BEFORE THE NATIONAL LABOR RELATIONS BOARD
UNITED STATES OF AMERICA
DIVISION OF JUDGES

CARTER BLOODCARE

and **Case 16-CA-345182**

STEVEN HOLMES, an Individual

Alberto Aguirre, Esq., for the General Counsel.
Rory Divin **and** ***Dustin Fillmore, Esqs.***
(McDonald Sanders, P.C.), for the Respondent.

DECISION

STATEMENT OF THE CASE

ROBERT A. RINGLER, Administrative Law Judge. This case was heard on February 18 and 19, 2026. The complaint alleged that Carter BloodCare (Carter or Respondent) violated §8(a)(1) by: (1) interrogating employee Steven Holmes about a protected Facebook post; and (2) subsequently removing him from a Leadership Development Plan (LDP) because of his protected concerted activities. Carter denied these allegations and further asserted that, while participating in the LDP, Holmes acted as a §2(11) supervisor who was not covered by the Act. On the record, I make the following

FINDINGS OF FACT[1]

I. JURISDICTION

Carter is a not-for-profit corporation with a Bedford, Texas office that collects and processes blood donations throughout the Dallas-Fort Worth (DFW) region. Annually, it purchases and receives goods worth more than $50,000 directly from points outside of the State of Texas. It, thus, engages in commerce under §2(2), (6), and (7) of the Act. On this basis, the Board has jurisdiction over this matter.

[1] Unless otherwise stated, factual findings arise from joint exhibits, stipulations and undisputed evidence.

II. UNFAIR LABOR PRACTICES

A. Record Evidence[2]

Holmes was employed by Carter from August 2009 to September 2025. He began as a Phlebotomist-1 (P-1), was promoted to a Phlebotomist-2 (P-2) role in February 2010, and was promoted to a Mobile Supervisor slot in late-2010. He was demoted back to his former P-1 position in 2022. This case involves Holmes' efforts to obtain a promotion and regain his former P-2 role.

1. Hierarchy and Operations

Carter employs roughly 80 P-1s and P-2s, who collect and process blood donations throughout the DFW area. P-1s and P-2s are assigned their weekly work schedules by Mobile Supervisors. P-2s basically serve as non-supervisory lead phlebotomists, who also handle customer service complaints and assign general duties to P-1s at smaller blood drives (e.g., they broadly assign them to either donor screening or blood draw duties at such drives).[3] Mobile Supervisors always assign on-site duties to P-1s and P-2s during medium and large drives. Mobile Supervisors report to the Operations Coordinator, who, in turn, reports to upper management. Mobile Supervisors and Operations Coordinators jointly prepare performance appraisals for P-1s and P-2s. Mobile Supervisors cannot hire, transfer, promote, layoff, recall, suspend or fire, but, are empowered to issue written warnings. Mobile Supervisors periodically attend P-1 and P-2 interviews and provide non-controlling input.[4] Operations Coordinators and Managers, however, make final hiring decisions.

2. LDP

On March 28, 2024,[5] Holmes began his 180-day LDP, which set out performance expectations and described bi-weekly evaluations. (GC Exh. 3). The LDP was a key first step in his effort to obtain a promotion and regain his former P-2 position. The LDP emphasized Carter's core values and required sustained improvement to qualify for additional promotional training. *Id*. The Operations Coordinator or designee was required to review evaluations at least every 2 weeks. *Id*. Holmes testified that, during the LDP, he was assigned new duties, but, remained subject to Mobile Supervisor Letisha Chatman's oversight and did not possess independent authority. Operations Coordinator Denise Randolph explained that the LDP evaluated whether he demonstrated the skillset and consistency required for promotional consideration.

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[2] The parties' *Joint Motion to Correct the Record* dated April 23, 2026 is **GRANTED**. All post-hearing briefs have been received and fully considered.

[3] Mobile Supervisors, however, retain full authority to override all P-2 assignment decisions. It is undisputed that all P-1s can interchangeably perform donor screening and blood draws duties as essential functions of their jobs.

