FORM NLRB-502 (RC)
(2-18)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
RC PETITION

DO NOT WRITE IN THIS SPACE	
Case No. 03-RC-282115	Date Filed 8/30/2021

***INSTRUCTIONS:** Unless e-Filed using the Agency's website, www.nlrb.gov/, submit an original of this Petition to an NLRB office in the Region in which the employer concerned is located. The petition must be accompanied by both a showing of interest (see 6b below) and a certificate of service showing service on the employer and all other parties named in the petition of: (1) the petition; (2) Statement of Position form (Form NLRB-505); and (3) Description of Representation Case Procedures (Form NLRB 4812). The showing of interest should only be filed with the NLRB and should not be served on the employer or any other party.*

1. **PURPOSE OF THIS PETITION: RC-CERTIFICATION OF REPRESENTATIVE** - A substantial number of employees wish to be represented for purposes of collective bargaining by Petitioner and Petitioner desires to be certified as representative of the employees. **The Petitioner alleges that the following circumstances exist and requests that the National Labor Relations Board proceed under its proper authority pursuant to Section 9 of the National Labor Relations Act.**

2a. Name of Employer: Starbucks Corporation	2b. Address(es) of Establishment(s) involved *(Street and number, City, State, ZIP code)*: 933 Elmwood Ave., Buffalo, NY 14222
3a. Employer Representative - Name and Title: Kevin Johnson, President and CEO (see attached for District Manager)	3b. Address *(if same as 2b - state same)*: Same

3c. Tel. No.	3d. Cell No.	3e. Fax No.	3f. E-Mail Address
206-318-2212			kevin.johnson@starbucks.com

4a. Type of Establishment *(Factory, mine, wholesaler, etc.)*	4b. Principal Product or Service	5a. City and State where unit is located:
Coffee shop	Food and beverage	Buffalo, NY

5b. Description of Unit Involved:
Included:
All full-time and regular part-time Baristas, Shift Supervisors, Asst. Store Managers
Excluded:
Store Managers; office clericals, guards, and supervisors as defined by the Act

6a. Number of Employees in Unit: 21

6b. Do a substantial number (30% or more) of the employees in the unit wish to be represented by the Petitioner? ☒ Yes ☐ No

Check One: ☐ 7a. Request for recognition as Bargaining Representative was made on (Date) _____ and Employer declined recognition on or about (Date) _____ (If no reply received, so state).
☐ 7b. Petitioner is currently recognized as Bargaining Representative and desires certification under the Act.

8a. Name of Recognized or Certified Bargaining Agent *(If none, so state)*	8b. Address
None	

8c. Tel. No.	8d. Cell No.	8e. Fax No.	8f. E-Mail Address

8g. Affiliation, if any:	8h. Date of Recognition or Certification	8i. Expiration Date of Current or Most Recent Contract, if any *(Month, Day, Year)*

9. Is there now a strike or picketing at the Employer's establishment(s) involved? No If so, approximately how many employees are participating? _____
(Name of Labor Organization) _____, has picketed the Employer since *(Month, Day, Year)* _____

10. Organizations or individuals other than Petitioner and those named in items 8 and 9, which have claimed recognition as representatives and other organizations and individuals known to have a representative interest in any employees in the unit described in item 5b above. *(If none, so state)*
None

10a. Name	10b. Address	10c. Tel. No.	10d. Cell No.
		10e. Fax No.	10f. E-Mail Address

11. Election Details: If the NLRB conducts and election in this matter, state your position with respect to any such election:

11a. Election Type: ☒ Manual ☐ Mail ☐ Mixed Manual/Mail

11b. Election Date(s):	11c. Election Time(s):	11d. Election Location(s):
9/13/21	TBD	Store premises

12a. Full Name of Petitioner *(including local name and number)*:	12b. Address *(street and number, city, State and ZIP code)*:
Workers United Upstate	2954 Main Street, Suite 556 Buffalo, NY 14214

12c. Full name of national or international labor organization of which Petitioner is an affiliate or constituent *(if none, so state)*:
Workers United

12d. Tel. No.	12e. Cell No.	12f. Fax No.	12g. E-Mail Address
585-473-3280			gbonadonnajr@rrjb.org

13. Representative of the Petitioner who will accept service of all papers for purposes of the representation proceeding.

13a. Name and Title:	13b. Address *(street and number, city, State and ZIP code)*:
Ian Hayes, Attorney	Creighton, Johnsen & Giroux 1103 Delaware Ave., Buffalo, NY 14209

13c. Tel. No.	13d. Cell No.	13e. Fax No.	13f. E-Mail Address
716-854-0007		716-854-0004	ihayes@cpjglaborlaw.com

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

Name *(Print)*	Signature	Title	Date
Ian Hayes	Ian Hayes	Attorney	08/30/21

WILLFUL FALSE STATEMENTS ON THIS PETITION 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 representation 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 may cause the NLRB to decline to invoke its processes.

Attachment to RC Petition – Sections 3a-3f:

David Lefrois, District Manager
585-975-9135
dlefrois@starbucks.com

Form NLRB-5544
(5-2015)

CERTIFICATE OF SERVICE

Employer Name: Starbucks Corporation

Service on the Employer

I hereby certify that on 8/30/21 (date), a copy of the petition involving the Employer named above, a Statement of Position (Form NLRB-505), and a Description of Procedures (Form NLRB-4812) were served on the Employer by: (check whichever is applicable)

- [x] e-mail to the email address shown on the petition.
- [ ] facsimile (with the permission of the Employer) to the facsimile number shown on the petition.
- [ ] overnight mail to the mailing address shown on the petition.
- [ ] hand-delivery to_____(name of Employer's representative) at the following address:_____.

