

**21-1454 THE OHIO ADJUTANT GENERAL'S DEPT. V. FEDERAL LABOR RELATIONS
AUTHORITY**

DECISION BELOW: 21 F.4th 401

LOWER COURT CASE NUMBER: 20-3908

QUESTION PRESENTED:

1. Does the Civil Service Reform Act of 1978, which empowers the Federal Labor Relations Authority to regulate the labor practices of federal agencies only, see 5 U.S.C. §7105(g), empower it to regulate the labor practices of state militias?

2. The second Militia Clause empowers Congress to "provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States." U.S. Const. art. I, §8, cl. 16. Assuming the Civil Service Reform Act of 1978 permits the Federal Labor Relations Authority to regulate the labor practices of state militias, is the Act unconstitutional in its application to labor practices pertaining to militia members who are not employed in the service of the United States?

LIMITED TO QUESTION 1 PRESENTED BY THE PETITION.

CERT. GRANTED 10/3/2022