resignations. The Babcock memorandum states in part that "the incoming administration will be making numerous personnel decisions" and that Mr. Dunleavy "is committed to bringing his own brand of energy and direction to state government." Exhibit 1.

30. Although characterized as "customary during the transition from one administration to the next," the request for resignations was sent to an unprecedented number of State of Alaska employees, including, according to several Alaska legislators who criticized the move, "medical doctors, psychiatrists, pharmacists, fiscal analysts, state tax code specialists, investment managers, petroleum geologists, trust managers, accountants, research analysts, IT professionals, loan officers, military & veterans affairs coordinators, marine transportation

managers, administrative law judges, and state attorneys presently working on behalf of the public on important and complicated legal issues, including prosecutors on criminal cases.” Exhibit 2.

31. When asked about the memorandum the day after it was issued, Mr. Babcock said that then-Governor-elect Dunleavy “just wants all of the state employees who are at-will . . . to affirmatively say, ‘Yes, I want to work for the Dunleavy administration.’” Exhibit 3 at 2.

32. Mr. Babcock further stated that the requests for resignations were meant to solicit a pledge of allegiance from state employees to Mr. Dunleavy’s political positions by asking, “Do you want to work on this agenda, do you want to work in this administration? Just let us know.” *Id.*

33. Mr. Babcock also announced that any state employee who refused or failed to offer her or his allegiance to Mr. Dunleavy risked being fired. “If you don’t want to express a positive desire, just don’t submit your letter of resignation,” Babcock said. “And then you’ve let us know you just wish to be terminated.” *Id.* at 3.

34. Mr. Dunleavy echoed Mr. Babcock’s description of the resignation requests, saying they were meant “to give people an

opportunity to think about whether they want to remain with this administration” *Id.* at 2.

35. The Babcock memorandum states that the resignations would not be “automatic,” but that “consideration will be given” to each employee’s “statement of interest in continuing in [her or his] current or another appointment-based state position.” Exhibit 2.

36. The Babcock memorandum set a deadline of November 30, 2018, for employees to submit their resignations and statements of allegiance to the Dunleavy transition team.

37. All the staff psychiatrists at API received the Babcock memorandum requesting their resignations, despite the fact that none of the psychiatrists, including Drs. Blanford and Bellville, was a “policymaker” whose affiliation with a particular political party or allegiance to a political point of view was an appropriate requirement for his effective job performance.

38. On November 19, 2018, the Anchorage Daily News published a letter to the editor from Dr. Blanford in which he said he did not plan to offer his resignation in response to the Babcock memorandum. Exhibit 4.

39. Dr. Blanford explained in his letter that the State of Alaska had hired him for his "expertise," and not his "political allegiance." He noted too that his "moral allegiance" was "to the mentally ill and the staff who care for them," and that the "symbolic gesture of deference" demanded by the Babcock memorandum didn't "settle well" with him.

Id.

40. Dr. Blanford also pointed out that the only Dunleavy "agenda" he was aware of was "further cuts and hiring freezes," and that he did not support such a plan for API because it would cause Alaska's mental health crisis "to continue or get worse." *Id.*

41. Neither Dr. Blanford nor Dr. Bellville submitted his resignation to Mr. Dunleavy's transition team by the stated deadline of November 30, 2018.

42. On December 3, 2018, at 9:46 and 9:47 a.m., respectively, Mr. Babcock fired Drs. Bellville and Blanford, effective at noon that day. Exhibit 5; Exhibit 6.

43. Mr. Dunleavy was sworn in as the Governor of Alaska at 12:00 p.m. on December 3, 2018.

44. On information and belief, several other State of Alaska employees intended, but were unable, to submit resignation notices on

November 30 because a strong earthquake that occurred in Southcentral Alaska on that day disrupted their ability to get to work or send and receive email. These employees were also fired from their jobs on the morning of December 3.

45. On information and belief, these employees submitted their resignation letters immediately after learning that they had been fired, explaining the reason for their inability to meet the Babcock memorandum's November 30 deadline, and their termination notices were rescinded.

