

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 18**

ROGERS MEMORIAL HOSPITAL, INC.

and

**NATIONAL UNION OF HEALTHCARE
WORKERS (NUHW)**

**Cases 18-CA-381135;
18-CA-386187;
18-CA-386191;
18-CA-386196; and
18-CA-386607**

**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 Cases 18-CA-381135, 18-CA-386187, 18-CA-386191, 18-CA-386196, and 18-CA-386607 which are based on charges filed by the National Union of Healthcare Workers (the Union) against Rogers Behavioral Health Practice - Wisconsin, S.C., whose correct name is Rogers Memorial Hospital, Inc. (Respondent), 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 Respondent has violated the Act as described below.

1. The charges in the above cases were filed by the Charging Party, as set forth in the following table, and served upon the Respondent on the dates indicated by U.S. Mail.

Case No.	Amendment	Date Filed	Date Served
----------	-----------	------------	-------------

18-CA-381135		February 10, 2026	February 17, 2026
18-CA-381135	<i>Amended</i>	April 16, 2026	April 27, 2026
18-CA-386187		April 29, 2026	May 4, 2026
18-CA-386191		April 29, 2026	May 4, 2026
18-CA-386196		April 29, 2026	May 4, 2026
18-CA-386196	<i>Amended</i>	August 6, 2026	August 27, 2026
18-CA-386607		May 5, 2026	May 8, 2026

2. (a) At all material times, Respondent has been a corporation with an office and place of business in West Allis, Wisconsin (Respondent's Lincoln Center Clinic) and has provided mental health and addiction treatment.

(b) During the last twelve months, a representative period, the Employer derived gross revenues in excess of \$250,000 and purchased and received at its facilities in the State of Wisconsin goods valued in excess of \$5,000 directly from points outside the State of Wisconsin.

(c) At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act, and has been a health care institution within the meaning of Section 2(14) of the Act.

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

4. At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of

Section 2(11) of the Act and/or agents of Respondent within the meaning of Section 2(13) of the Act:

<u>Name</u>	<u>Position</u>
Steven Hertig	Vice President of Compliance and Privacy Officer
Brant Hilson	Practice Management Administrator
Aron Karabel	Outside Counsel
Cindy Meyer	President and CEO
Ashley Muchnick	Chief Operating Officer
Jessica Pitre	Senior Director of Operations
Tracy Reich-Smith	Executive Director of Human Resources
Jackie Ritcha	Human Resources
Stella Wolf	Chief Human Resources Officer

5. At all material times, Respondent has maintained the following confidentiality provision in its employment contracts with nurse practitioners and physician psychiatrists employed by Respondent:

SECTION VI. CONFIDENTIAL INFORMATION AND INTELLECTUAL PROPERTY

6.1 **“Confidential Information”** means data and information: (a) relating to the business of Employer, regardless of whether the data or information constitutes a trade secret; (b) disclosed to AHP [Allied Health Practitioner] or of which AHP became aware of as a consequence of AHP’s relationship with Employer; (c) having value to Employer; (d) not generally known to competitors of Employer; and (e) which includes trade secrets, methods of operation, names of customers, patient lists, patient base, patient records, contracts and arrangements, health plans and payers, marketing and development plans and strategies, patient treatment protocols, price lists, this Agreement, financial information and projections, route books, personnel data, and similar information.

6.2 Obligation to Maintain Confidentiality. AHP acknowledges that Confidential Information is the property of Employer or its Affiliates. Therefore, AHP agrees that during the Employment Period and any time thereafter he/she will not disclose to any unauthorized Person or use for his/her own account any of the Confidential Information. AHP shall take reasonable and appropriate steps to safeguard the Confidential Information and to protect it against disclosure, misuse, espionage, loss and theft. AHP shall deliver to Employer at a Separation, or at any other time Employer may request, all memoranda, notes, plans, records, reports, computer tapes, printouts, electronically stored information, software and other documents and data (and copies thereof) relating to the Confidential Information, Work Product or the business of Employer or any of its Affiliates. The obligations contained in this Section shall survive the termination of this Agreement for any reason.

6. (a) About February 9, 2026, Respondent discharged the employees named below:

- (i) Nurse Practitioner Heather Cunningham;
- (ii) Physician Psychiatrist Gunjan Khandpur; and
- (iii) Nurse Practitioner Stephani Lohman.

(b) Respondent engaged in the conduct described above in paragraph (a) because the named employees of Respondent supported and assisted the Union and engaged in concerted activities, and to discourage employees from engaging in these activities.

7. On about February 9, 2026, Respondent, by Practice Management Administrator Brant Hilson, outside of the conference room at Respondent's Lincoln Center Clinic, directed employees not to discuss their terminations.

8. On about February 9, 2026, Respondent, by President and CEO Cindy Meyer, in writing, directed employees to keep their terms and conditions of employment confidential.

9. (a) On about April 14, 2026, the Regional Director for Region 18 issued a Decision and Direction of Election in Case 18-RC-380431 which directed an election to be held on April 22, 2026, among certain employees at Respondent's Lincoln Center Clinic.

(b) As part of the Decision and Direction of Election in Case 18-RC-380431 referenced above, the Regional Director found that nurse practitioners and physician psychiatrists at Respondent's Lincoln Center Clinic were eligible to vote as part of the professional unit designated as "Voting Group A" in the Decision and Direction of Election.

