



# THE BUCKEYE INSTITUTE

## Statement of Facts

Robert Gibson is a former member of OAPSE. On August 15, 2025, Mr. Gibson resigned from OAPSE when he sent a resignation letter to the union, consistent with OAPSE's requirements. (A copy of Mr. Gibson's letter is attached). On September 3, 2025, Mr. Gibson received a letter from OAPSE stating that while he is no longer a member of the union, he is still required to pay his union dues because his "request to have dues deduction authorization cancelled does not satisfy the requirements set forth on the membership application [he] signed." (A copy of OAPSE's response is attached).

When Mr. Gibson contacted his local union president, Nichole Ebert, seeking clarification as to why his opt-out was denied, Ms. Ebert told him that his request was untimely. As Ms. Ebert explained, Mr. Gibson was no longer a member of OAPSE but still had to pay his dues. But Mr. Gibson's membership application states that the opt-out window is "the ten day period before the end of the initial one-year term or any renewal year thereafter." (A copy of Mr. Gibson's membership application is attached). For Mr. Gibson, who joined OASPE on August 16, 2023, his window is August 5 through August 15. Mr. Gibson abided by OAPSE's opt-out window, opting out on August 15, squarely within the ten-day window. Still, OAPSE instructed Mr. Gibson's employer, Madison Plains School District, to continue deducting dues from his pay. In the 90 days preceding this charge, OAPSE has forced Mr. Gibson's employer to deduct dues from Mr. Gibson's paycheck. (Paystubs indicating deductions in the past 90 days are attached [Note: this document was intentionally not included in the version posted to The Buckeye Institute's website]). As of March 24, 2026, OAPSE continues to deduct dues from Mr. Gibson.

OAPSE's failure to honor the opt-out window and continue collecting membership dues from Mr. Gibson is an unfair labor practice under R.C. 4117.11(B)(1) because it restrained Mr. Gibson from exercising his right under R.C. 4117.03(A)(1) to "refrain from . . . assisting . . . any employee organization . . ."

OAPSE's conduct is also an unfair labor practice pursuant to R.C. 4117.11(B)(2) because it caused or attempted to cause Mr. Gibson's employer to violate Mr. Gibson's rights under R.C. 4117.03(A)(1). When Mr. Gibson sought further clarification on how to opt out from Kelly McKinniss, an administrative assistant for OAPSE, Ms. McKinniss told Mr. Gibson that his opt-out was untimely. Other emails to OAPSE Field Representative Sean Dahl went unanswered.

Ohio Association of Public School Employees, AFSCME local 4  
6805 Oak Creek Drive  
Columbus, OH 43229-1591

OAPSE Executive Director:

Effective immediately, I resign membership in all levels of Ohio Association of Public School Employees, AFSCME local 4.

I do not consent to any payment or withholding of dues, fees, or political contributions to the union or its affiliates. If you believe I have given consent in the past, that consent is revoked, effective immediately.

The right to be free from forced union payments is guaranteed under the First Amendment of the Federal Constitution as recognized by *Janus v. AFSCME*. I insist that you immediately cease deducting any and all union dues or fees from my paycheck or account, as is my constitutional right. This notification is permanent and continuing in nature, until I sign indicating otherwise.

Further exaction of union dues or fees against my will violates my constitutional rights. If you refuse to process such cessation of payment, I request that you:

- promptly provide me with a copy of any dues deduction authorization — written, electronic, or oral — the union has on file for me; and
- promptly inform me, in writing, of exactly what steps I must take to effectuate my constitutional rights and stop the deduction of dues/fees.

I understand that OAPSE has arranged to be the sole provider of workplace representation services for all employees in my bargaining unit. I understand further that, in exchange for the privilege of acting as the exclusive bargaining representative, OAPSE must continue to represent me fairly and without discrimination in dealings with my employer and cannot, under any circumstances, deny me any wages, benefits, or protections provided under the collective bargaining agreement with my employer.

I trust that you will act promptly to properly observe my constitutional rights.

Robert Spencer Gibson  
1950 Glade Run Rd  
West Jefferson, Ohio 43162

████████████████████

Madison Plains Local School District  
High school aide

Signature and Date: \_\_\_\_\_

████████████████████  
████████████████████

August 15, 2025

Do not contact me with any future membership solicitations or union materials.



# Ohio Association of Public School Employees

*American Federation of State, County and Municipal Employees, AFL-CIO*

OAPSE/AFSCME Local 4/AFL-CIO, 6805 Oak Creek Drive, Columbus, Ohio 43229-1591

(614)890-4770 • (800)786-2773 • (614)890-3540 FAX

[www.oapse.org](http://www.oapse.org)

September 3, 2025

**Joseph P. Rugola**  
*Executive Director*

Robert Gibson  
1950 Glade Run Rd  
West Jefferson OH 43162

**Lois Carson**  
*State President*

Dear Robert,

**Michael Lang**  
*State Vice President*

We are in receipt of a recent notice from you indicating that you wish to withdraw from membership in our Union and to stop your dues deduction authorization.