46. At least one other non-policymaking State of Alaska employee refused to submit a resignation to the Dunleavy transition team because she did not believe that her job required her to offer a pledge of allegiance to the new Governor. This employee was also fired by Mr. Babcock as soon as Mr. Dunleavy became Governor.

**First Cause of Action: 42 U.S.C. § 1983
Violation of the Right to Freedom of Speech Under the First
Amendment of the U.S. Constitution**

47. The First Amendment of the United States Constitution provides that "Congress shall make no law . . . abridging the freedom of speech."

48. Inherent in the First Amendment's guarantee is the principle that public employees in non-policymaking roles cannot constitutionally be compelled to relinquish the free speech rights they otherwise enjoy as citizens to comment on matters of public interest.

49. The right to free speech includes both the right to speak freely and the right to refrain from speaking at all. The right not to speak also prohibits the state from compelling non-policymaking public employees to pledge allegiance to any particular political brand of government.

50. Plaintiffs Anthony Blanford and John Bellville both exercised their constitutional right not to speak when they refused to offer their letters of resignation to Messrs. Dunleavy and Babcock.

51. Plaintiff Anthony Blanford also exercised his right to free speech when he publicly announced that he did not plan to resign and did not agree with potential plans to reduce funding for mentally ill patients.

52. Drs. Blanford and Bellville were employed in non-policymaking roles as psychiatrists for the State of Alaska.

53. Defendants retaliated against Drs. Blanford and Bellville for their exercise of their free speech rights by terminating their employment.

54. Defendants had no legitimate reason for terminating Dr. Blanford's or Dr. Bellville's employment.

55. By terminating Dr. Blanford's and Dr. Bellville's employment, Defendants violated, and continue to violate Drs. Blanford's and Bellville's rights to free speech guaranteed by the First Amendment to the United States Constitution.

56. Defendants' violation of Dr. Blanford's and Dr. Bellville's free speech rights was done with intent, malice, and gross and reckless disregard for Dr. Blanford's and Dr. Bellville's constitutional rights.

57. Drs. Blanford and Bellville have suffered harm in the form of lost wages, benefits, other remuneration, and damages as a result of Defendants' termination of their employment.

Second Cause of Action: Violation of the Right to Freedom of Speech Under Article I, § 5 of the Alaska Constitution

58. Article I, § 5 of the Alaska Constitution provides: "Every person may freely speak, write, and publish on all subjects, being responsible for the abuse of that right."

59. Like the United States Constitution, the Alaska Constitution's free speech guarantee includes the principle that public employees in non-policymaking roles cannot constitutionally be compelled to relinquish the free speech rights they otherwise enjoy as citizens to comment on matters of public interest.

60. Like the United States Constitution, the Alaska Constitution's free speech guarantee includes both the right to speak freely and the right to refrain from speaking at all. The right not to speak also prohibits the state from compelling non-policymaking public employees to pledge allegiance to any particular political brand of government.

61. Plaintiffs Anthony Blanford and John Bellville both exercised their constitutional right not to speak when they refused to offer their letters of resignation to Messrs. Dunleavy and Babcock.

62. Plaintiff Anthony Blanford also exercised his right to free speech when he publicly announced that he did not plan to resign and did not agree with potential plans to reduce funding for mentally ill patients.

63. Drs. Blanford and Bellville were employed in non-policymaking roles as psychiatrists for the State of Alaska.

64. Defendants retaliated against Drs. Blanford and Bellville for their exercise of their free speech rights by terminating their employment.

65. Defendants had no legitimate reason for terminating Dr. Blanford's or Dr. Bellville's employment.

66. By terminating Dr. Blanford's and Dr. Bellville's employment, Defendants violated, and continue to violate Drs. Blanford's and Bellville's rights to free speech guaranteed by Article I, § 5 of the Alaska Constitution.