[4] P-1s and P-2s do not attend interviews.

[5] All dates are in 2024, unless otherwise stated.

3. April 17 Evaluation

Mobile Supervisor Chatman reported Holmes' progress to Randolph for the April 1 to 14 period. (R. Exh. 18). She stated that he communicated well, but, needed to improve his paperwork, organization, record review and adherence to Standard Operating Procedures (SOPs). *Id*.

4. April 23 Facebook Post

Holmes posted a message on Facebook, which encouraged his coworkers to wear black scrubs on Sundays to express their unified dissatisfaction with receiving Sunday assignments. He used hashtags such as "#Solidarity" and "#TogetherWeCan," and included a photo of himself wearing black scrubs. He testified that his coworkers responded positively to his invitation, with approximately 20 employees participating on April 28 and continuing thereafter. He added that, while some employees periodically wore black scrubs, those wearing black scrubs on Sundays increased exponentially after his Facebook post.

5. April 29 and May 13 Evaluations

Holmes received a "meets expectations" rating in all 12 LDP categories for April 15 to 28. (R. Exh. 20). Chatman reported continued improvement in organization, communication, compliance and paperwork. (JT Exh. 1). Holmes was, once again, given mostly positive feedback for April 29 to May 13 and received a "meets expectations" in 10 of 12 categories.[6] (R. Exh. 25).

6. May 21 Meeting

a. Holmes' Account

Holmes was unexpectedly summoned to a meeting with Manager Brandi Wright and Employee Relations Specialist Cindy LaTour. He recalled being shown his Facebook post, asked to confirm that it was his, and told that he may have violated Carter's social media policy. He testified that LaTour asked him if his aim was to incite Carter's staff to "rebel" and to define what he meant by "solidarity." He recalled replying that his intention was for his coworkers to convey their unity and shared dislike for Sunday shifts by wearing black scrubs. He said that LaTour warned him that she was uncertain if he had violated policy and that his actions might result in discipline. He recollected that Wright then accused him of making blood draw errors during his LDP and announcing that, because of his errors and Facebook post, Carter had decided to release him from the LDP. (Tr. 78-79). He was stunned by this announcement and maintained that his removal from the LDP was motivated by his Facebook post and not performance. He acknowledged that, although he made some errors, his mistakes were commonplace and should not have disqualified him from continuing the LDP.

b. Carter's Account

Randolph testified about Holmes' performance and her decision to remove him from the LDP. She cited his various SOP violations, which included improper labeling, arm scrub mistakes

[6] He received "below expectations" ratings in the SOP and leadership categories.

and blood draw errors. See also (R Exh. 12, 13, 16, 17, 27, 28, 69). She stated that, despite Carter's coaching efforts, Holmes did not improve and demonstrated that he was not ready to be considered for promotion to a P-2 of higher role. She said that she consequently decided to remove him from the LDP. She emphasized that her decision was solely based upon his performance and not his social media activity. On cross-examination, however, she agreed that she provided another P-1, Guadalupe Pichardo, over 4 months to improve under her LDP, even though she also made multiple errors that were similar to Holmes' transgressions. (R. Exh. 63).

LaTour testified that Wright assured Holmes at the meeting that he was not being removed from the LDP because of his Facebook post. Wright explained that the LDP was a developmental tool, which was used for employees seeking promotion, who had prior performance issues. She corroborated Randolph and LaTour, denied connecting Holmes' release from the LDP to his Facebook post in any manner, and firmly stated that Carter's decision to remove him from the LDP was singularly based upon his poor performance.

