

May 1, 2020

Matthew M. Damschroder  
Office of the Director  
Ohio Department of Administrative Services  
30 E. Broad St., 40th Floor  
Columbus, Ohio 43215

Peter Renner  
Chief Human Resources Officer  
Ohio Department of Administrative Services  
30 E. Broad St., 40th Floor  
Columbus, Ohio 43215

Kristen Rankin  
Director, Office of Collective Bargaining  
Ohio Department of Administrative Services  
30 E. Broad St., 40th Floor  
Columbus, Ohio 43215

Dear Messrs. Damschroder, Renner and Ms. Rankin,

Enclosed please find the forms of 462 State of Ohio employees represented the Ohio Civil Service Employees Association (OCSEA)/American Federation of State, County and Municipal Employees (AFSCME) Local 11, SEIU District 1199, Ohio Education Association, etc. who wish to resign from and cease paying dues to their unions.

Each of the enclosed forms constitutes an employee's attempt to exercise his or her constitutional right, pursuant to the U.S. Supreme Court's decision in *Janus v. AFSCME* (2018), to refrain from financially supporting a labor union. Accordingly, each of these forms has been delivered to OCSEA.

As of the date of this letter, however, the union has failed to process any of the enclosed dues cancellation requests.

As the entity performing payroll dues deductions on behalf of OCSEA, the Ohio Department of Administrative Services should take immediate action to process the enclosed forms and cease deducting dues from these employees on the union's behalf.

Additionally, we seek your office's assistance to also handle the forms of non-OCSEA employees.

It is appropriate for DAS to take such action. Pursuant to ORC 4117.09(B)(2) and Article 4.01 of the 2018-2021 collective bargaining agreement (CBA) between the State of Ohio and OCSEA, DAS is the proper custodian of employees' written dues deduction authorization forms, and possession of those forms appears to be the only statutory and contractual condition under which DAS has the authority to perform dues deductions in the first place. Because the enclosed requests from State of Ohio employees are seeking to revoke any prior authorization they have provided, DAS has a corresponding duty to process the revocations.

Furthermore, no enforceable contractual provision prevents DAS from processing the enclosed forms. Most notably, the "fair share" fee described under Article 4.02 is no longer enforceable after the court's ruling in *Janus*; and, notwithstanding any similar constitutional issues, the "maintenance of membership" provision in Article 4.03 appears to be expressly prohibited under ORC 4117.09(C), which states, "...No public employer shall agree to a provision requiring that a public employee become a member of an employee organization as a condition for securing or retaining employment."

Given that no legitimate barriers prevent it from doing so, DAS should immediately process the enclosed dues cancellation requests and cease deducting dues from these employees on OCSEA's behalf.

Please inform me of the department's intentions as soon as possible, and do not hesitate to let me know if you have any questions.

Thank you,

A handwritten signature in black ink, appearing to read "Lindsey Queen". The signature is fluid and cursive, with a long horizontal stroke at the end.

Lindsey Queen  
State Director  
Freedom Foundation