67. Defendants' violation of Dr. Blanford's and Dr. Bellville's free speech rights was done with intent, malice, and gross and reckless disregard for Dr. Blanford's and Dr. Bellville's constitutional rights.

68. Drs. Blanford and Bellville have suffered harm in the form of lost wages, benefits, other remuneration, and damages as a result of Defendants' termination of their employment.

**Third Cause of Action: Violation of the Implied Covenant
of Good Faith and Fair Dealing**

69. Every at-will employment contract in Alaska is subject to the implied covenant of good faith and fair dealing.

70. The implied covenant of good faith and fair dealing has two components, a subjective component and an objective component. If an

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employer breaches either component, the employer breaches the implied covenant.

71. An employer breaches the subjective component of the implied covenant of good faith and fair dealing when it terminates an employee's employment and the termination decision is motivated by an improper or impermissible objective.

72. An employer breaches the objective component of the covenant of good faith and fair dealing if it treats an employee in a manner that a reasonable person would regard as unfair.

73. Under either component an employer cannot legally terminate an employee on unconstitutional grounds or for reasons that violate public policy.

74. It is the public policy of the State of Alaska, embodied in Article XII, § 6 of the Alaska Constitution, that the employment of persons by the State be governed by the merit principle.

75. It is also the policy of the State of Alaska, embodied in AS 44.17.040, that the principal executive officer of each State department be responsible for the appointment and removal of employees. In accordance with this policy, Drs. Blanford and Bellville were hired with the understanding that they were subject to removal

only by the Commissioner of the Department of Health and Social Services.

76. Defendants Michael Dunleavy and Tuckerman Babcock unconstitutionally terminated the employment of Drs. Blanford and Bellville.

77. Defendants Michael Dunleavy and Tuckerman Babcock also violated the public policy of the State when they terminated the employment of Drs. Blanford and Bellville.

78. Defendants violated both the subjective and objective components of the implied covenant of good faith and fair dealing when they terminated the employment of Drs. Blanford and Bellville.

79. Defendants' violation of the covenant has caused Drs. Blanford and Bellville harm in the form of lost wages, benefits, and other remuneration.

Prayer for Relief

Based on the facts set forth above, Plaintiffs request that judgment be entered in their favor as follows:

1. For declaratory judgment that Defendants violated Dr. Blanford's and Dr. Bellville's First Amendment rights to free speech by terminating their employment;

2. For declaratory judgment that Defendants violated Dr. Blanford's and Dr. Bellville's rights to free speech guaranteed by the Alaska Constitution by terminating their employment;

3. For declaratory judgment that Defendants violated the implied covenant of good faith and fair dealing by terminating Dr. Blanford's and Dr. Bellville's employment;

4. For an injunction ordering Gov. Dunleavy in his official capacity and the State of Alaska to reinstate Drs. Blanford and Bellville to their positions as director of psychiatry and staff psychiatrist, respectively, and pay them back pay and front pay and make them whole with respect to any other diminishment of remuneration or compensation resulting from the loss of their jobs;

5. For an injunction ordering Defendants to refrain from any future retaliation against Drs. Blanford and Bellville and any other similarly situated non-policymaking State of Alaska employees;

6. For damages, including punitive damages, against Defendants Dunleavy and Babcock in their individual capacities for the unlawful deprivation of Dr. Blanford's and Dr. Bellville's free speech rights, in an amount to be adduced by the evidence at trial;

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7. For Plaintiffs' costs and attorneys' fees incurred in obtaining the relief sought in this proceeding; and

8. For such other relief as this court may deem just and equitable.

Dated January 10, 2019.



By: _____
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Joshua A. Decker, Bar No. 1201001
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*Counsel for Plaintiffs Anthony
Blanford and John Bellville*

MEMORANDUM

From: Tuckerman Babcock,
Governor-Elect Dunleavy
Transition Chair

Date: November 16, 2018

Re: Request for Resignation

Over the next several weeks, the outgoing and incoming administration are working together to make the transition from Governor Walker to Governor-Elect Dunleavy as seamless as possible. Both administrations greatly appreciate the dedication and service of all employees who serve the State of Alaska. We understand that transitions can be difficult both personally and professionally. Therefore, we are working to provide you with information to make the transition process as smooth as possible.