Service on the Other Party Named in the Petition

I hereby certify that on _____ (date), a copy of the petition involving the Employer named above, a Statement of Position (Form NLRB-505), and a Description of Procedures (Form NLRB-4812) were also served on _____ (name of party or parties) by: (check whichever is applicable)

- [ ] email to the email address shown on the petition.
- [ ] facsimile (with the permission of the party) to the facsimile number shown on the petition.
- [ ] overnight mail to the mailing address shown on the petition.
- [ ] hand-delivery to_____ (name of party's representative) at the following address:_____.

Service on the Other Party Named in the Petition

I hereby certify that on _____ (date), a copy of the petition involving the Employer named above, a Statement of Position (Form NLRB-505), and a Description of Procedures (Form NLRB-4812) were also served on _____ (name of party or parties) by: (check whichever is applicable)

- [ ] email to the email address shown on the petition.
- [ ] facsimile (with the permission of the party) to the facsimile number shown on the petition.
- [ ] overnight mail to the mailing address shown on the petition.
- [ ] hand-delivery to_____ (name of party's representative) at the following address:_____.

Ian Hayes

Signature

Ian Hayes, Attorney

Name and Title

8/30/21

Date

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 3
130 S Elmwood Ave Ste 630
Buffalo, NY 14202-2465

Agency Website: www.nlrb.gov
Telephone: (716)551-4931
Fax: (716)551-4972

Download
NLRB
Mobile App

August 30, 2021

URGENT

kevin.johnson@starbucks.com

Kevin Johnson
Starbucks Corporation
933 Elmwood Ave
Buffalo, NY 14222

Re: Starbucks Corporation
Case 03-RC-282115

Dear Mr. Johnson:

Enclosed is a copy of a petition that Workers United Upstate filed with the National Labor Relations Board (NLRB) seeking to represent certain of your employees. After a petition is filed, the employer is required to promptly take certain actions so please read this letter carefully to make sure you are aware of the employer's obligations. This letter tells you how to contact the Board agent who will be handling this matter, about the requirement to post and distribute the Notice of Petition for Election, the requirement to complete and serve a Statement of Position Form, the Petitioner's requirement to complete and serve a Responsive Statement of Position Form, a scheduled hearing in this matter, other information needed including a voter list, your right to be represented, and NLRB procedures, including how to submit documents to the NLRB.

Investigator: This petition will be investigated by Field Examiner Michael Dahlheimer whose telephone number is (716)398-7008. The Board agent will contact you shortly to discuss processing the petition. If you have any questions, please do not hesitate to call the Board agent. If the agent is not available, you may contact Regional Director LINDA M. LESLIE whose telephone number is (716)398-7017. The Board agent may also contact you and the other party or parties to schedule a conference meeting or telephonic or video conference for some time before the close of business the day following receipt of the final Responsive Statement(s) of Position. This will give the parties sufficient time to determine if any issues can be resolved prior to hearing or if a hearing is necessary. If appropriate, the NLRB attempts to schedule an election either by agreement of the parties or by holding a hearing and then directing an election.

Required Posting and Distribution of Notice: You must post the enclosed Notice of Petition for Election by September 6, 2021 in conspicuous places, including all places where notices to employees are customarily posted. The Notice of Petition for Election must be posted so all pages are simultaneously visible. If you customarily communicate electronically with

employees in the petitioned-for unit, you must also distribute the notice electronically to them. You must maintain the posting until the petition is dismissed or withdrawn or this notice is replaced by the Notice of Election. Posting and distribution of the Notice of Petition for Election will inform the employees whose representation is at issue and the employer of their rights and obligations under the National Labor Relations Act in the representation context. Failure to post or distribute the notice may be grounds for setting aside an election if proper and timely objections are filed.

Required Statement of Position: In accordance with Section 102.63(b) of the Board's Rules, the employer is required to complete the enclosed Statement of Position form (including the attached Commerce Questionnaire), have it signed by an authorized representative, and file a completed copy (with all required attachments) with this office and serve it on all parties named in the petition such that it is received by them by **noon Eastern Time** on **September 10, 2021**. This form solicits information that will facilitate entry into election agreements or streamline the pre-election hearing if the parties are unable to enter into an election agreement. **This form must be e-Filed, but unlike other e-Filed documents, will *not* be timely if filed on the due date but after noon September 10, 2021.** If you have questions about this form or would like assistance in filling out this form, please contact the Board agent named above.

List(s) of Employees: The employer's Statement of Position must include a list of the full names, work locations, shifts, and job classifications of all individuals in the proposed unit as of the payroll period preceding the filing of the petition who remain employed at the time of filing. If the employer contends that the proposed unit is inappropriate, the employer must separately list the full names, work locations, shifts and job classifications of all individuals that it contends must be added to the proposed unit to make it an appropriate unit. The employer must also indicate those individuals, if any, whom it believes must be excluded from the proposed unit to make it an appropriate unit. These lists must be alphabetized (overall or by department). Unless the employer certifies that it does not possess the capacity to produce the lists in the required form, the lists must be in a table in a Microsoft Word file (.doc or .docx) or a file that is compatible with Microsoft Word, the first column of the table must begin with each employee's last name, and the font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional form for the list is provided on the NLRB website at www.nlrb.gov/sites/default/files/attachments/basic-page/node-4559/Optional Forms for Voter List.docx

