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	Date Filed
14-CA-134396	9/9/2014

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
McDonald's Restaurant

b. Tel. No. (314)534-3276

c. Cell No.

f. Fax No.

d. Address *(Street, city, state, and ZIP code)*
4006 Lindell Blvd
St. Louis, MO 63108

e. Employer Representative
(b) (6), (b) (7)(C)

g. e-Mail

h. Number of workers employed
30

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)*
The above-named Employer, by its officers, agents and representatives, discriminated in regard to hire, tenure and other conditions of employment against employee (b) (6), (b) (7)(C) on or about (b) (6), (b) (7)(C) 2014 by discharging (b) (6), (b) and at all times thereafter has continued to discriminate against (b) (6), (b) (7)(C) in order to discourage membership in a labor organization and/or concerted activities.

3. Full name of party filing charge *(if labor organization, give full name, including local name and number)*
Mid-South Organizing Committee

4a. Address *(Street and number, city, state, and ZIP code)*
438 Skinker Boulevard, 3rd Floor
St. Louis, MO 63130

4b. Tel. No. (b) (6), (b) (7)(C)

4c. Cell No.

4d. Fax No.

4e. e-Mail
(b) (6), (b) (7)(C)

RECEIVED 2014 SEP 9 PM 3:5 NLRB REGION 14 ST. LOUIS MO 63102

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)* Mid-South Organizing Committee

6. DECLARATION
I d[redacted]nts are true to the best of my knowledge and belief.
(b) (6), (b) (7)(C)

By [redacted] b) (6), (b) (7)(C)
(Print/type name and title or office, if any)

Address 438 Skinker Boulevard, 3rd Floor, St. Louis, MO 63130

9/9/2014
(date)

Tel. No. (b) (6), (b) (7)(C)

Office, if any, Cell No.

Fax No.

e-Mail
(b) (6), (b) (7)(C)

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.

CHARGE ASSIGNMENT SHEET (EMPLOYER)

Case No.:	CASE NAME:
14-CA- 136396	MCDONALD'S RESTAURANT

DATE FILED:	CATEGORY:
9/9/14	[] I [] II [X] III

Potential 10(j)	8(a)(2) -- name of assisted union)	Number of 8(a)(3) discriminatees	Number of Employees (if not currently on charge)
NO		1	

IO charge? Yes [X] No []	Dispute City: ST. LOUIS Dispute State: MO
COMMENTS:	Bargaining Status: [] Existing Contract [] None [X] Organizational Campaign [] Seeking Initial Contract [] Seeking Successor Contract
SUPERVISOR: LKZ	AGENT: FMB

8(a)(1)

[] Coercive Actions (Surveillance, etc)
[] Coercive Rules
[] Coercive Statements (Threats, Promise of Benefits, etc.)
[X] Concerted Activities (Retaliation, Discharge, Discipline)
[] Denial of Access
[] Discharge of supervisor (*Parker-Robb Chevrolet*)
[] Interrogation (including Polling)
[] Lawsuits
[] Weingarten

8(a)(2)

[] Assistance
[] Domination
[] Unlawful Recognition

8(a)(3)

[] Changes in Terms and Conditions of Employment
[X] Discharge (Including Layoff; Refusal to Hire (not salting))
[] Discipline
[] Lockout
[] Refusal to Consider/Hire Applicant (salting only)
[] Refusal to Reinstate ee/Striker (e.g. Laidlaw)
[] Retaliatory Lawsuit
[] Shutdown or Relocate/ Subcontract Unit Work
[] Union Security Related Actions

8(a)(4)

[] Changes in Terms and Conditions of Employment
[] Discharge (including Layoff and Refusal to Hire)
[] Discipline
[] Refusal to Reinstate Employee/Striker
[] Shutdown or Relocate/ Subcontract Unit Work

8(a)(5)

[] Alter Ego
[] Failure to Sign Agreement
[] Refusal to Bargain/Bad Faith Bargaining (including surface bargaining/direct dealing)
[] Refusal to Furnish Information
[] Refusal to Hire Majority
[] Refusal to Recognize
[] Repudiation/Modification of Contract (Sec 8(d)/Unilateral Changes)
[] Shutdown or Relocate or Subcontract Work (e.g. *First National Maintenance*)

8(e)

[] All Allegations against a Labor Organization
[] All Allegations against an Employer

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 14
1222 SPRUCE ST
RM 8.302
SAINT LOUIS, MO 63103-2829

Agency Website: www.nlrb.gov
Telephone: (314)539-7770
Fax: (314)539-7794

Download
NLRB
Mobile App

September 10, 2014

(b) (6), (b) (7)(C)
,

Re: McDonand's Restaurant
Case 14-CA-136396

Dear (b) (6), (b) (7)(C)

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 Attorney ROCHELLE K. BALENTINE whose telephone number is (314)539-7773. If this Board agent is not available, you may contact Deputy Regional Attorney LYNETTE K. ZUCH whose telephone number is (314)539-7764.