c. Credibility Resolution

Because Holmes said that he was told by Wright and LaTour that he was being released from the LDP because of his Facebook post and was asked several connected questions about his post, and Wright and LaTour denied the same, a credibility assessment is necessary. For several reasons, Holmes has been credited. *First*, he was a very convincing witness with a strong demeanor. He had already left Carter's employ at the time of the hearing, had little to gain from this litigation (i.e., reinstatement was not at issue in this case), and appeared to testify on the singular principle that his treatment was unjust and Carter's rationale was a fabrication. LaTour and Wright, on the other hand, remained Carter employees at the time of the hearing and appeared to be more inclined to advance advocacy than candor. *Second*, if the Facebook post was genuinely the nothing-burger that Wright, LaTour and Randolph claimed that it was, why even bring the subject up at an already difficult meeting with a stacked agenda? The fact that they nevertheless challenged the post under these circumstances suggests that they saw a connection between his removal and Facebook posting, were put off by his post, and expressly said so at this meeting. It is also likely that, as labor law novices, they did not initially realize the relevancy of their commentary or potential consequences, and later recanted their discussion points to support their case. In sum, their claims that they simply raised the post, but, it had no meaning or connection to the employment action is implausible. *Third*, Holmes was removed from the LDP within a short month of his Facebook posting. Such close timing suggests that it likely played a pivotal role in his removal from the LDP, which supports his testimony. *Finally*, it seems plausible that Wright and LaTour were concerned that Holmes' comments might undermine employee morale, and asked their connected questions that Holmes recounted to assess his intentions and impact. On these bases, Holmes has been credited.

B. Analysis

1. Interrogation[7]

a. Board Precedent

In *Westwood Healthcare Center*, 330 NLRB 935 (2000), the Board held that these factors determine whether an exchange constitutes an unlawful interrogation:

> (1) The background, i.e. is there a history of employer hostility and discrimination?
> (2) The nature of the information sought, e.g., did the interrogator appear to be seeking information on which to base taking action against individual employees?
> (3) The identity of the questioner, i.e. how high was he in the company hierarchy?
> (4) Place and method of interrogation, e.g. was employee called from work to the boss's office? Was there an atmosphere of unnatural formality?
> (5) Truthfulness of the reply.

Id. at 939. In applying these factors, the Board noted that, "[the] task is to determine whether under all the circumstances the questioning … would reasonably tend to coerce the employee … from exercising … [their] Section 7 [rights]." *Id*. at page 940.

b. Synthesis

On May 21, Wright and LaTour asked Holmes to verify the Facebook post at issue, told him that he may have violated Carter's social media policy, asked if his aim was to prompt the staff to rebel, inquired what he meant by "solidarity," and announced that they could not guarantee that he would be disciplined. His posting was also offered as a reason for his release from the LDP.

This exchange was an unlawful interrogation. *First*, the questioning was a precursor to taking a negative personnel action (i.e., removing Holmes from the LDP). *Second*, the questioning highlighted that Wright and LaTour were gathering information about his protected Facebook post as a possible prelude to further discipline. As noted, they told him that they could not guarantee that he would not be disciplined because of his Facebook post. *Third*, Holmes was unexpectedly summoned from his normal routine to attend this formal meeting, which was jointly attended by a high-level manager and a Human Resources representative. A reasonable employee would deem such a meeting to be serious and somewhat intimidating. *Finally*, Holmes paid a weighty job-related price during this meeting, when he was removed from the LDP. Under these circumstances, the questioning at issue was highly coercive and rose to the level of an unlawful interrogation.

[7] This allegation is pled under Complaint ¶¶6 and 7.

2. Supervisory Status

Carter asserts that Holmes was a §2(11) supervisor, while serving in the LDP, and not protected by the Act. The record does not support this claim.

a. Board Precedent

Section 2(11) provides a 3-part, supervisory test. Specifically, employees are supervisors when: (1) they perform any of the 12 listed supervisory functions;[8] (2) their "exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment," and (3) they exercise such authority "in the interest of the employer." *Kentucky River Community Care v. NLRB*, 532 U.S. 706, 713 (2001), citing *NLRB v. Health Care & Retirement Corp. of America (HCR)*, 511 U.S. 571, 573-574 (1994). In *Kentucky River*, the Supreme Court commented that, regarding "independent judgment," "[m]any nominally supervisory functions may be performed without the 'exercis[e of] such a degree of ... judgment or discretion ... as would warrant a finding of supervisory status.'" *Id*., citing *Weyerhaeuser Timber Co*.,85 NLRB 1170, 1173 (1949). It is within the Board's discretion to determine, within reason, what degree of independent judgment meets the statutory threshold. *Id*. at 713-714. The Supreme Court, however, rejected the Board's bright line rule that employees do not use independent judgment when they exercise ordinary professional or technical judgment in directing less-skilled employees to deliver services under employer-specified standards. *Id*. at 714-715. The Supreme Court also confirmed that the burden of proving supervisory status rests with the party asserting it. *Id*. at 710.