Failure to Supply Information: Failure to supply the information requested by this form may preclude you from litigating issues under Section 102.66(d) of the Board's Rules and Regulations. Section 102.66(d) provides as follows:

> A party shall be precluded from raising any issue, presenting any evidence relating to any issue, cross-examining any witness concerning any issue, and presenting argument concerning any issue that the party failed to raise in its timely Statement of Position or to place in dispute in response to another party's Statement of Position or response, except that no party shall be precluded from

> contesting or presenting evidence relevant to the Board's statutory jurisdiction to process the petition. Nor shall any party be precluded, on the grounds that a voter's eligibility or inclusion was not contested at the pre-election hearing, from challenging the eligibility of any voter during the election. If a party contends that the proposed unit is not appropriate in its Statement of Position but fails to specify the classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit, the party shall also be precluded from raising any issue as to the appropriateness of the unit, presenting any evidence relating to the appropriateness of the unit, cross-examining any witness concerning the appropriateness of the unit, and presenting argument concerning the appropriateness of the unit. If the employer fails to timely furnish the lists of employees described in §§ 102.63(b)(1)(iii), (b)(2)(iii), or (b)(3)(iii), the employer shall be precluded from contesting the appropriateness of the proposed unit at any time and from contesting the eligibility or inclusion of any individuals at the pre-election hearing, including by presenting evidence or argument, or by cross-examination of witnesses.

Responsive Statement of Position: In accordance with Section 102.63(b) of the Board's Rules, following timely filing and service of an employer's Statement of Position, the petitioner is required to complete the enclosed Responsive Statement of Position form, have it signed by an authorized representative, and file a completed copy with any necessary attachments, with this office and serve it on all parties named in the petition responding to the issues raised in the employer's Statement of Position, such that it is received no later than **noon Eastern Time** on **September 15, 2021.**

Notice of Hearing: Enclosed is a Notice of Representation Hearing to be conducted at **10:00 AM** on **Monday, September 20, 2021** at **Via Video Conference**, **130 E. Elmwood Ave, Suite 630, Buffalo, NY 14202,** if the parties do not voluntarily agree to an election. If a hearing is necessary, the hearing will run on consecutive days until concluded unless the regional director concludes that extraordinary circumstances warrant otherwise. Before the hearing begins, the NLRB will continue to explore potential areas of agreement with the parties in order to reach an election agreement and to eliminate or limit the costs associated with formal hearings.

Upon request of a party showing good cause, the regional director may postpone the hearing. A party desiring a postponement should make the request to the regional director in writing, set forth in detail the grounds for the request, and include the positions of the other parties regarding the postponement. E-Filing the request is required. A copy of the request must be served simultaneously on all the other parties, and that fact must be noted in the request.

Other Information Needed Now*:* Please submit to this office, as soon as possible, the following information needed to handle this matter:

(a) A copy of any existing or recently expired collective-bargaining agreements, and any amendments or extensions, or any recognition agreements covering any of your employees in the unit involved in the petition (the petitioned-for unit);

(b) The name and contact information for any other labor organization (union) claiming to represent any of the employees in the petitioned-for unit;

(c) If potential voters will need notices or ballots translated into a language other than English, the names of those languages and dialects, if any.

(d) If you desire a formal check of the showing of interest, you must provide an alphabetized payroll list of employees in the petitioned-for unit, with their job classifications, for the payroll period immediately before the date of this petition. Such a payroll list should be submitted as early as possible prior to the hearing. Ordinarily a formal check of the showing of interest is not performed using the employee list submitted as part of the Statement of Position.

Voter List: If an election is held in this matter, the employer must transmit to this office and to the other parties to the election, an alphabetized list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available home and personal cellular telephone numbers) of eligible voters. Usually, the list must be furnished within 2 business days of the issuance of the Decision and Direction of Election or approval of an election agreement. I am advising you of this requirement now, so that you will have ample time to prepare this list. The list must be electronically filed with the Region and served electronically on the other parties. To guard against potential abuse, this list may not be used for purposes other than the representation proceeding, NLRB proceedings arising from it or other related matters.

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.

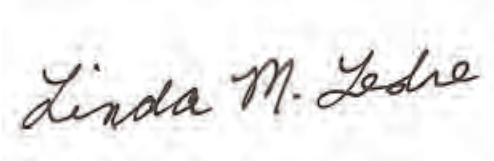
If someone contacts you about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the NLRB. Their knowledge regarding this matter was only obtained through access to information that must be made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

Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlrb.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determinations solely based on the documents and evidence properly submitted. All evidence

submitted electronically should be in the form in which 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 petition.

Information about the NLRB and our customer service standards is available on our website, www.nlrb.gov, or from an NLRB office upon your request. 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,



LINDA M. LESLIE
Acting Regional Director

Enclosures

1. Petition
2. Notice of Petition for Election (Form 5492)
3. Notice of Representation Hearing
4. Description of Procedures in Certification and Decertification Cases (Form 4812)
5. Statement of Position form and Commerce Questionnaire (Form 505)
6. Responsive Statement of Position (Form 506)

cc: David Lefrois, District Manager
Starbucks Corporation
933 Elmwood Ave
Buffalo, NY 14222

Form NLRB-5492
(Rev: 12-2015)

National Labor Relations Board

NOTICE OF PETITION FOR ELECTION

This notice is to inform employees that Workers United Upstate has filed a petition with the National Labor Relations Board (NLRB), a Federal agency, in Case 03-RC-282115 seeking an election to become certified as the representative of the employees of Starbucks Corporation in the unit set forth below:

All full-time and regular part-time Baristas, Shift Supervisors, Asst. Store Managers. Excluded: Store Managers; office clericals, guards, and supervisors as defined by the Act.