As you are aware, Governor-Elect Dunleavy will be sworn into office on Monday, December 3, 2018. In the coming weeks, the incoming administration will be making numerous personnel decisions. Governor-Elect Dunleavy is committed to bringing his own brand of energy and direction to state government. It is not Governor-Elect Dunleavy's intent to minimize the hard work and effort put forth by current employees, but rather to ensure that any Alaskan who wishes to serve is given proper and fair consideration.

As is customary during the transition from one administration to the next, we hereby request that you submit your resignation in writing on or before November 30, 2018 to Team2018@alaska.gov. If you wish to remain in your current position, please make your resignation effective upon acceptance by the Dunleavy administration.

Acceptance of your resignation will not be automatic, and consideration will be given to your statement of interest in continuing in your current or another appointment-based state position. Please also include your e-mail address and phone contact so that you can be reached to discuss your status directly.

Governor-Elect Dunleavy is encouraging you and all Alaskans to submit their names for consideration for service to our great state. Should you desire to continue your service to the State of Alaska in another appointment-based position, you are invited to submit your information and the position(s) you desire for consideration before December 3, 2018. Please submit your application through the portal located at GOVERNORMIKEDUNLEAVY.COM.

We appreciate your assistance and cooperation during this period of transition. Again, we wish to express our sincere gratitude for your dedication and service to the State of Alaska and wish you the best in your future endeavors.

Note: If you believe you have received this message in error please so indicate in a reply to the above electronic mail address.

ALASKA STATE LEGISLATURE



27 November 2018

The Honorable Mike Dunleavy
Governor-elect of the State of Alaska
3rd Floor, State Capitol
Juneau, AK 99811

Dear Mr. Dunleavy,

You recently requested resignations from all current at-will State of Alaska employees, with the stated objective to maintain the employment of only those who "want to work on" your administration's "agenda." The employees will be terminated unless they express "a positive desire" to serve the Dunleavy administration through an affirmative statement in writing. We believe your policy is ill-considered, and we call on you to reverse course on it immediately.

We certainly recognize your right to seek the resignations of those state employees whose positions are more policy-oriented in nature—department commissioners, directors, executive staff, and the like. However, your resignation demand goes far beyond that. The state employees whose resignations you have demanded are professionals with specialized education, training, and skill sets—and years of experience. Among the employees from whom you've sought resignations are medical doctors, psychiatrists, pharmacists, fiscal analysts, state tax code specialists, investment managers, petroleum geologists, trust managers, accountants, research analysts, IT professionals, loan officers, military & veterans affairs coordinators, marine transportation managers, administrative law judges, and state attorneys presently working on behalf of the public on important and complicated legal issues, including prosecutors on criminal cases.

The functions of these employees are not political. They serve the state's needs and its greater good. These individuals swear an oath to uphold and defend the U.S. and Alaska Constitutions, not a pledge to support any particular state chief executive. We do not believe they should feel intimidated into specific allegiance to the Dunleavy administration. Whether or not you intended it, your policy effects a demonstration of loyalty, and only then through economic coercion and a risk of negative impacts to one's professional career. These employees are now faced with unwarranted personal uncertainty; they only know that their best chance of preserving their current employment and their livelihoods is through attesting their strong desire to serve you.

While you've acknowledged that you've "broadened the scope" from the typical set of public servants who are asked to resign by an incoming administration, you've suggested this move is yet "customary." Your request is far from customary. On Friday November 16, the day you issued your policy memorandum, your transition chairman and incoming chief-of-staff stated to media that he did not know the number of exempt and partially exempt at-will employees who received the memo, but

indicated he believed it to be over 400. In time, we have learned the number is in excess of 1,200 employees. By comparison, Governor Walker's similar resignation request affected only about 250 employees.