In determining whether judgment is so constrained by management oversight to such an extent that it is "routine," the Supreme Court endorsed the Board's approach in *Chevron Shipping Co.,* 317 NLRB 379, 381 (1995). *Kentucky River*, supra, 532 U.S. at 714. In *Chevron,* the Board found that, although second and third mates who acted as watch officers were responsible for "directing the unlicensed employees, assigning tasks, and ensuring the safety of the ship and its cargo ... their exercise of independent judgment was circumscribed by the master's standing orders and Operating Regulations, which required watch officers to contact a superior when anything unusual occurred." *Chevron, supra,* 317 NLRB at 381. In sum, the Board noted that their duties were deeply constrained by their employer's detailed regulations and the ongoing oversight of their superior officers. Additionally, during non-routine situations, watch officers remained in constant contact with superior officers. *Id*. at 381–382. Absent any information from the employer regarding how often these watch officers deviated from standing orders and routine, the Board logically concluded that they remained non-supervisory employees.

Additionally, in *Dynamic Science,* which is also instructive regarding the non-supervisory assignment of work, the Board held that "test leaders" running evaluations of military weaponry were employees rather than supervisors. The Board found that their role in directing employees was "extremely limited and circumscribed by detailed orders and regulations issued by the

[8] Section 2(11) defines a "supervisor" as "any individual having authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment." 29 U.S.C.A. §152.

employer and other standard operating procedures." *Dynamic Science, Inc.,* 334 NLRB 391, 391 (2001). On this basis, the degree of independent judgment exercised by the test leaders at issue, once again, "fell below the threshold required to establish statutory supervisory authority." *Id*.

b. Synthesis

Holmes, akin to *Chevron's* watch officers and *Dynamic Science's* test leaders, was not a §2(11) supervisor, when he participated in the LDP. The sole question presented here is whether he assigned or responsibly directed colleagues by exercising "independent judgment," which he did not.[9] Although LDP participants periodically assigned intake or blood draw duties during smaller drives to P-1s or P-2s, such assignments were "routine" and tightly regulated by the Mobile Supervisor's continuous presence at the blood drive. Moreover, these job assignments were also somewhat arbitrary, inasmuch all P-1s and P-2s are qualified to interchangeably perform intake and blood draws as part of their essential phlebotomist duties. Accordingly, Holmes did not exercise sufficient "independent judgment" in assigning and directing work to P-1s as an LDP participant in a manner that would implicate §2(11). Carter, therefore, failed to meet its burden of proving his supervisory status. See, e.g., *Lincoln Park Nursing & Convalescent Home*, 318 NLRB 1160, 1162-1163 (1995) ("maintenance supervisor" did not exercise independent judgment when he assigned changing light bulbs, fixing leaks and related duties to employees and monitored completion); *Pacific Beach Corp*., 344 NLRB 1160, 1160 (2005) (directing employees to redo work performed incorrectly does not confer supervisory status based on assignment); *Croft Metals, Inc*., 348 NLRB 717, 722 (2006) (employer failed to establish independent judgment where it "adduced almost no evidence regarding the factors … balanced by the lead persons in making production decisions and directing employees"); *Topside Construction, Inc*., 329 NLRB 886, 895 (1999) (assigning employees according to known skills is not evidence of independent judgment); *Tree-Free Fiber Co*., 328 NLRB 389 (1999) (same).

