

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

DHSC, LLC, D/B/A AFFINITY)
MEDICAL CENTER,)
(Employer),)
)
and,)
)
NATIONAL NURSES ORGANIZING)
COMMITTEE,)
(Union))
)
SUSAN KELLEY and CINDA)
KEENER)
(Employee Movant-Intervenors).)

Case Nos. 08-RC-87639

DECLARATION OF CINDA KEENER

I am a Movant-Intervenor in the above captioned case and submit this declaration in support of my Motion to Intervene and Objections to the Election.

1. I am a registered nurse employed by Affinity Medical Center in Massillon Ohio. I work in the hospital's cardiac catheterization department.
2. In late July 2012, Affinity and the National Nurses Organizing Committee ("NNOC" or "Union") made a joint announcement to employees that they were parties to an "election procedure agreement" or "neutrality agreement." A union organizing campaign began within our workplace on the same day. Among other things, my Employer permitted non-employee Union organizer to operate and campaign within the hospital.
3. Several of my co-workers and I decided that we opposed unionization and actively campaigned against the NNOC. This included passing out fliers and urging

nurses to reject the Union. Hereinafter, the term "we" or "us" shall refer to myself and my co-workers who were campaigning against the Union.

4. We asked Ron Bierman, CEO of Affinity, for a copy of the neutrality agreement. He informed us that he was unable to provide us with a copy of this agreement. Affinity never provided us with a copy of the agreement.

5. On or about 10 August 2012, I attended a meeting conducted by the NNOC within the hospital and asked Union organizer Eliza Carboni for a copy of the neutrality agreement. She briefly allowed me to look at an Election Procedures Agreement, but did not allow me to read it thoroughly or make a copy.

6. I believe that the Employer and Union's refusal to provide us with a copy of the agreements between them interfered with the results of the election. In particular, if their agreement includes any pre-negotiated concessions regarding health benefits, pensions, or other terms of employment, I believe that many more nurses would have voted against the NNOC in the election.

7. Union organizers monitored our activities in opposition to the Union, reported them to our Employer, and demanded that management take action against us pursuant to their agreement. I was informed of this by managers, usually my unit manager, who told me that NNOC organizers were making complaints to our Employer about our campaigning against it. This joint surveillance includes the following incidents.

8. On or around 9 August 2012 the Union reported to management that we were campaigning in certain areas of the hospital during work time (which was

false). The Union demanded that our Employer provide it with a timeline of our activities. At the direction of my supervisor, I participated in the creation of a timeline of my activities and those of several of my co-workers. This timeline was then submitted to the Employer's attorney. I was told that this was done at the behest of the Union.

9. On or around 23 August 2012, the Union again reported to management that we were campaigning in certain areas of the hospital during work time (which was again false). The Union again demanded that our Employer provide it with a timeline of our activities. My supervisor again asked me to create a timeline of my activities and those of several of my co-workers. I asked my manager if this timeline would be given to the Union. I was told that it was for the Union. This time, I refused to participate in the creation of the timeline.

10. It is my belief that the Union's complaints about us being in certain areas of the hospitals were false pretexts for having our Employer create a record of our campaigning activities. This is because, in the two instances discussed above, one of the nurses whose activities I was told to report upon was RN Kathy Manfull. This nurse was involved in the campaign against the Union, but did not work on the two days in question (August 9 and 23), and thus could not have possibly been in certain areas of the hospital on those days.

11. Union organizers frequently watched us in the cafeteria, where we often passed out literature and spoke to our co-workers about unionization, and reported our activities to our Employer. On more than one occasion, the Union reported to

our Employer that we were in the cafeteria for longer than our 30 minute lunch break and demanded that management take action against us. This was communicated to me by my unit director. On another occasion, the Union reported to management that I was blocking the doors of the cafeteria on a day that I was handing out literature at the cafeteria doors. This complaint was also conveyed to me by a member of management.

12. The Union complained to management that a radiology technician who was opposed to the Union, Amanda Pickens, made a rude gesture to a Union organizer and demanded that management do something about it. We were made aware of this Union complaint by management.

13. On or about 10 August 2012, the Union reported to management that I was at a union meeting conducted within the hospital during work time. This complaint was also conveyed to me by a member of management.

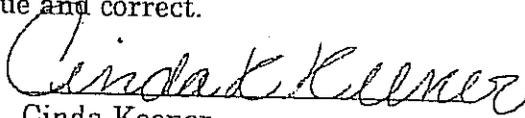
14. On or about 25 August 2012, a group of nurses including myself, Susan Kelley, Paula Hostetler and Kathy Manfull, set up a table outside of the employee entrance to the hospital to hand out fliers and display trifold posters during the shift change. The Union reported our activities to our Employer, who then told us that we could not set up the table at this location.

