FORM EXEMPT UNDER 44 U.S.C 3512

INTERNET FORM NLRB-501 (2-08)

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD

CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE	
Case 13-CA-221323	Date Filed 6/1/18

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer
(1) 6900 S. Lafayette McDonald's
(2) McDonald's USA

b. Tel. No. (1) (773) 994-0690 (2) (800) 244-6227

c. Cell No.

f. Fax No.

d. Address *(Street, city, state, and ZIP code)*
(1) 6900 S. Lafayette Avenue, Chicago, IL 60621
(2) 2111 McDonald's Drive, Oak Park, IL 60523

e. Employer Representative

g. e-Mail

h. Number of workers employed
(1) approx. 35; (2) 100,000+

i. Type of Establishment *(factory, mine, wholesaler, etc.)*
Restaurant

j. Identify principal product or service
Fast Food

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and *(list subsections)* (3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge *(set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)*

Within the last six months, the above-named employers have made implicit and explicit threats against employees related to participation in Union and protected concerted activities and have discriminated against (b) (6), (b) (7)(C) in retaliation for [redacted] participation in Union and protected concerted activities and in an effort to restrain and coerce such participation by [redacted] and [redacted] fellow workers.

3. Full name of party filing charge *(if labor organization, give full name, including local name and number)*
SEIU National Fast Food Workers Union

4a. Address *(Street and number, city, state, and ZIP code)*
850 W. Jackson, Suite 275
Chicago, IL 60607

4b. Tel. No. (312) 989-6213

4c. Cell No.

4d. Fax No. (312) 243-4731

4e. e-Mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit *(to be filled in when charge is filed by a labor organization)* Service Employees International Union

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By _____ *(signature of representative or person making charge)*

Barry M. Bennett, Lawyer *(Print/type name and title or office, if any)*

Address Dowd, Bloch, Bennett, Cervone, Auerbach & Yokich
8 South Michigan Avenue, 19th Floor, Chicago, IL 60603

6/1/18 *(date)*

Tel. No. (312) 372-1361

Office, if any, Cell No.

Fax No. (312) 372-6599

e-Mail bbennett@laboradvocates.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Cases

Case Number	Case Name	Case Actions	Date Filed	Status	IA Category	Charging Party Petitioner	Blocked	Hot Topics	Dispute/Unit City	Dispute/ Unit State	Charged Party Employer	No. 8(b)(2) Discriminatees	No. 8(a)(3) Discriminatees	No. of Employees on Petition/Charge	Description	Inquiry Id	Type	Sub Type	Team	Field Agent	Field Supervisor	Barg Status	Closed Reason	Date Closed	New	File O	Method of Contact
13-CA-219614	McDonald's as a single integrated enterprise and McDonald's USA, LLC a joint employer	Case Actions	5/3/2018	Open	2	SEIU National Fast Food Workers Union	No		Chicago	IL	McDonald's USA LLC		1	100,420		[redacted] (b) (6), (b) (7)(C	C	CA	ECORTEZ	ECORTEZ	KGIANOPU	None				(b) (7)(E) [redacted]	Written
13-CA-217340	McDonald's 2707 N. Milwaukee and McDonald's LLC, joint employers	Case Actions	3/28/2018	Open	2	SEIU National Fast Food Workers Union	No		Chicago	IL	McDonald's USA LLC			160,000		[redacted]	C	CA	CBHILL	CBHILL	KGIANOPU	None				(b) (7)(E) [redacted]	Written
13-CA-215604	McDonald's	Case Actions	2/27/2018	Open	3	National Fast Food Workers Union	No		Chicago	IL	McDonald's		1	20		[redacted]	C	CA	MGUERRER	MGUERRER	PPROKOP	None				(b) (7)(E) [redacted]	eFiled
13-CA-212908	McDonald's	Case Actions	1/11/2018	Closed	2	NFFWU	No		Chicago	IL	McDonald's		1	20		[redacted]	C	CA	MGUERRER	MGUERRER	PPROKOP	None	Withdrawal Non-adjusted	4/18/2018		(b) (7)(E) [redacted]	eFiled
13-CA-207536	McDonald's	Case Actions	10/6/2017	Closed	1	Workers Organizing Committee of Chicago	No		Chicago	IL	McDonald's			20		[redacted]	C	CA	MGUERRER	MGUERRER	PPROKOP	None	Withdrawal Non-adjusted	12/15/2017		(b) (7)(E) [redacted]	eFiled
13-CA-206642	McDonald's	Case Actions	9/21/2017	Closed	2	Workers Organizing Committee of Chicago	No		Chicago	IL	McDonald's		1	20		[redacted]	C	CA	MGUERRER	MGUERRER	PPROKOP	None	Withdrawal Non-adjusted	12/15/2017		(b) (7)(E) [redacted]	eFiled
13-CA-206265	McDonald's	Case Actions	9/15/2017	Closed	2	Workers Organizing Committee of Chicago	No		Chicago	IL	McDonald's		1	20		[redacted]	C	CA	MGUERRER	MGUERRER	PPROKOP	None	Dismissal Non-adjusted	4/23/2018		(b) (7)(E) [redacted]	eFiled
13-CA-172669	McDonald's and McDonald's USA, LLC	Case Actions	3/28/2016	Closed	2	Workers Organizing Committee of Chicago	No		Chicago	IL	McDonalds USA, LLC		1	50		[redacted]	C	CA	ECASTILL	ECASTILL	JMUTH	None	Withdrawal Non-adjusted	4/13/2016		(b) (7)(E) [redacted]	Written

