

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

BANNER HEALTH SYSTEM D/B/A BANNER)
ESTRELLA MEDICAL CENTER)

Petitioner/Cross-Respondent)

v.)

NATIONAL LABOR RELATIONS BOARD)

Respondent/Cross-Petitioner)

Nos. 15-1245
15-1309

ORIGINAL

JUDGMENT

Before: PILLARD, Circuit Judge, and EDWARDS and SILBERMAN, Senior Circuit Judges

THIS CAUSE came to be heard upon a petition filed by Banner Health System d/b/a Banner Estrella Medical Center to review an Order of the National Labor Relations Board dated June 26, 2015, in Case No. 28-CA-023438, reported at 362 NLRB No. 137, and upon a cross-application for enforcement filed by the National Labor Relations Board to enforce said Order. The Court heard argument of all parties and has considered the briefs and agency record filed in this cause. On March 24, 2017, the Court, being fully advised in the premises, handed down its opinion granting in part the petition of Banner Health System d/b/a Banner Estrella Medical Center and granting in part the Board's cross-petition for enforcement. In conformity therewith, it is hereby

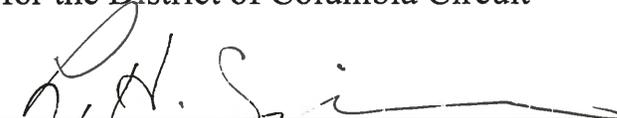
ORDERED AND ADJUDGED by the Court that Banner Health System
d/b/a Banner Estrella Medical Center, Phoenix, Arizona, its officers, agents,
successors, and assigns, shall abide by said order (See Attached Order and
Appendix).



Judge, United States Court of Appeals
for the District of Columbia Circuit



Judge, United States Court of Appeals
for the District of Columbia Circuit



Judge, United States Court of Appeals
for the District of Columbia Circuit

April 24, 2017
DATE

NATIONAL LABOR RELATIONS BOARD

v.

BANNER HEALTH SYSTEM D/B/A
BANNER ESTRELLA MEDICAL CENTER

ORDER

Banner Health System d/b/a Banner Estrella Medical Center, Phoenix, Arizona, its officers, agents, successors, and assigns, shall

1. Cease and desist from
 - (a) Maintaining or enforcing the provision in its confidentiality agreement that contains the following language: “private employee information (such as salaries, disciplinary action, etc.) that is not shared by the employee.”
 - (b) In any like or related manner interfering with, restraining, or coercing employees in the exercise of rights guaranteed them by Section 7 of the Act.
2. Take the following affirmative action necessary to effectuate the policies of the Act.
 - (a) Rescind the provision in the confidentiality agreement described above, and advise employees in writing that the provision is no longer being maintained.
 - (b) Within 14 days after service by the Region, post at all of its facilities where it utilizes its confidentiality agreement, copies of the attached notice marked “Appendix” Copies of the notice, on forms provided by the Regional Director for Region 28, after being signed by the Respondent’s authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places, including all places where notices to employees are customarily posted. In addition to physical posting of paper notices, notices shall be distributed electronically, such as by email, posting on intranet or an internet site, and/or other electronic means, if the Respondent customarily communicates with its employees by such means. Reasonable steps shall be taken by the Respondent to ensure that the

notices are not altered, defaced, or covered by any other material. If the Respondent has gone out of business or closed the facility involved in these proceedings, the Respondent shall duplicate and mail, at its own expense a copy of the notice to all current employees employed by the Respondent at any time since November 7, 2010.

- (c) Within 21 days after service by the Region, file with the Regional Director for Region 28 a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.

APPENDIX

NOTICE TO EMPLOYEES

POSTED PURSUANT TO A JUDGMENT OF THE UNITED STATES
COURT OF APPEALS ENFORCING AN ORDER OF
THE NATIONAL LABOR RELATIONS BOARD
An Agency of the United States Government

The National Labor Relations Board has found that we violated Federal labor law and has ordered us to post and obey this notice.

FEDERAL LAW GIVES YOU THE RIGHT TO
Form, join, or assist a union
Choose representatives to bargain with us on your behalf
Act together with other employees for your benefit and protection
Choose not to engage in any of these protected activities.

WE WILL NOT maintain or apply the provision in our confidentiality agreement that contains the following language “Private employee information (such as salaries, disciplinary action, etc.) that is not shared by the employee.”

WE WILL NOT in any like or related manner interfere with, restrain, or coerce employees in the exercise of the rights set forth above.

WE WILL rescind the provision in the confidentiality agreement described above, and advise employees in writing that the provision is no longer being maintained.

BANNER HEALTH SYSTEM
D/B/A BANNER ESTRELLA MEDICAL CENTER

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CERTIFICATE OF SERVICE

I hereby certify that on April 5, 2017, I electronically filed the foregoing document with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit using the appellate CM/ECF system. I further certify that the foregoing document was served on all parties or their counsel of record through the appellate CM/ECF system.

s/Linda Dreeben
Linda Dreeben
Deputy Associate General Counsel
National Labor Relations Board
1015 Half Street SE
Washington, DC 20570

Dated at Washington, DC
this 5th day of April, 2017