Your resignation demand implicates several serious additional concerns. Public employees are citizens with First Amendment rights, but your resignation and rehire policy tends to effect a chill to their freedom of speech and freedom of association. We hope and anticipate that none of these public servants will experience loss of his or her job due to past or present political affiliation or other activities. We further hope and expect that your administration will continue to respect the freedoms and diverse perspectives of those serving in these state positions in non-political roles, whose sole focus is to work to improve the state and the lives of the people of Alaska.

While you sort through your hiring decisions, in the meantime, your resignation policy will continue to leave employees with anxiety and poor morale, which unsurprisingly detracts the state. If every incoming administration were to take this same posture with respect to our at-will employees—every four or eight years—we imagine the instability to our workforce that would result. This is certainly not the behavior one would ever expect in the private sector—wholesale resignation demands anytime a new chief executive takes the helm. The uncertainty employees would feel would cause many of our highly skilled, specially trained personnel to seek employment elsewhere, even out of state. Disruption and discontinuity to our projects and programs harm Alaska.

Your action also raises other significant questions. It's been observed in the media that when a state employee is terminated—even for just one day—that person's accrued leave balance must be "cashed out." As of November 19, the present value of cashing out the 1224 state employees' leave was \$20,755,631. Even if some or most of these employees end up staying with the State, if some or many are in fact terminated, or they decide to leave based on perceived insecurity as a result of your policy, this could result in large leave payouts that the State may not have anticipated, especially in its present fiscal circumstances. What provisions have you made in anticipation of these leave payouts?

What will be the unemployment benefits eligibility status of state employees affected by your policy who lose their jobs as a consequence? Alaska Statute 23.20.379 provides that an insured worker is disqualified for unemployment benefits for up to the initial six weeks when the worker "left [his or her] last suitable work voluntarily without good cause." It's possible that your resignation requirement could be construed by a court as a "voluntary" departure, because the end of state service would be based first on the employee's submitted resignation, then your acceptance. In fact, even the employee's decision *not to submit* a resignation could be deemed a "voluntary" departure, because as your transition chair has forewarned, where an employee does not submit one, then "you've let us know you just wish to be terminated." In light of this notice, the employee who elects to forego an *attempt* to keep his or her job may well be considered to have quit.

At any rate, your resignation policy may subject the State to legal action in this regard, even a class action. And employees presently uncertain of their continued state service are undoubtedly weighing the possible outcomes extending from your policy against what may be best for their families in the long-run, and pursuing unemployment benefits is likely on their minds.

Further troubling is that you are requiring employees to resign to a State email address, Team2018@alaska.gov, but for rehire, to submit their application materials online at a private website, www.governormikedunleavy.com. We question whether this private website—which uses a private Lower-48 corporation to collect our state employees' information—provides a proper, legal venue for

receipt of such submissions for official State business. Will actions taken via your private website allow legally mandated transparency? Will legitimate future requests for documents under the Freedom of Information Act and the Alaska Public Records Act be honored? Will the information collected on this website regarding state employees be used for any purposes other than to assess their hiring?

We also question whether the privacy and security features of your website align with State of Alaska policies for handling such applicant information. The State's web use policy explains it is "committed to protecting visitor privacy and developing technology" to provide "a safe and secure online experience," and that it has "appropriate security measures in place to protect against the loss, misuse, or alteration of information that has been collected from visitors." On the other hand, your private website expresses outright that an applicant's personal information *could be disclosed* to entities like "subsidiaries and affiliates" of the private hosting company, and to "contractors, service providers and other third parties." This company also establishes that it has no liability for accidental loss of personal data, as it "cannot guarantee the security of [an applicant's] personal information"; "transmission of personal information is at [the user's] own risk." Your hiring practices therefore force applicants to choose between applying for rehire, or ensuring the security of their private information, and we wonder whether the use of this private site violates State privacy and security policies in any event.