This notice also provides you with information about your basic rights under the National Labor Relations Act, the processing of the petition, and rules to keep NLRB elections fair and honest.

YOU HAVE THE RIGHT under Federal Law

- **To self-organization**
- **To form, join, or assist labor organizations**
- **To bargain collectively through representatives of your own choosing**
- **To act together for the purposes of collective bargaining or other mutual aid or protection**
- **To refuse to do any or all of these things unless the union and employer, in a state where such agreements are permitted, enter into a lawful union-security agreement requiring employees to pay periodic dues and initiation fees. Nonmembers who inform the union that they object to the use of their payments for nonrepresentational purposes may be required to pay only their share of the union's costs of representational activities (such as collective bargaining, contract administration, and grievance adjustments).**

PROCESSING THIS PETITION

Elections do not necessarily occur in all cases after a petition is filed. NO FINAL DECISIONS HAVE BEEN MADE YET regarding the appropriateness of the proposed unit or whether an election will be held in this matter. If appropriate, the NLRB will first see if the parties will enter into an election agreement that specifies the method, date, time, and location of an election and the unit of employees eligible to vote. If the parties do not enter into an election agreement, usually a hearing is held to receive evidence on the appropriateness of the unit and other issues in dispute. After a hearing, an election may be directed by the NLRB, if appropriate.

IF AN ELECTION IS HELD, it will be conducted by the NLRB by secret ballot and Notices of Election will be posted before the election giving complete details for voting.

ELECTION RULES

The NLRB applies rules that are intended to keep its elections fair and honest and that result in a free choice. If agents of any party act in such a way as to interfere with your right to a free election, the election can be set aside by the NLRB. Where appropriate the NLRB provides other remedies, such as reinstatement for employees fired for exercising their rights, including backpay from the party responsible for their discharge.

The following are examples of conduct that interfere with employees' rights and may result in setting aside the election:

- **Threatening loss of jobs or benefits by an employer or a union**
- **Promising or granting promotions, pay raises, or other benefits, to influence an employee's vote by a party capable of carrying out such promises**
- **An employer firing employees to discourage or encourage union activity or a union causing them to be fired to encourage union activity**
- **Making campaign speeches to assembled groups of employees on company time, where attendance is mandatory, within the 24-hour period before the polls for the election first open or, if the election is conducted by mail, from the time and date the ballots are scheduled to be sent out by the Region until the time and date set for their return**
- **Incitement by either an employer or a union of racial or religious prejudice by inflammatory appeals**
- **Threatening physical force or violence to employees by a union or an employer to influence their votes**

Please be assured that IF AN ELECTION IS HELD, every effort will be made to protect your right to a free choice under the law. Improper conduct will not be permitted. All parties are expected to cooperate fully with the NLRB in maintaining basic principles of a fair election as required by law. The NLRB as an agency of the United States Government does not endorse any choice in the election.

For additional information about the processing of petitions, go to www.nlrb.gov or contact the NLRB at (716)551-4931.

THIS IS AN OFFICIAL GOVERNMENT NOTICE AND MUST NOT BE DEFACED BY ANYONE. IT MUST REMAIN POSTED WITH ALL PAGES SIMULTANEOUSLY VISIBLE UNTIL REPLACED BY THE NOTICE OF ELECTION OR THE PETITION IS DISMISSED OR WITHDRAWN.

National Labor Relations Board

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 3

Starbucks Corporation **Employer** **and** **Workers United Upstate** **Petitioner**	**Case 03-RC-282115**

NOTICE OF REPRESENTATION HEARING

The Petitioner filed the attached petition pursuant to Section 9(c) of the National Labor Relations Act. It appears that a question affecting commerce exists as to whether the employees in the unit described in the petition wish to be represented by a collective-bargaining representative as defined in Section 9(a) of the Act.

YOU ARE HEREBY NOTIFIED that, pursuant to Sections 3(b) and 9(c) of the Act, at 10:00 AM on **Monday, September 20, 2021** and on consecutive days thereafter until concluded, at the National Labor Relations Board offices located at Via Video Conference, 130 E. Elmwood Ave, Suite 630, Buffalo, NY 14202, a hearing will be conducted before a hearing officer of the National Labor Relations Board. At the hearing, the parties will have the right to appear in person or otherwise, and give testimony.

YOU ARE FURTHER NOTIFIED that, pursuant to Section 102.63(b) of the Board's Rules and Regulations, Starbucks Corporation must complete the Statement of Position and file it and all attachments with the Regional Director and serve it on the parties listed on the petition such that is received by them by no later than **noon** Eastern time on September 10, 2021**.** Following timely filing and service of a Statement of Position by Starbucks Corporation, the Petitioner must complete its Responsive Statement of Position(s) responding to the issues raised in the Employer's and/or Union's Statement of Position and file them and all attachments with the Regional Director and serve them on the parties named in the petition such they are received by them no later than **noon** Eastern on September 15, 2021.