(c) The election for certain employees of the Lincoln Center Clinic was held as directed on April 22, 2026, at Respondent's Lincoln Center Clinic.

10. (a) On April 22, 2026, the terminated employees named above in paragraph 6, whose terminations were the subject of the charge filed by the Union in Case 18-CA-381135, appeared in the lobby of Respondent's Lincoln Center Clinic to vote in the NLRB-conducted election.

(b) The terminated employees named above in paragraph 6, were escorted from the Lincoln Center Clinic's lobby to the polling area by Clinic Support Coordinator II Delaney O'Connor who routinely assisted patients and visitors arriving at Respondent's Lincoln Center Clinic.

(c) The terminated employees named above in paragraph 6 cast challenged ballots at the April 22, 2026, election.

(d) The terminated employees named above in paragraph 6 were escorted out of the Lincoln Center Clinic by O'Connor upon casting their challenged ballots.

11. (a) On about April 22, 2026, Respondent suspended its employee O'Connor.

(b) On about April 27, 2026, Respondent discharged its employee O'Connor.

(c) Respondent engaged in the conduct described above in subparagraphs (a) and (b) because O'Connor assisted employees participating in the NLRB-conducted election, as described in paragraph 10.

(d) Respondent engaged in the conduct described above in subparagraphs (a) and (b) because O'Connor supported and assisted the Union and engaged in concerted activities, and to discourage employees from engaging in these activities.

12. (a) On about April 22, 2026, Respondent suspended the below named employees:

(i) Angela King; and

(ii) Kate Zolandz.

(b) On about April 27, 2026, Respondent discharged the employees named in subparagraph (a).

(c) Respondent engaged in the conduct described above in subparagraphs (a) and (b) because the named employees supported and assisted the Union and engaged in concerted activities, and to discourage employees from engaging in these activities

13. On about April 23, 2026, the Employer, by its attorney, in writing:

(a) coerced employees in the exercise of their Section 7 rights by repeatedly characterizing protected employee activity as criminal activity, in violation of civil laws, and as professional misconduct; and

(b) threatened employees with criminal charges, civil charges, litigation, and misconduct complaints with their respective professional organizations for having engaged in protected activity.

14. By the conduct described above in paragraphs 5, 7, 8, and 13, Respondent has 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.

15. By the conduct described above in paragraphs 6, 11, and 12, Respondent has 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.

16. By the conduct described above in paragraph 11, Respondent has been discriminating against employees for their participation in a Board-conducted election in violation of Section 8(a)(1) and (4) of the Act.

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

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 **electronically filed with this office on or before Thursday, October 22, 2026.** Respondent also must serve a copy of the answer on each of the other parties.

The answer must be filed electronically through the Agency's website pursuant to Section 102.5(c) of the Board's Rules and Regulations. To file electronically, go to the E-Filing tab on nlrb.gov, click on **E-File Case Documents**, 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 or electronically signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Sections 102.7 and 102.21. Service of the answer on each of the other parties must be by email, if possible, or in accordance with Section 102.5(g) of 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 **December 14, 2026**, at **1:00 p.m.**, in the Mandelman Hearing Room, located at the National Labor Relations Board, 310 W. Wisconsin Avenue, Suite 450W, Milwaukee, Wisconsin 53203, 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: October 8, 2026

/s/ Jennifer A. Hadsall

JENNIFER A. HADSALL
Regional Director
National Labor Relations Board
Region 18
Paul D. Wellstone Federal Building
212 Third Avenue South, Suite 200
Minneapolis, MN 55401-2657

Attachments

Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf.

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at www.nlr.gov, click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement. The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the

pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.
- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each exhibit should be supplied to the ALJ and each party when the exhibit is offered in evidence. If a copy of any exhibit is not available when the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.
- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.
- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.
- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and will set a deadline for filing, up to 35 days.

III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish

proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.

- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.
- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.

**UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE**

Case 18-CA-381135, et al.

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements ***will not be granted*** unless good and sufficient grounds are shown ***and*** the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in ***detail***;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

Aron Z. Karabel, Attorney
Holland & Knight LLP
511 Union Street, Suite 2700
Nashville, TN 37219

Andrew Nielsen, Attorney
Rogers Behavioral Health
34700 Valley Road
Oconomowoc, WI 53066-4500

Hannah J. Fitzgerald, Esquire
Holland & Knight LLP
1801 California Street, Suite 5000
Denver, CO 80202

Jessica Pitre, Senior Director of Operations
Rogers Behavioral Health Practice - Wisconsin,
S. C. dba Rogers Behavioral Health
2424 S 102nd Street
West Allis, WI 53227

Susan K. Garea, Attorney
Beeson, Tayer & Bodine
492 Ninth Street, Suite 350
Oakland, CA 94607

Latika Malkani, Counsel for NUHW
Siegel LeWitter Malkani
1939 Harrison St, Suite 410
Oakland, CA 94612-3532

Richard Draper, Organizing Coordinator
National Union of Healthcare Workers (NUHW)
1250 45th Street, Suite 200
Emeryville, CA 94608

Brad Jubber, Attorney on behalf
of Gunjan Khandpur
Jubber Law Office LLC
W175N11117 Stonewood Drive, Suite 240
Germantown, WI 53022-4004