Concerning hiring procedures, is your approach commensurate with State policies or best hiring practices? For instance, your memo advises employees that they may re-seek their present posts or "another appointment-based state position," which suggests that opening positions may not or will not be advertised to the public before filled. We do not see this as sound government hiring process. Alaskans should be afforded the opportunity to review and apply for open government service positions for which they may be better qualified, rather than hiring only those already in the system who are aware of existing positions and who have crafted persuasive statements of interest for you. In addition, we understand that for many of the affected at-will positions, hiring procedures had previously been followed that included review by human resource agents for application component completeness, for minimum qualifications and training, for nepotism concerns, and for equal opportunity enforcement, as well as hiring panels who deliberated on candidate selection and conducted interviews. Such good practices lead to selection of fit public servants and allows the State to maintain accurate and complete records of hiring decisions.

We are additionally troubled by the public safety implications of your action. Aside from further damaging the morale of our state attorneys, summarily terminating prosecutors in the midst of legal matters and court process could result in more criminals being set free and inexperienced attorneys being forced to litigate cases.

Based on the foregoing concerns and outstanding questions, we ask that you immediately rescind your blanket request for resignations from all at-will state employees. A better approach would be to allow these employees to continue their duties and commitment to the State of Alaska during your administration, and if or when an employee appears—in your competent judgment—to inadequately serve Alaska's best interests in his or her assigned role, then termination would be an appropriate action.

Sincerely,



Senator Bill Wielechowski



Senator Tom Begich



Senator Donny Olson



Senator-elect Elvi Gray-Jackson



Senator-elect Jesse Kiehl



Representative Matt Claman



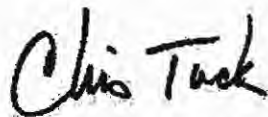
Representative Les Gara



Representative David Guttenberg



Representative Scott Kawasaki



Representative Chris Tuck

ANCHORAGE DAILY NEWS

Politics

Dunleavy team asks all at-will state workers for resignations

✍ Author: Annie Zak ⓘ Updated: November 17, 2018 🗞 Published November 16, 2018



Alaska Gov.-elect Mike Dunleavy addresses the Alaska Miners Association annual conference at the Dena'ina Convention Center in Anchorage on Nov. 8. (AP Photo/Mark Thiessen)

This story has been updated with a new article.

Alaska Gov.-elect Mike Dunleavy's transition team on Friday sent an email to all at-will state employees asking them to submit resignation letters and, if they choose, reapply for their jobs. The request went to a bigger group of state workers than occurred with previous incoming governors, according to Dunleavy's transition team.

"Such a move is customary when a new administration takes over, but the governor-elect has broadened the scope

of which employees have been asked to take this step," said a statement emailed by Dunleavy communications director Sarah Erkmann Ward.

Broadening that scope to include all at-will state employees, rather than a smaller, more select group, "typically has not been done in the past," she said in another email.

Dunleavy, a Republican, will be sworn in on Dec. 3.

At an Anchorage hotel Friday night for a separate announcement, Dunleavy told a reporter, "we look forward to talking with a whole bunch of folks" in Gov. Bill Walker's current administration.

"We want to give people an opportunity to think about whether they want to remain with this administration and be at to have a conversation with us," Dunleavy said when asked why the scope of the resignation letter request included all at-will state workers.

Dunleavy's transition chairman Tuckerman Babcock said employees are being asked to submit resignation letters, but that doesn't mean those resignation letters are automatically accepted. The request does not affect classified employee Babcock said.

"(Dunleavy) just wants all of the state employees who are at-will -- partially exempt, exempt employees -- to affirmatively say, 'Yes, I want to work for the Dunleavy administration,'" Babcock said. "Not just bureaucracy staying in place, but sending out the message, 'Do you want to work on this agenda, do you want to work in this administration? Just let us know.'"

Later, he said, "I do think this is something bold and different, and it's not meant to intimidate or scare anybody. It's meant to say, 'Do you want to be part of this?'"

It wasn't immediately clear how many employees were asked to resign on Friday.

Babcock said he did not know the number of how many at-will employees have been asked to submit resignations. He used 400 as a number of workers that have been asked to submit letters of resignation in the past.