Pursuant to Section 102.5 of the Board's Rules and Regulations, all documents filed in cases before the Agency must be filed by electronically submitting (E-Filing) through the Agency's website (www.nlrb.gov), unless the party filing the document does not have access to the means for filing electronically or filing electronically would impose an undue burden. Documents filed by means other than E-Filing must be accompanied by a statement explaining why the filing party does not have access to the means for filing electronically or filing electronically would impose an undue burden. Detailed instructions for using the NLRB's E-Filing system can be found in the E-Filing System User Guide

The Statement of Position and Responsive Statement of Position must be E-Filed but, unlike other E-Filed documents, must be filed by **noon** Eastern on the due date in order to be timely. If an election agreement is signed by all parties and returned to the Regional Office before the due date of the Statement of Position, the Statement of Position and Responsive Statement of Position are not required to be filed. If an election agreement is signed by all parties and returned to the Regional office after the due date of the Statement of Position but before the due date of the Responsive Statement of Position, the Responsive Statement of Position is not required to be filed.

Dated: August 30, 2021

/s/LINDA M. LESLIE

LINDA M. LESLIE
ACTING REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 03
130 S Elmwood Ave Ste 630
Buffalo, NY 14202-2465

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

Starbucks Corporation **Employer** **and** **Workers United Upstate** **Petitioner**	**Case 03-RC-282115**

AFFIDAVIT OF SERVICE OF: Petition dated August 30, 2021**, Notice of Representation Hearing dated** August 30, 2021**, Description of Procedures in Certification and Decertification Cases (Form NLRB-4812), Notice of Petition for Election, and Statement of Position Form (Form NLRB-505).**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on August 30, 2021, I served the above documents by electronic mail and regular mail upon the following persons, addressed to them at the following addresses:

Kevin Johnson
Starbucks Corporation
933 Elmwood Ave
Buffalo, NY 14222
kevin.johnson@starbucks.com

David Lefrois, District Manager
Starbucks Corporation
933 Elmwood Ave
Buffalo, NY 14222
dlefrois@starbucks.com

Ian Hayes, ESQ.
Creighton, Johnsen & Giroux
1103 Delaware Avenue
Buffalo, NY 14209
ihayes@cpjglaborlaw.com
Fax: (716)854-0004

Workers United Upstate
2954 Main Street, Suite 556
Buffalo, NY 14214

August 30, 2021	LOUIS F PORTO, Designated Agent of NLRB
Date	Name
	/s/ LOUIS F PORTO
	Signature

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

DESCRIPTION OF REPRESENTATION CASE PROCEDURES IN CERTIFICATION AND DECERTIFICATION CASES

The National Labor Relations Act grants employees the right to bargain collectively through representatives of their own choosing and to refrain from such activity. A party may file an RC, RD or RM petition with the National Labor Relations Board (NLRB) to conduct a secret ballot election to determine whether a representative will represent, or continue to represent, a unit of employees. An **RC** petition is generally filed by a union that desires to be certified as the bargaining representative. An **RD** petition is filed by employees who seek to remove the currently recognized union as the bargaining representative. An **RM** petition is filed by an employer who seeks an election because one or more individuals or unions have sought recognition as the bargaining representative, or based on a reasonable belief supported by objective considerations that the currently recognized union has lost its majority status. This form generally describes representation case procedures in RC, RD and RM cases, also referred to as certification and decertification cases.

Right to be Represented – Any party to a case with the NLRB has the right to be represented by an attorney or other representative in any proceeding before the NLRB. A party wishing to have a representative appear on its behalf should have the representative complete a Notice of Appearance (Form NLRB-4701), and E-File it at www.nlrb.gov or forward it to the NLRB Regional Office handling the petition as soon as possible.

Filing and Service of Petition – A party filing an RC, RD or RM petition is required to serve a copy of its petition on the parties named in the petition along with this form and the Statement of Position form. The petitioner files the petition with the NLRB, together with (1) a certificate showing service of these documents on the other parties named in the petition, and (2) a showing of interest to support the petition. The showing of interest is not served on the other parties.

Notice of Hearing – After a petition in a certification or decertification case is filed with the NLRB, the NLRB reviews the petition, certificate of service, and the required showing of interest for sufficiency, assigns the petition a case number, and promptly sends letters to the parties notifying them of the Board agent who will be handling the case. In most cases, the letters include a Notice of Representation Hearing. Except in cases presenting unusually complex issues, this pre-election hearing is set for a date 14 business days (excluding weekends and federal holidays) from the date of service of the notice of hearing. Once the hearing begins, it will continue day to day until completed absent extraordinary circumstances. The Notice of Representation Hearing also sets the due date for filing and serving the Statement(s) of Position and the Responsive Statement of Position(s). Included with the Notice of Representation Hearing are the following: (1) copy of the petition, (2) this form, (3) Statement of Position for non-petitioning parties, (4) petitioner's Responsive Statement of Position, (5) Notice of Petition for Election, and (6) letter advising how to contact the Board agent who will be handling the case and discussing those documents.

Hearing Postponement: Requests to postpone the hearing are not routinely granted, but the regional director may postpone the hearing for good cause. A party wishing to request a postponement should make the request in writing and set forth in detail the grounds for the request. The request should include the positions of the other parties regarding the postponement. The request must be filed electronically ("E-Filed") on the Agency's website (www.nlrb.gov) by following the instructions on the website. A copy of the request must be served simultaneously on all the other parties, and that fact must be noted in the request.