3. Protected Concerted Activity[10]

Given that Holmes was not a §2(11) supervisor, it is now necessary to weigh whether his removal from the LDP was valid. As will be discussed below, it was not. Carter unlawfully based its decision to remove him from the LDP on his Facebook post (i.e., a protected concerted activity).

a. Board Precedent

Concerted activity includes not only conduct "engaged in with or on the authority of other employees," (*Meyers Industries (Meyers I)*, 268 NLRB 493, 497 (1984) (applying *Wright Line),* remanded sub nom. *Prill v. NLRB*, 755 F.2d 941 (D.C. Cir. 1985), but, also individual conduct. The Board classifies an individual's actions as concerted, when they seek to initiate, induce or prepare for group action. *Meyers Industries (Meyers II)*, 281 NLRB 882, 887 (1986), aff'd sub nom. *Prill v. NLRB*, 835 F.2d 1481 (D.C. Cir. 1987) (citing *Mushroom Transportation Co. v. NLRB*, 330 F.2d 683 (3d Cir. 1964)). Concerted activity is also present, when an individual brings truly group complaints to management's attention, or when an individual engages in conversations

[9] It is undisputed that he did not hire, transfer, suspend, lay off, recall, promote, discharge, reward, discipline or adjust grievances in his LDP role.

[10] This allegation is pled under Complaint ¶¶6 and 7.

that have "some relation to group action in the interest of" employees. *Id*. (quoting *Mushroom Transportation*, 330 F.2d at 685). Finally, concerted activity also exists, when it is the logical outgrowth of previous concerted activity. *See, e.g., Needell & McGlone, P.C.*, 311 NLRB 455, 455–456 (1993) (complaints to management about preferential treatment were the logical outgrowth of prior discussion with coworkers), enfd. mem., 22 F.3d 303 (3d Cir. 1994); *Mike Yurosek & Son, Inc*., 306 NLRB 1037, 1038–1039 (1992) (uncoordinated refusals to work overtime were the logical outgrowth of a prior protest over hour reductions), enfd., 53 F.3d 261 (9th Cir. 1995); *Salisbury Hotel*, 283 NLRB 685, 685–687 (1987) (a call to Department of Labor about an employer's lunch hour policy grew out of previous group opposition).

b. Synthesis

Holmes engaged in protected concerted activity, when he solicited his coworkers on Facebook to wear black scrubs to convey their dislike of Sunday work assignments. He was striving to conspicuously bring a group complaint about these assignments to management's attention. He was initiating group action and organizing a show of "solidarity." This fits squarely within the confines of *Meyers II*.

4. Removal from LDP[11]

a. Board Precedent

Holmes' removal from the LDP was unlawful. The framework for analyzing whether an employment action connected to protected activity violates §8(a)(1) is set out in *Wright Line*, 251 NLRB 1083 (1980), enfd. 662 F.2d 899 (1st Cir. 1981), cert. den. 455 U.S. 989 (1982), which requires the General Counsel (the GC) to show, by a preponderance of the evidence, that the worker's protected conduct was a motivating factor in the adverse action. This initial burden is satisfied by showing protected activity, knowledge and animus. If the GC meets this initial burden, the burden shifts to the employer to prove that it would have taken the same adverse action, absent the protected activity. *Mesker Door*, 357 NLRB 591–592 (2011). The employer cannot meet its burden, however, merely by showing that it had a legitimate reason for its action; rather, it must demonstrate that it would have taken the same action, absent the protected conduct. *Bruce Packing Co.*, 357 NLRB 1084, 1086, 1087 (2011). If the employer's proffered reasons are pretextual (i.e., either false or not relied upon), it fails to show that it would have taken the same action for those reasons regardless of the protected conduct. *Metropolitan Transportation Services*, 351 NLRB 657, 659 (2007). Further analysis is required if the defense is one of "dual motivation," i.e., the employer avers that, even if an invalid reason played some part in its motivation, it would have still taken the same action for permissible reasons. *Palace Sports & Entertainment, Inc. v. NLRB*, 411 F.3d 212, 223 (D.C. Cir. 2005).

b. Synthesis

The GC adduced a prima facie case. The GC proved protected activity (i.e., the Facebook post), knowledge (i.e., the post was raised by management at the May 21 meeting) and animus (i.e., the

[11] This allegation is pled under Complaint ¶¶6 and 7.

unlawful interrogation, management's comment that he was released from the LDP partially because of the post, and the close timing between his post and release from the LDP).

