

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
SUBREGION 34**

WESTERN CONNECTICUT HEALTH
NETWORK, D/B/A DANBURY HOSPITAL

AND

AMERICAN FEDERATION OF TEACHERS,
CONNECTICUT, AFT, AFL-CIO

Cases 01-CA-132901
 01-CA-134588

WESTERN CONNECTICUT HEALTH
NETWORK, AND ITS AFFILIATES

AND

AMERICAN FEDERATION OF TEACHERS,
CONNECTICUT, AFT, AFL-CIO

Case 01-CA-138810

**ORDER CONSOLIDATING CASES, CONSOLIDATED
COMPLAINT AND NOTICE OF HEARING**

Pursuant to Section 102.33 of the Rules and Regulations of the National Labor Relations Board (the Board) and to avoid unnecessary costs or delay, IT IS ORDERED THAT Case 01-CA-132901, Case 01-CA-134588 and Case 01-CA-138810, which are based on charges filed by American Federation of Teachers, Connecticut, AFT, AFL-CIO (Union), against Western Connecticut Health Network, d/b/a Danbury Hospital (Respondent Danbury Hospital) and Western Connecticut Health Network, and its Affiliates (Respondent WCHN, and its Affiliates)(collectively called Respondents), are consolidated.

This Order Consolidating Cases, Consolidated Complaint and Notice of Hearing, which is based on these charges, is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq. and Section 102.15 of the Board's Rules and Regulations, and alleges Respondents have violated the Act as described below.

1(a) The charge in Case 01-CA-132901 was filed by the Union on July 16, 2014, and a copy was served on Respondent Danbury Hospital by regular mail and facsimile transmission on July 17, 2014.

1(b) The first amended charge in Case 01-CA-132901 was filed by the Union on July 24, 2014, and a copy was served on Respondent Danbury Hospital by regular mail and facsimile transmission on July 28, 2014.

1(c) The second amended charge in Case 01-CA-132901 was filed by the Union on September 12, 2014, and a copy was served on Respondent Danbury Hospital by regular mail and facsimile transmission on September 16, 2014.

1(d) The third amended charge in Case 01-CA-132901 was filed by the Union on October 10, 2014, and a copy was served on Respondent Danbury Hospital by regular mail and facsimile transmission on October 15, 2014.

1(e) The charge in Case 01-CA-134588 was filed by the Union on August 12, 2014, and a copy was served on Respondent Danbury Hospital by regular mail and facsimile transmission on August 13, 2014.

1(f) The first amended charge in Case 01-CA-134588 was filed by the Union on October 15, 2014, and a copy was served on Respondent Danbury Hospital by regular mail and facsimile transmission on October 16, 2014.

1(g) The charge in Case 01-CA-138810 was filed by the Union on October 15, 2014, and a copy was served on Respondent WHCN, and its Affiliates, by regular mail and facsimile transmission on October 16, 2014.

2. At all material times, Respondents have been a limited liability corporation with offices and places of business located in Danbury, Ridgefield and New Milford, Connecticut, and have been engaged in the operation of general hospitals and affiliated organizations providing inpatient and outpatient medical care.

3. During the 12-month period ending September 30, 2014, Respondents, in conducting the operations described above in paragraph 2, derived gross revenues in excess of \$250,000 and purchased and received at the Danbury, Ridgefield and New Milford, Connecticut facilities goods valued in excess of \$50,000 directly from points outside the State of Connecticut.

4. At all material times, Respondents have been engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act, and have been health care institutions within the meaning of Section 2(14) of the Act.

5. At all material times, the Union has been a labor organization within the meaning of Section 2(5) of the Act.

6. At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondents within the meaning of Section 2(11) of the Act and agents of Respondents within the meaning of Section 2(13) of the Act:

- (a) Matthew Miller – WCHN Chief Medical Officer;
- (b) Debra Carragher – Danbury Hospital Vice President, Operations;
- (c) Theresa Champagne – Danbury Hospital Peri-Operative Services Director;
- (d) Peter Schwartz – Danbury Hospital Surgical Technicians Manager;

- (e) Toni-Ann Marchione – Danbury Hospital Radiology Department Manager;
- (f) Nicole Sora – Danbury Hospital CT Scan & Diagnostic Radiology Supervisor;
- (g) Frank Scalesi – Danbury Hospital Diagnostic/OR Supervisor.

7. Since about July 1, 2014, Respondents have maintained the following rules in the Human Resources Policies and Procedures Library:

- (a) “Employees are prohibited from soliciting or distributing literature at any time in any work or patient care areas”;
- (b) “Employees may not solicit employees for any purpose at any time in any work or patient care areas.”