15. In August 2012, the Union reported to our Employer that we placed campaign materials, namely trifold posters, on several windowsill in the cafeteria. We were instructed by a manager that we could no longer do this.

16. On or about 26 August 2012, Affinity permitted Union organizer Donna Kennedy to operate out of a manager's office in the Cardiovascular Surgical Intensive Care Unit, which is in a direct patient care area and behind a nurses station. Ms. Kennedy was observed taking pictures of the nurses' schedule for the cardiac catheterization department, which is where I and many of the nurses opposed to the NNOC work. This photographing of our work schedules—which was likely illegal under HIPPA because the schedule also contains patient's names and diagnoses—led me to believe that the Union was tracking our whereabouts.

17. Overall, these and related incidents created a strong impression that my activities in opposition to the Union, and those of my co-workers, were under the joint surveillance of both my Employer and the Union pursuant to their agreement. I believe that this joint surveillance chilled the activities of nurses who would have more actively opposed the Union but for the surveillance and interfered with the results of the election.

I have personal knowledge of the foregoing and declare under penalty of perjury that the foregoing is true and correct.


Cinda Keener

9-13-12
Date Executed

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SUSAN KELLEY and CINDA)	
KEENER)	
(Employee Movant-Intervenors).)	

DECLARATION OF SUSAN KELLEY

I am a Movant-Intervenor in the above captioned case and submit this declaration in support of my Motion to Intervene and Objections to the Election.

1. I am a registered nurse employed by Affinity Medical Center in Massillon Ohio. I work in the hospital's cardiac catheterization department.
2. In late July 2012, Affinity and the National Nurses Organizing Committee ("NNOC" or "Union") made a joint announcement to employees that they were parties to an "election procedure agreement" or "neutrality agreement." A union organizing campaign began within our workplace on the same day. Among other things, my Employer permitted non-employee Union organizer to operate and campaign within the hospital.
3. Myself and several of my co-workers actively campaigned against the NNOC. This included passing our literature and urging our co-workers to reject the Union.

Hereinafter, the term "we" or "us" shall refer to myself and my co-workers who were campaigning against the Union.

4. We asked Ron Bierman, CEO of Affinity, for a copy of the neutrality agreement between Affinity and the NNOC. He refused to provide it to us. I never received a copy of the neutrality agreement from either my Employer or the NNOC.

5. I believe that the Employer and Union's refusal to provide us with a copy of the agreements between them interfered with the results of the election. In particular, if their agreement includes any pre-negotiated concessions regarding health benefits, pensions, or other terms of employment, I believe that many more nurses would have voted against the NNOC in the election.

6. Union organizers monitored our activities in opposition to the Union, reported them to our Employer, and demanded that management take action against us pursuant to their agreement. This includes the following incidents.

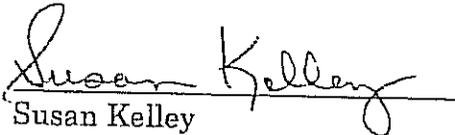
7. On or around 9 August 2012 and again on 23 August 2012, union organizers reported to management that we were supposedly on certain floors of the hospital and in the cafeteria campaigning against the union for longer than our 30 minute lunch break and 15 minute break. The union complained to Affinity's lawyer, whom I only know as Jerry, who then sent at least two emails to our manager, Stephanie Devault, letting her know about the complaints being lodged against us. The union's allegation that we were campaigning on work time is false. In any event, it conveyed to us that our anti-NNOC campaigning was being closely monitored and reported to management.

8. On 25 August 2012, myself and several other employees—including Cinda Keener, Kathy Manfull, and Paula Hostetler—set up a folding table in the parking lot outside of work to display and distribute our trifold posters and other anti-NNOC fliers to employees. Union organizers reported our activities to management and demanded that we end using a table outside to display our information. Thereafter, management permitted us to only use one table in the cafeteria to display our campaign materials, and that table had to be shared with the NNOC's non-employee organizers.

9. This and related conduct led me to believe that my activities and campaigning against the NNOC was being jointly monitored by the Union and Affinity pursuant to their secret-arrangement.

10. Overall, these and related incidents created a strong impression that my activities in opposition to the Union, and those of my co-workers, were under the joint surveillance of both my Employer and the Union pursuant to their agreement. I believe that this joint surveillance interfered with the results of the election by chilling the activities of nurses who would have more actively opposed the Union.

I have personal knowledge of the foregoing and declare under penalty of perjury that the foregoing is true and correct.


Susan Kelley

9-13-12
Date Executed