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 13
Dirksen Federal Building
219 South Dearborn Street, Suite 808
Chicago, IL 60604-2027

Agency Website: www.nlrb.gov
Telephone: (312)353-7570
Fax: (312)886-1341

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June 4, 2018

6900 S. Lafayette McDonald's
6900 South Lafayette Avenue
Chicago, IL 60621-3782

McDonalds's USA, LLC
2111 McDonald's Drive
Oak Brook, IL 60523

Re: 6900 S. Lafayette McDonald's and
McDonald's USA
Case 13-CA-221323

Dear Sir or Madam:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner Matthew T. Persons whose telephone number is (312)353-4242 and e-mail address is matthew.persons@nlrb.gov. If this Board agent is not available, you may contact Supervisory Examiner Kate Gianopulos whose telephone number is (312)353-4162.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge by June 15, 2018. If the Board agent later asks for more evidence, I strongly urge you or your

representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, www.nlrb.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions

about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

/s/ Daniel N. Nelson

Daniel N. Nelson
Acting Regional Director

MTP/dg
Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

Revised 3/21/2011

NATIONAL LABOR RELATIONS BOARD

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME	CASE NUMBER
	13-CA-221323

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)

2. TYPE OF ENTITY

[ ] CORPORATION [ ] LLC [ ] LLP [ ] PARTNERSHIP [ ] SOLE PROPRIETORSHIP [ ] OTHER (Specify)

3. IF A CORPORATION or LLC

A. STATE OF INCORPORATION OR FORMATION	B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS

5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR

6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS *(Products handled or manufactured, or nature of services performed).*

7. A. PRINCIPAL LOCATION:	B. BRANCH LOCATIONS:

8. NUMBER OF PEOPLE PRESENTLY EMPLOYED

A. Total:	B. At the address involved in this matter:

9. DURING THE MOST RECENT *(Check appropriate box):* [ ] **CALENDAR YR** [ ] **12 MONTHS** or [ ] **FISCAL YR** *(FY dates)*

	YES	NO
A. Did you **provide services** valued in excess of $50,000 directly to customers outside your State? If no, indicate actual value. $		
B. If you answered no to 9A, did you **provide services** valued in excess of $50,000 to customers in your State who purchased goods valued in excess of $50,000 from directly outside your State? If no, indicate the value of any such services you provided. $		
C. If you answered no to 9A and 9B, did you **provide services** valued in excess of $50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than $50,000, indicate amount. $		
D. Did you **sell goods** valued in excess of $50,000 directly to customers located outside your State? If less than $50,000, indicate amount. $		
E. If you answered no to 9D, did you **sell goods** valued in excess of $50,000 directly to customers located inside your State who purchased other goods valued in excess of $50,000 from directly outside your State? If less than $50,000, indicate amount. $		
F. Did you **purchase and receive goods** valued in excess of $50,000 from directly outside your State? If less than $50,000, indicate amount. $		
G. Did you **purchase and receive goods** valued in excess of $50,000 from enterprises who received the goods directly from points outside your State? If less than $50,000, indicate amount. $		
H. **Gross Revenues** from all sales or performance of services ***(Check the largest amount)*** [ ] $100,000 [ ] $250,000 [ ] $500,000 [ ] $1,000,000 or more If less than $100,000, indicate amount.		
I. **Did you begin operations within the last 12 months?** If yes, specify date:		

10 ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?