8. At all material times, Respondents have maintained the following rules in the Human Resources Policies and Procedures Library:

- (a) “Western Connecticut Health Network maintains standard and electronic bulletin boards for the posting of official Western Connecticut Health Network information and notices only. Only persons designated by the Senior Vice President Human Resources or her designee may post or remove material from the bulletin boards”;
- (b) “The bulletin board space provided by the organization for the use of the union as established in the parties’ collective bargaining agreement is the sole exception to this policy”;
- (c) “The unauthorized posting of notices, photographs or written material on bulletin boards or any other Western Connecticut Health Network property is forbidden”;
- (d) “Employees may not distribute literature in working or patient care areas of Western Connecticut Health Network at any time.”

9. Since about July 14, 2014, Respondent Danbury Hospital, by Theresa Champagne, Peter Schwartz, Frank Scalesi and Nicole Sora, enforced the rules described above in paragraphs 7 and 8 selectively and disparately by prohibiting employees from soliciting employee support for the Union during non-working times outside patient care areas and from distributing union literature during non-working times in non-working areas, while permitting nonunion solicitations and distributions.

10. About July 21, 2014, Respondent Danbury Hospital, by Nicole Sora, in the Radiology Department of Danbury Hospital:

- (a) interrogated its employees about their union activities and sympathies and about the union activities and sympathies of other employees;

(b) threatened its employees with unspecified reprisals for engaging in union activities;

(c) denied its off-duty employees access to the parking lots, gates and other outside nonworking areas.

11. About July 24, 2014, Respondent Danbury Hospital, by Toni-Ann Marchione, in the Radiology Department, interrogated employees about their union activities and sympathies and about the union activities and sympathies of other employees.

12. About July 25, 2014, Respondent Danbury Hospital, by Matthew Miller, at Danbury Hospital:

(a) solicited employee complaints and grievances, promised its employees increased benefits and improved terms and conditions of employment if they refrained from choosing to be represented by or support a union;

(b) promised its employees on-call pay raises to discourage them from choosing to be represented by or support a union.

13. About July 29, 2014, Respondent Danbury Hospital, by letter, promised shift differential pay raises to over 260 employees to discourage them from choosing to be represented by or support a union.

14. About August 6, 2014, Respondent Danbury Hospital, by letter, promised on-call pay raises to over 250 employees to discourage them from choosing to be represented by or support a union.

15. About July 17, 2014, Respondent Danbury Hospital disciplined its employee Renee Stefanko.

16. About August 31, 2014, Respondents, granted on-call and shift differential pay raises to its employees.

17. Respondents engaged in the conduct described above in paragraphs 15 and 16 because the employees of Respondents formed, joined and assisted the Union and engaged in concerted activities, and to discourage employees from engaging in these activities.

18. By the conduct described above in paragraphs 7, 8, 9, 10, 11, 12, 13 and 14, Respondents have been interfering with, restraining, and coercing employees in the

exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

19. By the conduct described above in paragraphs 15, 16 and 17, Respondents have been discriminating in regard to the hire or tenure or terms or conditions of employment of its employees, thereby discouraging membership in a labor organization in violation of Section 8(a)(1) and (3) of the Act.

20. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

REMEDIES

As part of the remedy for the unfair labor practices alleged above, the General Counsel seeks an Order requiring that at a meeting or meetings scheduled to ensure the widest possible attendance, Respondent's representative Matthew Miller to read the notice to the employees on work time in the presence of a Board agent. Alternatively, the General Counsel seeks an order requiring that Respondent promptly have a Board agent read the notice to employees during work time in the presence of Respondent's supervisors and agents identified above in paragraph 6. The General Counsel further seeks an Order requiring that Respondent allow the Union reasonable access to its bulletin boards and all places where notices to employees are customarily posted.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the consolidated complaint. The answer must be **received by this office on or before Friday, November 12, 2014, or postmarked on or before Thursday, November 10, 2014.** Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

An answer may also be filed electronically through the Agency's website. To file electronically, go to www.nlr.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability

of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the consolidated complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on **January 13, 2015** at **10:00 a.m.** at the A.A. Ribicoff Federal Building, 450 Main Street, Suite 410, Hartford, Connecticut, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this consolidated complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated: Monday, October 28, 2014

Jonathan B. Kreisberg
Regional Director
National Labor Relations Board
Region 01, By

/s/ Michael C. Cass
Michael C. Cass
Officer-In-Charge
National Labor Relations Board
Subregion 34

Attachments