**Sheila Dawkins-Flinn**  
*State Secretary*

While we acknowledge your withdrawal from membership, we hope that you will consider the fact that OAPSE members in Ohio make thousands of dollars more each year than those doing exactly the same jobs without our union's representation. We only stay strong when those who benefit from OAPSE do their part to support that work. Additionally, OAPSE members and their families enjoy many other benefits from membership, including low-cost education courses, access to home mortgages, credit cards and discounts to major Ohio theme parks. Also, you must be a union member to vote on a contract with your employer, attend meetings and vote in local union elections or run for office. For better wages, benefits, job security, and a decent retirement income, remain part of our union and carry your share of the load. You should also be aware that your request to have dues deduction authorization cancelled does not satisfy the requirements set forth on the membership application you signed.

If you have any questions, please contact us at [REDACTED] or [REDACTED].

Thank you.

Very truly yours,

[REDACTED SIGNATURE]

Kelly McKinniss  
Administrative Assistant - Accounting

- cc: Nichole Ebert, Local 537 President
- Jennifer Mason, Local 537 Treasurer
- Steve Myers, OAPSE Regional Director
- Sean Dahl, OAPSE Field Representative

**OAPSE/AFSCME LOCAL 4 MEMBERSHIP APPLICATION/  
DUES CHECK-OFF AUTHORIZATION**

MJD 8-31-23



(Please PRINT CLEARLY and FIRMLY in INK.)

Employer Madison Plains Local SD Local No. 537

Last Name Gibson Suffix \_\_\_\_\_

First Name Robert M.I. S  M or  F

S.S.N. [REDACTED] D.O.B. 11/08/1970

Address 1950 Glade Run Rd

City West Jefferson State OH ZIP 43162

Home Phone (\_\_\_\_) \_\_\_\_\_ \* Cell Phone [REDACTED]

County of Residence Madison

Personal Email [REDACTED]  Yes! I would like to receive important alerts from my Union!

Job Classification Aide

I hereby apply (or re-apply) for membership in the Ohio Association of Public School Employees (OAPSE/AFSCME Local 4/AFL-CIO) (hereafter "OAPSE" or the "Union") and I agree to abide by its Constitution and By-laws. I authorize the Union and its successor or assign as my bargaining agent on matters of wages, hours, working conditions or other matters that may affect my employment. I further authorize and direct my Employer to deduct OAPSE State dues and Local dues (current or as increased) from my salary or wages and remit the same to the OAPSE State Treasurer. This voluntary authorization of dues deduction and assignment shall be irrevocable, regardless of whether I am or remain a member of the Union, for a period of one year from the date that I signed and shall automatically renew from year-to-year thereafter, unless I give to the OAPSE State Treasurer written notice of revocation signed by me during the ten-day period before the end of the initial one-year term or any renewal year thereafter. I further agree that dues deduction may not be revoked at any other time or in any other manner except as provided herein. Dues, contributions or gifts to OAPSE are not tax deductible as charitable contributions for federal income tax purposes. However, they may be tax deductible as ordinary and necessary business expenses. This membership application/dues check-off authorization supersedes any prior membership application/dues check-off authorization I have signed. I recognize that my authorization of dues deductions, and the continuation of such authorization from one year to the [REDACTED] of my employment.

Signature [REDACTED] Date 08/16/23

\* By providing your cell phone number, you consent to receive calls (including recorded or autodialed calls, or text messages) at that number from AFSCME and its affiliated labor, political and charitable organizations on any subject matter. Your carrier's rates may apply. You may modify your preferences by calling the Union at (614)890-4770.

**AFSCME PEOPLE PAYROLL DEDUCTION FORM**



Circle Jacket Size: XS S M L XL 2X 3X 4X 5X

Jacket received at sign-up.  No, OAPSE Office to send my jacket to the name and address listed above.

YES, I want to contribute the following amount to AFSCME PEOPLE through PAYROLL DEDUCTION. The amount authorized is to be deducted annually in equal installments.

Champion Levels of Participation:  \$100 (MVP)  \$250 (MVP-Bronze)  \$500 (MVP-Silver) (or)  \$1,000 (MVP-Gold)  Other \$ \_\_\_\_\_

I hereby authorize my Employer and associated agencies to deduct from each pay period the appropriate amount which will reflect my total annual contribution certified on this form as a voluntary contribution to be paid to the Treasurer of AFSCME/PEOPLE, c/o OAPSE/AFSCME Local 4/AFL-CIO, 6805 Oak Creek Drive, Columbus, Ohio 43229-1591, to be used for the purpose of making political contributions and expenditures. My contribution is continuous unless revoked by giving written notice to my Employer and my Union. My contribution is given voluntarily and I understand that it is not required as a condition of membership in any organization, or as a condition of continued employment, and is free of reprisal. I understand that any contribution guideline is only a suggestion and I am free to contribute more or less than that amount and will not be favored or disadvantaged due to the amount of my contribution or refusal to contribute. In accordance with [REDACTED] we will accept contributions only from members of AFSCME and their families. Contributions are not deductible for federal tax purposes.

Signature [REDACTED] Date 08/16/23

Recruiter \_\_\_\_\_ Local No. \_\_\_\_\_