"So you add in AHFC (Alaska Housing Finance Corp.) and AIDEA (Alaska Industrial Development and Export Authority and the Permanent Fund and all these independent agencies," Babcock said. "But independent agencies all serve the public, and they're all part of the administration."

In 2014, a transition team member for Walker also sent out a statement asking members of former Gov. Sean Parnell's administration to submit resignation letters. That letter affected about 250 state workers, the Anchorage Daily News reported at the time.

Employees have been asked to submit their resignation in writing on or before Nov. 30, according to the memo that was sent to workers on Friday.

"Acceptance of your resignation will not be automatic, and consideration will be given to your statement of interest in

continuing in your current or another appointment-based state position," the memo said.

The other alternative for at-will workers who don't submit a letter of resignation is termination from the job, Babcock said.

"If you don't want to express a positive desire, just don't submit your letter of resignation," Babcock said. "And then you let us know you just wish to be terminated."

At the Crowne Plaza hotel for the Alaska Farm Bureau's annual banquet, Dunleavy announced the appointment of Tam Ledbetter as his commissioner of the Department of Labor and Workforce Development.

"She's worked in the department for some time, she comes with great recommendations," Dunleavy said. "She's had a lot of administrative experience, her educational background is terrific."

Ledbetter is currently a regional manager for the agency's Anchorage and Matanuska Susitna Valley region. She's registered as a Republican, according to state voter registration data. Ledbetter is a veteran of the U.S. Air Force and has a doctorate degree and master's degree from the University of Phoenix, according to information from the Dunleavy transition team. She also has a bachelor's degree from Virginia Union University.

About this Author

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Comments

ANCHORAGE DAILY NEWS

Letters to the Editor

Letter: I will not resign

 Author: Anthony Blanford, M.D. | Opinion  Updated: November 19, 2018

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It is not a secret that the mental health system is in crisis in Alaska, as it is much elsewhere in the U.S. Though the Alaska Psychiatric Institute is often the focus of criticism, it's only the most visible agency statewide undergoing a severe crisis in mental health services.

As Director of Psychiatry at API, I have worked hard with many others to sustain a system that at this point appears unsustainable unless adequate support and funding is forthcoming from the Dunleavy administration.

I am also an exempt employee of the state of Alaska, but I will not be offering my resignation. Whereas it might seem like a simple matter to offer my resignation with the likelihood of being retained, this symbolic gesture of deference doesn't settle well with me.

I can't say I'm in favor of further cuts and hiring freezes, because that's not what's needed at API at this time, and that's the only plan I've heard so far. If API is not allowed to move forward with plans already in place, the crisis will continue or get worse. Politics have already cut deeply into our ability to care for the mentally ill.

The state of Alaska hired me for my expertise, not my political allegiance. My moral allegiance is to the mentally ill and the staff who care for them. There has been progress, but not nearly enough and not fast enough, with the state often getting in its own way. I would like to continue as Director of Psychiatry at API because I believe there are feasible and fiscally responsible ways improve API and our state mental health system, but I would also like to know first if the incoming administration is invested in making this happen.

Anthony Blanford, M.D.

Director of Psychiatry, Alaska Psychiatric Institute

Anchorage

Have something on your mind? Send to letters@adn.com or click here to submit via any web browser. Letters under 200 words have the best chance of being published. Writers should disclose any personal or professional connections with the subjects of their letters. Letters are edited for accuracy, clarity and length.

From: TEAM2018, gov (GOV sponsored)
Sent: Monday, December 3, 2018 9:46 AM
To: Bellville, John K (HSS)
Cc: O'Brien, Shawnda S (HSS)
Subject: Employment Notification

Thank you for your service to the State of Alaska. You are hereby notified that your position has been terminated effective December 3, 2018 at noon. If you have any questions, please contact your administrative services director.

Tuckerman Babcock
Governor-Elect Dunleavy
Transition Chair

cc: Shawnda O'Brien, Administrative Services