Statement of Position Form and List(s) of Employees – The Statement of Position form solicits commerce and other information that will facilitate entry into election agreements or streamline the pre-election hearing if the parties are unable to enter into an election agreement. In an **RC** or **RD** case, as part of its Statement of Position form, the employer also provides a list of the full names, work locations, shifts, and job classifications of all individuals in the proposed unit. If the employer contends that the proposed unit is not appropriate, the employer must separately list the same information for all individuals that the employer contends must be added to the proposed unit to make it an appropriate unit, and must further indicate those individuals, if any, whom it believes must be excluded from the proposed unit to make it an appropriate unit. These lists must be alphabetized (overall or by department). Unless the employer certifies that it does not possess the capacity to produce the lists in the required form, the lists must be in a table in a Microsoft Word file (.doc or .docx) or a file that is compatible with Microsoft Word, the first column of the table must begin with each employee's last name, and the font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional

form for the list is provided on the NLRB website at www.nlrb.gov/sites/default/files/attachments/basic-page/node-4559/Optional Forms for Voter List.docx

Ordinarily the Statement of Position must be filed with the Regional Office and served on the other parties such that it is received by them by noon 8 business days from the issuance of the Notice of Hearing. The regional director may postpone the due date for filing and serving the Statement of Position for good cause. The Statement of Position form must be E-Filed but, unlike other E-Filed documents, will not be timely if filed on the due date but after noon in the time zone of the Region where the petition is filed. Consequences for failing to satisfy the Statement of Position requirement are discussed on the following page under the heading "Preclusion." A request to postpone the hearing will not automatically be treated as a request for an extension of the Statement of Position due date. If a party wishes to request both a postponement of the hearing and a postponement of the Statement of Position due date, the request must make that clear and must specify the reasons that postponements of both are sought.

Responsive Statement of Position – Petitioner's Responsive Statement(s) of Position solicits a response to the Statement(s) of Position filed by the other parties and further facilitates entry into election agreements or streamlines the preelection hearing. A petitioner must file a Responsive Statement of Position in response to each party's Statement of Position addressing each issue in each Statement of Position(s), if desired. In the case of an RM petition, the employer-petitioner must also provide commerce information and file and serve a list of the full names, work locations, shifts, and job classifications of all individuals in the proposed unit. Ordinarily, the Responsive Statement of Position must be electronically filed with the Regional Office and served on the other parties such that it is received by noon 3 business days prior to the hearing. The regional director may postpone the due date for filing and serving the Responsive Statement of Position for good cause. The Responsive Statement of Position form must be E-Filed but, unlike other E-Filed documents, will not be timely if filed on the due date but after noon in the time zone of the Region where the petition is filed. Consequences for failing to satisfy the Responsive Statement of Position requirement are discussed on the following page under the heading "Preclusion." A request to postpone the hearing will not automatically be treated as a request for an extension of the Responsive Statement of Position due date. If a party wishes to request both a postponement of the hearing and a Postponement of the Responsive Statement of Position due date, the request must make that clear and must specify the reasons that postponements of both are sought.

Posting and Distribution of Notice of Petition for Election – Within 5 business days after service of the notice of hearing, the employer must post the Notice of Petition for Election in conspicuous places, including all places where notices to employees are customarily posted, and must also distribute it electronically to the employees in the petitioned-for unit if the employer customarily communicates with these employees electronically. The employer must maintain the posting until the petition is dismissed or withdrawn, or the Notice of Petition for Election is replaced by the Notice of Election. The employer's failure properly to post or distribute the Notice of Petition for Election may be grounds for setting aside the election if proper and timely objections are filed.

Election Agreements – Elections can occur either by agreement of the parties or by direction of the regional director or the Board. Three types of agreements are available: (1) a Consent Election Agreement (Form NLRB-651); (2) a Stipulated Election Agreement (Form NLRB-652); and (3) a Full Consent Agreement (Form NLRB-5509). In the Consent Election Agreement and the Stipulated Election Agreement, the parties agree on an appropriate unit and the method, date, time, and place of a secret ballot election that will be conducted by an NLRB agent. In the Consent Agreement, the parties also agree that post-election matters (election objections or determinative challenged ballots) will be resolved with finality by the regional director; whereas in the Stipulated Election Agreement, the parties agree that they may request Board review of the regional director's post-election determinations. A Full Consent Agreement provides that the regional director will make final determinations regarding all pre-election and post-election issues.

Hearing Cancellation Based on Agreement of the Parties – The issuance of the Notice of Representation Hearing does not mean that the matter cannot be resolved by agreement of the parties. On the contrary, the NLRB encourages prompt voluntary adjustments and the Board agent assigned to the case will work with the parties to enter into an election agreement, so the parties can avoid the time and expense of participating in a hearing.

Hearing – A hearing will be held unless the parties enter into an election agreement approved by the regional director or the petition is dismissed or withdrawn.

***Purpose of Hearing*:** The primary purpose of a pre-election hearing is to determine if a question of representation exists. A question of representation exists if a proper petition has been filed concerning a unit

appropriate for the purpose of collective bargaining or, in the case of a decertification petition, concerning a unit in which a labor organization has been certified or is being currently recognized by the employer as the bargaining representative.

***Issues at Hearing*:** Issues that might be litigated at the pre-election hearing include: jurisdiction; labor organization status; bars to elections; unit appropriateness; expanding and contracting unit issues; inclusion of professional employees with nonprofessional employees; seasonal operation; potential mixed guard/non-guard unit; and eligibility formulas. At the hearing, the timely filed Statement of Position and Responsive Statement of Position(s) will be received into evidence. The hearing officer will not receive evidence concerning any issue as to which the parties have not taken adverse positions, except for evidence regarding the Board's jurisdiction over the employer and evidence concerning any issue, such as the appropriateness of the proposed unit, as to which the regional director determines that record evidence is necessary.