Carter failed to meet the GC's prima facie case and show that it would have released Holmes from the LDP in the absence of his protected activity. *First*, as discussed, Wright and LaTour told him that his release from the LDP was intertwined with his protected Facebook post. This comment undermines Carter's defense that he would have been removed absent his protected activity. *Second*, Carter failed to persuasively explain why it prematurely ousted him from the LDP before giving him the full 180 days to demonstrate improvement that was promised. Given that Holmes was granted until September 27 to improve and the LDP was designed for P-1s with pre-existing personnel issues, a quick decision to jettison him after his errors seems premature and unreasonable. Simply put, he was less than 2 months into a 6-month LDP when he was released and still had a great deal of time to improve. He also received solid feedback from Mobile Supervisor Chatman before his removal from the LDP.[12] See, e.g., (R Exhs. 18, 25; JT Exh. 1). On this basis, the very hard-nosed decision to remove him during the early stages of the LDP appears to be dubious and undercuts Carter's defense that it would have removed him absent his protected activity. *Third,* because Carter gave Pichardo (i.e., who had no protected activity) a full 4 months to demonstrate improvement during her LDP after she made several errors, its decision to treat Holmes (i.e., who had protected activity) in a vastly more rigid way becomes even more questionable. *Finally,* the close timing between Holmes' Facebook post and his LDP removal further demonstrates invidious treatment. He was removed within 3 weeks of his coworkers showing up in black scrubs; this lock-step timing suggests animus. See *La Gloria Oil & Gas Co.*, 337 NLRB 1120 (2002), enfd. 71 Fed. Appx. 441 (5th Cir. 2003) (close timing demonstrates animus). On these bases, Carter failed to show that it would have ousted Holmes from the LDP in the absence of his protected activity. Its actions, therefore, violated §8(a)(1).

CONCLUSIONS OF LAW

1. Carter is an employer engaged in commerce within the meaning of §2(2), (6) and (7) of the Act.

2. Carter violated §8(a)(1) of the Act by:

   a. Interrogating Holmes about his protected activities.

   b. Removing Holmes from the LDP for engaging in protected activities.

3. These unfair labor practices affect commerce within the meaning of §2(6) and (7).

[12] It is also noteworthy that Carter failed, without explanation, to call Mobile Supervisor Chatman (i.e., Holmes' first-line supervisor) to testify about his progress during the LDP. Given that Chatman dealt with Holmes on a day-to-day basis and provided highly favorable reports about him, her testimony regarding his LDP suitability would have been invaluable. An adverse inference has been drawn from this sizeable evidentiary lapse. *Farm Fresh Co., Target One, LLC*, 361 NLRB 848, 860 (2014) (judge may draw an adverse inference from a party's failure to call a witness who may reasonably be assumed to be favorably disposed to a party, and who could reasonably be expected to corroborate its version of events, particularly when the witness is the party's agent).

Remedy

The appropriate remedy for the violation found herein is an Order requiring Carter to make Holmes whole for his removal from the LDP.[13] It shall also remove from its files any reference to his unlawful release from the LDP and notify him in writing that this has been done. Finally, it shall post the attached notice in accordance with *J. Picini Flooring*, 356 NLRB 11 (2010).

On these findings of fact and conclusions of law, and on the entire record, I issue the following recommended[14]

ORDER

Carter BloodCare, Bedford, Texas, its officers, agents, successors, and assigns, shall

1. Cease and desist from

   a. Interrogating employees about their protected activities.

   b. Removing employees from the LDP for engaging in protected activities.

   c. In any like or related manner interfering with, restraining, or coercing employees in the exercise of the rights guaranteed by §7 of the Act.