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 as soon as possible. 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.

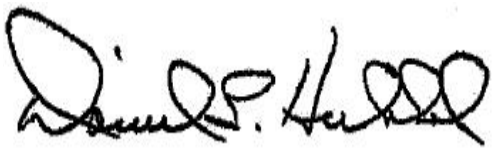
We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), 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.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) 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.

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 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,



DANIEL L. HUBBEL
Regional Director

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
McDonand's Restaurant	14-CA-136396

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

MCDONAND'S RESTAURANT Charged Party and **MID-SOUTH ORGANIZING COMMITTEE** Charging Party	**Case 14-CA-136396**

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on September 10, 2014**,** I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C)
,

September 10, 2014
Date

Enter NAME, Designated Agent of NLRB
Name

Signature

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 14
1222 SPRUCE ST
RM 8.302
SAINT LOUIS, MO 63103-2829

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Telephone: (314)539-7770
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Download
NLRB
Mobile App

September 10, 2014

(b) (6), (b) (7)(C)
Mid-South Organizing Committee
438 Skinker Boulevard
3rd Floor
St Louis, MO 63130

Re: McDonald's Restaurant
Case 14-CA-136396

Dear (b) (6), (b) (7)(C):

The charge that you filed in this case on September 09, 2014 has been docketed as case number 14-CA-136396. 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 Attorney ROCHELLE K. BALENTINE whose telephone number is (314)539-7773. If this Board agent is not available, you may contact Deputy Regional Attorney LYNETTE K. ZUCH whose telephone number is (314)539-7764.

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 at the Regional 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: 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.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) 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.

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 the Regional 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.

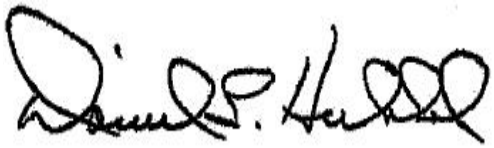
We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Qualifying for Backpay: We are just beginning to investigate your charge and no decision has been made regarding the merits of your case. However, it is important that employees who might be entitled to backpay because of loss of employment understand their obligation to look for work in order to qualify for backpay if your case has merit. Accordingly, we urge you to promptly provide the Board agent with the names and addresses of all employees who might be entitled to backpay as a result of the charge you filed.

If backpay is due to an employee, the Board requires that the employee offset the backpay by promptly beginning to look for another job in the same or similar line of work. The Board has held that a reasonably diligent employee should begin searching for interim work within 2 weeks after the employee's termination or layoff or a refusal to hire the employee. If an employee cannot establish that he or she actively tried to mitigate his or her losses, the amount of money owed to the employee might be reduced.

Employees who might be owed backpay should keep careful records of when and where they have sought employment and of job search expenses such as mileage, parking, and copying resumes. Specifically, they should keep a record of each time they attempt to find work, including the date, name of the company, name of person with whom they spoke, the position sought, and the response received.

Very truly yours,



DANIEL L. HUBBEL
Regional Director

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 14
1222 SPRUCE ST
RM 8.302
SAINT LOUIS, MO 63103-2829

Agency Website: www.nlrb.gov
Telephone: (314)539-7770
Fax: (314)539-7794

September 23, 2014

Gina M. LiVolsi, ESQ.
LaPointe Law, P.C.
1200 Shermer Road, Suite 310
Northbrook, IL 60062

Re: McDonald's Restaurant
Case 14-CA-136396

Dear Ms. LiVolsi:

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

Very truly yours,

/S/

DANIEL L. HUBBEL
Regional Director

cc: (b) (6), (b) (7)(C)
McDonald's Restaurant
4006 Lindell Blvd
St Louis, MO 63108

(b) (6), (b) (7)(C)
Mid-South Organizing Committee
438 Skinker Boulevard, 3rd Floor
St Louis, MO 63130