[ ] YES [ ] NO *(If yes, name and address of association or group).*

11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS

NAME	TITLE	E-MAIL ADDRESS	TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE *(Type or Print)*	SIGNATURE	E-MAIL ADDRESS	DATE

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UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

6900 S. LAFAYETTE MCDONALD'S AND MCDONALD'S USA Charged Party and **SEIU NATIONAL FAST FOOD WORKERS UNION** Charging Party	**Case 13-CA-221323**

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on June 4, 2018**,** I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

6900 S. Lafayette McDonald's
6900 South Lafayette Avenue
Chicago, IL 60621-3782

McDonalds's USA, LLC
2111 McDonald's Drive
Oak Brook, IL 60523

June 4, 2018
Date

Denise Gatsoudis, Designated Agent of NLRB
Name

/s/ Denise Gatsoudis
Signature

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

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June 4, 2018

SEIU National Fast Food Workers Union
850 West Jackson, Suite 275
Chicago, IL 60607

Re: 6900 S. Lafayette McDonald's and
McDonald's USA
Case 13-CA-221323

Dear Sir or Madam:

The charge that you filed in this case on June 01, 2018 has been docketed as case number 13-CA-221323. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner Matthew T. Persons whose telephone number is (312)353-4242 and e-mail address is matthew.persons@nlrb.gov. If this Board agent is not available, you may contact Supervisory Examiner Kate Gianopulos whose telephone number is (312)353-4162.

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Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

/s/ Daniel N. Nelson

Daniel N. Nelson
Acting Regional Director

MTP/dg
Enclosure:
Copy of Charge

cc: Barry M. Bennett, Attorney at Law
Dowd Bloch Bennett Cervone Auerbach & Yokich
8 South Michigan Avenue, Suite 1900
Chicago, IL 60603-3315

From: Barry Bennett
To: Persons, Matthew
Subject: Re: McDonald"s, 13-CA-221323
Date: Monday, June 25, 2018 11:06:09 AM

Matt,

As charging party, I respectfully ask to withdraw this charge.

Please let me know if you need anything else.

Thanks.

Barry

On Fri, Jun 22, 2018 at 11:19 AM, Barry Bennett <bbennett@laboradvocates.com> wrote:

> Thanks Matt. I've been trying to set things up, and unfortunately it may not work. I should know by the first of the week if we're going to able to get [redacted] in to you, and if not we'll withdraw.
>
> On Fri, Jun 22, 2018 at 11:16 AM, Persons, Matthew <Matthew.Persons@nlrb.gov> wrote:
>
> > Barry: To follow up on my voicemail from yesterday, the Region needs your witnesses in support of the above-captioned charge, particularly named discriminatee (b) (6), (b) (7)(C). Please contact me today to set up a time for [redacted] to give sworn affidavit testimony next week, June 25-29, 2018. If [redacted] is not able to provide a sworn statement by next week, I ask that you withdraw the instant charge and refile when [redacted] is available. Thank you.
>
> --
> **BARRY M. BENNETT**
> **DOWD, BLOCH, BENNETT, CERVONE, AUERBACH & YOKICH**
> 8 South Michigan Avenue | 19th Floor | Chicago, IL 60603
> Phone 312.372.1361 | Fax 312.372.6599

--
BARRY M. BENNETT
DOWD, BLOCH, BENNETT, CERVONE, AUERBACH & YOKICH
8 South Michigan Avenue | 19th Floor | Chicago, IL 60603
Phone 312.372.1361 | Fax 312.372.6599

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error, please notify Dowd, Bloch, Bennett, Cervone, Auerbach & Yokich (office@laboradvocates.com). Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of Dowd, Bloch, Bennett, Cervone, Auerbach & Yokich. Finally, the recipient should check this email and any attachments for the presence of viruses. Dowd, Bloch, Bennett, Cervone, Auerbach & Yokich accepts no liability for any damage caused by any virus transmitted by this email.

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
REGION 13
Dirksen Federal Building
219 South Dearborn Street, Suite 808
Chicago, IL 60604-2027

Agency Website: www.nlrb.gov
Telephone: (312)353-7570
Fax: (312)886-1341

June 25, 2018

6900 S. Lafayette McDonald's
6900 S Lafayette Ave
Chicago, IL 60621-3782

Michael S. Ferrell, Esq., Partner
Jones Day
77 W Wacker Dr Ste 3500
Chicago, IL 60601-1692

Brandon Dixon, Esq.
Jones Day
77 W Wacker Dr Ste 3500
Chicago, IL 60601-1692

Re: 6900 S. Lafayette McDonald's and McDonald's USA
Case 13-CA-221323

Dear Mr. Ferrell, Mr. Dixon:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

/s/ Peter Sung Ohr

Peter Sung Ohr
Regional Director

cc: McDonalds's USA, LLC
2111 McDonald's Drive
Oak Brook, IL 60523

SEIU National Fast Food Workers Union
850 West Jackson, Suite 275
Chicago, IL 60607

Barry M. Bennett, Attorney at Law
Dowd Bloch Bennett Cervone Auerbach & Yokich
8 S Michigan Ave Ste 1900
Chicago, IL 60603-3315

MP/djs