2. Take the following affirmative action necessary to effectuate the Act's policies

   a. Make Holmes whole for his removal from the LDP.

   b. Within 14 days from the date of the Board's Order, remove from its files any reference to Holmes' unlawful removal from the LDP, and within 3 days thereafter, notify him in writing that this has been done and will not be used against him in any way.

   c. Within 14 days after service by the Region, post at its Bedford, Texas facility the attached notice marked "Appendix."[15] Copies of the notice, on forms provided by the Regional Director for Region 16, after being signed by Carter's authorized representative, shall be posted by Carter and maintained for 60 consecutive days in conspicuous places, including all places where notices to employees are customarily posted. In addition to the physical posting of paper notices, notices shall be distributed electronically, such as by email, posting on an intranet

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[13] Because Holmes subsequently resigned from Carter and there is no constructive discharge allegation, there does not appear to be any loss of earnings or benefits associated with his LDP removal. As a result, a traditional make whole remedy under *Thryv, Inc.*, 372 NLRB No. 22 (2022) does not appear to be warranted. The parties can, however, sort this matter out in greater depth during the compliance phase.

[14] If no exceptions are filed as provided by §102.46 of the Board's Rules and Regulations, the findings, conclusions, and recommended Order shall, as provided in §102.48 of the Rules, be adopted by the Board and all objections to them shall be deemed waived for all purposes.

[15] If this Order is enforced by a judgment of a United States Court of Appeals, the words in the notice reading "Posted by Order of the National Labor Relations Board" shall read "Posted Pursuant to a Judgment of the United States Court of Appeals Enforcing an Order of the National Labor Relations Board."

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 and former employees employed by the Respondent at any time since May 21, 2024.

d. During this 60-day posting period, Respondent shall permit a duly appointed Board agent to enter its facilities at reasonable times and in a manner not to unduly interfere with its operations, for the limited purpose of determining whether it is following the notice posting, distribution, and mailing requirements.

e. Within 21 days after service by the Region, file with the Regional Director for Region 16 a sworn certification of a responsible official on a form provided by the Region attesting to the steps the Respondent has taken to comply.

Dated Washington, D.C. May 29, 2026

Robert A. Ringler
Administrative Law Judge

APPENDIX

NOTICE TO EMPLOYEES
Posted by 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 interrogate you about your protected concerted activities.

WE WILL NOT remove you from our Leadership Development Program, fire you, discipline you, or otherwise discriminate against you because of your protected concerted activities, which includes posting on Facebook a solicitation for your coworkers to wear black scrubs on Sundays to protest those assignments.

WE WILL NOT in any like or related manner interfere with, restrain or coerce employees in the exercise of their rights guaranteed by §7 of the Act.

WE WILL make Stephen Holmes whole for his unlawful removal from our Leadership Development Program.

WE WILL, within 14 days from the date of the Board's Order, remove from our files any reference to Holmes' unlawful removal from our Leadership Development Program, and **WE WILL**, within 3 days thereafter, notify him in writing that this has been done and that our action will not be used against him in any way.

CARTER BLOODCARE
(Employer)

Dated: _____ **By:** _____
(Representative) **(Title)**

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. It conducts secret-ballot elections to determine whether employees want union representation and it investigates and remedies unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional

Office set forth below. You may also obtain information from the Board's website: www.nlrb.gov.

819 Taylor Street, Room 8A24, Fort Worth, TX 76102-6178
(817) 978-2921, Hours: 8:15 a.m. to 4:45 p.m.

The Administrative Law Judge's decision can be found at https://www.nlrb.gov/case/ 16-CA-345182 or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1015 Half Street, S.E., Washington, D.C. 20570, or by calling (202) 273-1940

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE

THIS NOTICE MUST REMAIN POSTED FOR 60 CONSECUTIVE DAYS FROM THE DATE OF POSTING AND MUST NOT BE ALTERED, DEFACED, OR COVERED BY ANY OTHER MATERIAL. ANY QUESTIONS CONCERNING THIS NOTICE OR COMPLIANCE WITH ITS PROVISIONS MAY BE DIRECTED TO THE ABOVE REGIONAL OFFICE'S COMPLIANCE OFFICER, (682) 703-7489.