***Preclusion*:** At the hearing, a party will be precluded from raising any issue, presenting any evidence relating to any issue, cross-examining any witness concerning any issue, and presenting argument concerning any issue that the party failed to raise in its timely Statement of Position or Responsive Statement of Position(s) or to place in dispute in timely response to another party's Statement of Position or response, except that no party will be precluded from contesting or presenting evidence relevant to the Board's statutory jurisdiction to process the petition. Nor shall any party be precluded, on the grounds that a voter's eligibility or inclusion was not contested at the pre-election hearing, from challenging the eligibility of any voter during the election. If a party contends that the proposed unit is not appropriate in its Statement of Position but fails to specify the classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit, the party shall also be precluded from raising any issue as to the appropriateness of the unit, presenting any evidence relating to the appropriateness of the unit, cross examining any witness concerning the appropriateness of the unit, and presenting argument concerning the appropriateness of the unit. As set forth in §102.66(d) of the Board's rules, if the employer fails to timely furnish the lists of employees, the employer will be precluded from contesting the appropriateness of the proposed unit at any time and from contesting the eligibility or inclusion of any individuals at the pre-election hearing, including by presenting evidence or argument, or by cross-examination of witnesses.

***Conduct of Hearing*:** If held, the hearing is usually open to the public and will be conducted by a hearing officer of the NLRB. Any party has the right to appear at any hearing in person, by counsel, or by other representative, to call, examine, and cross-examine witnesses, and to introduce into the record evidence of the significant facts that support the party's contentions and are relevant to the existence of a question of representation. The hearing officer also has the power to call, examine, and cross-examine witnesses and to introduce into the record documentary and other evidence. Witnesses will be examined orally under oath. The rules of evidence prevailing in courts of law or equity shall not be controlling. Parties appearing at any hearing who have or whose witnesses have disabilities falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.503, and who in order to participate in this hearing need appropriate auxiliary aids, as defined in 29 C.F.R. 100.503, should notify the regional director as soon as possible and request the necessary assistance.

***Official Record*:** An official reporter will make the only official transcript of the proceedings and all citations in briefs or arguments must refer to the official record. (Copies of exhibits should be supplied to the hearing officer and other parties at the time the exhibit is offered in evidence.) All statements made at the hearing will be recorded by the official reporter while the hearing is on the record. If a party wishes to make off-the-record remarks, requests to make such remarks should be directed to the hearing officer and not to the official reporter. After the close of the hearing, any request for corrections to the record, either by stipulation or motion, should be forwarded to the regional director.

***Motions and Objections*:** All motions must be in writing unless stated orally on the record at the hearing and must briefly state the relief sought and the grounds for the motion. A copy of any motion must be served immediately on the other parties to the proceeding. Motions made during the hearing are filed with the hearing officer. All other motions are filed with the regional director, except that motions made after the transfer of the record to the Board are filed with the Board. If not E-Filed, an original and two copies of written motions shall be filed. Statements of reasons in support of motions or objections should be as concise as possible. Objections shall not be deemed waived by further participation in the hearing. On appropriate request, objections may be permitted to stand to an entire line of questioning. Automatic exceptions will be allowed to all adverse rulings.

***Election Details*:** Prior to the close of the hearing the hearing officer will: (1) solicit the parties' positions (but will not permit litigation) on the type, date(s), time(s), and location(s) of the election and the eligibility period; (2) solicit the name, address, email address, facsimile number, and phone number of the employer's on-site representative to whom the regional director should transmit the Notice of Election if an election is directed; (3) inform the parties that the regional director will issue a decision as soon as practicable and will immediately transmit the document to the parties and their designated representatives by email, facsimile, or by overnight mail (if neither an email address nor facsimile number was provided); and (4) inform the parties of their obligations if the director directs an election and of the time for complying with those obligations.

***Oral Argument and Briefs*:** Upon request, any party is entitled to a reasonable period at the close of the hearing for oral argument, which will be included in the official transcript of the hearing. At any time before the close of the hearing, any party may file a memorandum addressing relevant issues or points of law. Post-hearing briefs shall be due within 5 business days of the close of the hearing. The hearing officer may allow up to 10 additional business days for such briefs prior to the close of hearing and for good cause. If filed, copies of the memorandum or brief shall be served on all other parties to the proceeding and a statement of such service shall be filed with the memorandum or brief. No reply brief may be filed except upon special leave of the regional director. Briefs including electronic documents, filed with the Regional Director must be formatted as double-spaced in an 8½ by 11 inch format and must be e-filed through the Board's website, www.nlrb.gov.

Regional Director Decision - After the hearing, the regional director issues a decision directing an election, dismissing the petition or reopening the hearing. A request for review of the regional director's pre-election decision may be filed with the Board at any time after issuance of the decision until 10 business days after a final disposition of the proceeding by the regional director. Accordingly, a party need not file a request for review before the election in order to preserve its right to contest that decision after the election. Instead, a party can wait to see whether the election results have mooted the basis of an appeal. The Board will grant a request for review only where compelling reasons exist therefor.

