



THE BUCKEYE INSTITUTE

May 15, 2025

VIA Electronic Mail & United States Postal Service Certified Mail

To: Christopher Mabe, President
Patricia Hill, Grievance Manager
Ohio Civil Service Employees Association
390 Worthington Road, Suite A
Westerville, Ohio 43082
cmabe@ocsea.org
phill@ocsea.org

Dear Mr. Mabe & Mrs. Hill:

I write on behalf of Mark “Ryan” Smith, an employee of the Ohio Department of Veterans Services, Ohio Veterans Home. As I represent Mr. Smith in this matter, please direct any correspondence to me.

On April 7, 2025, Mr. Smith, a United States Marine Corps Combat Veteran, began his employment with Ohio Veterans Home. Mr. Smith sought the job with the intent of helping other veterans. As part of Mr. Smith’s first-day orientation, AFSCME/OCSEA Chapter 2200 (the “Union”) President Tim Federkiel addressed Mr. Smith and three other new hires. Unlike any of the other onboarding paperwork that Mr. Smith signed, the specific application paperwork for the Union was rushed. Mr. Federkiel told the new hires to “go ahead and complete and hand in the yellow paper, and I’ll begin the slides.” Mr. Smith and all three other new hires stated, when questioned by Ohio Veterans Homes’ human resources department, that Mr. Federkiel took the paperwork before providing the new hires any information about the Union.

During Mr. Federkiel’s presentation, he made direct political statements, including statements like “your dues will go to fund things like you have seen on the news lately” and “we will back anyone but that Vivek Ramaswamy.” Mr. Smith disagreed with many of Mr. Federkiel’s statements and having his money fund these political actions. As such, Mr. Smith asked Mr. Federkiel if all employees must join the Union. Mr. Federkiel replied, “Do you like that pay rate you signed on at,” \$17/hour, “a union negotiated that.” Mr. Smith calmly replied that he would like his Union application back as he did not want to join the Union. Mr. Federkiel replied aggressively, “No,” it was too late, he had it now. Indeed, Mr. Smith has not even been given a copy of the application despite his requests for a copy.

In *Janus v. Am. Fed’n of State, Cnty., & Mun. Emps., Council 31*, 585 U.S. 878 (2018), the United States Supreme Court established a non-member employee’s right to not subsidize public union activities without that employee’s prior, informed consent. Despite Mr. Smith’s right to refrain from funding speech that he disagrees with and from associating with organizations whose speech

he disagrees with, Union President Tim Federkiel refused to give Mr. Smith back his Union application, minutes after it was signed. Mr. Federkiel's refusal to return the application and failure to inform the new hires about the Union's activities until after they signed their applications is unlawful and unconscionable. *See* R.C. 4117.11(B)(1) ("It is an unfair labor practice for an employee organization, its agents, or representatives, or public employees to . . . [r]estrain or coerce employees in the exercise of" their right to "join, assist, or participate in, or refrain from forming, joining, assisting, or participating in . . . any employee organization of their own choosing."); *see also Loc. Lodge 1297, Int'l Ass'n of Machinists & Aerospace Workers v. Allen*, 22 Ohio St. 3d 228, 233 (1986) ("An employee must be permitted to make an informed choice as to whether to join, or not to join, a union."). Few would contest that workers are both legally and morally entitled to make a free, uncoerced, and informed choice as to whether to join a union. Mr. Federkiel's actions undermined this basic principle.

As such, I hereby demand that you:

- (1) Rescind any agreement with AFSCME/OCSEA, and any local affiliate, signed by Mr. Smith, including, but not limited to, a membership application and dues deduction authorization.
- (2) Initiate an investigation into Mr. Federkiel's actions and take necessary steps to ensure that no former, current, or future employee is restrained or coerced into exercising or refraining from exercising their R.C. Chapter 4117 rights.

Given the gravity of the situation, I respectfully request that you respond no later than ten (10) days from the date of this letter to confirm receipt and indicate whether you will comply with these demands. Failure to promptly respond and comply with these demands will result in an immediate unfair labor practice charge being filed with the Ohio State Employment Relations Board.

Thank you for your prompt attention to this matter.

Sincerely,

David C. Tryon
Director of Litigation
The Buckeye Institute