Voter List – The employer must provide to the regional director and the parties named in the election agreement or direction of election a list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available home and personal cellular (''cell'') telephone numbers) of all eligible voters. (In construction industry elections, unless the parties stipulate to the contrary, also eligible to vote are all employees in the unit who either (1) were employed a total of 30 working days or more within the 12 months preceding the election eligibility date or (2) had some employment in the 12 months preceding the election eligibility date and were employed 45 working days or more within the 24 months immediately preceding the election eligibility date. However, employees meeting either of those criteria who were terminated for cause or who quit voluntarily prior to the completion of the last job for which they were employed, are not eligible.) The employer must also include in a separate section of the voter list the same information for those individuals whom the parties have agreed should be permitted to vote subject to challenge or those individuals who, according to the direction of election, will be permitted to vote subject to challenge. The list of names must be alphabetized (overall or by department) and be in the same Microsoft Word file (or Microsoft Word compatible file) format as the initial lists provided with the Statement of Position form unless the parties agree to a different format or the employer certifies that it does not possess the capacity to produce the list in the required form. When feasible, the list must be filed electronically with the regional director and served electronically on the other parties named in the agreement or direction. To be timely filed and served, the voter list must be received by the regional director and the parties named in the agreement or direction respectively within 2 business days after the approval of the agreement or issuance of the direction of elections unless a longer time is specified in the agreement or direction. A certificate of service on all parties must be filed with the regional director when the voter list is filed. The employer's failure to file or serve the list within the specified time or in proper format shall be grounds for setting aside the election whenever proper and timely objections are filed. The parties shall not use the list for purposes other than the representation proceeding, Board proceedings arising from it, and related matters.

Waiver of Time to Use Voter List – Under existing NLRB practice, an election is not ordinarily scheduled for a date earlier than 10 calendar days after the date when the employer must file the voter list with the Regional Office. However, the parties entitled to receive the voter list may waive all or part of the 10-day period by executing Form NLRB-4483. A waiver will not be effective unless all parties who are entitled to the list agree to waive the same number of days.

Election – Information about the election, requirements to post and distribute the Notice of Election, and possible proceedings after the election is available from the Regional Office and will be provided to the parties when the Notice of Election is sent to the parties.

Withdrawal or Dismissal – If it is determined that the NLRB does not have jurisdiction or that other criteria for proceeding to an election are not met, the petitioner is offered an opportunity to withdraw the petition. If the petitioner does not withdraw the petition, the regional director will dismiss the petition and advise the petitioner of the reason for the dismissal and of the right to appeal to the Board.

REVIEW THE FOLLOWING IMPORTANT INFORMATION BEFORE FILLING OUT A STATEMENT OF POSITION FORM

Completing and Filing this Form: The Notice of Hearing indicates which parties are responsible for completing the form. If you are required to complete the form, you must have it signed by an authorized representative and file a completed copy (including all attachments) with the RD and serve copies on all parties named in the petition by the date and time established for its submission. If more space is needed for your answers, additional pages may be attached. If you have questions about this form or would like assistance in filling out this form, please contact the Board agent assigned to handle this case. **You must EFile your Statement of Position at www.nlrb.gov, but unlike other e-Filed documents, it will *not* be timely if filed on the due date but after noon in the time zone of the Region where the petition was filed.**

> **Note:** ***Non-employer parties who complete this Statement of Position are NOT required to complete items 8f and 8g of the form, or to provide a commerce questionnaire or the lists described in item 7.***

Required Lists: The employer's Statement of Position must include a list of the full names, work locations, shifts, and job classifications of all individuals in the proposed unit as of the payroll period preceding the filing of the petition who remain employed at the time of filing. If the employer contends that the proposed unit is inappropriate, the employer must separately list the full names, work locations, shifts and job classifications of all individuals that it contends must be added to the proposed unit to make it an appropriate unit. The employer must also indicate those individuals, if any, whom it believes must be excluded from the proposed unit to make it an appropriate unit. These lists must be alphabetized (overall or by department). Unless the employer certifies that it does not possess the capacity to produce the lists in the required form, the lists must be in a table in a Microsoft Word file (.doc or .docx) or a file that is compatible with Microsoft Word, the first column of the table must begin with each employee's last name, and the font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional form for the list is provided on the NLRB website at **www.nlrb.gov/sites/default/files/attachments/basic-page/node-4559/Optional Forms for Voter List.docx**.

Consequences of Failure to Supply Information: Failure to supply the information requested by this form may preclude you from litigating issues under 102.66(d) of the Board's Rules and Regulations. Section 102.66(d) provides as follows:

> A party shall be precluded from raising any issue, presenting any evidence relating to any issue, cross-examining any witness concerning any issue, and presenting argument concerning any issue that the party failed to raise in its timely Statement of Position or to place in dispute in response to another party's Statement of Position or response, except that no party shall be precluded from contesting or presenting evidence relevant to the Board's statutory jurisdiction to process the petition. Nor shall any party be precluded, on the grounds that a voter's eligibility or inclusion was not contested at the pre-election hearing, from challenging the eligibility of any voter during the election. If a party contends that the proposed unit is not appropriate in its Statement of Position but fails to specify the classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit, the party shall also be precluded from raising any issue as to the appropriateness of the unit, presenting any evidence relating to the appropriateness of the unit, cross-examining any witness concerning the appropriateness of the unit, and presenting argument concerning the appropriateness of the unit. If the employer fails to timely furnish the lists of employees described in §§102.63(b)(1)(iii), (b)(2)(iii), or (b)(3)(iii), the employer shall be precluded from contesting the appropriateness of the proposed unit at any time and from contesting the eligibility or inclusion of any individuals at the pre-election hearing, including by presenting evidence or argument, or by cross-examination of witnesses.

FORM NLRB-505
(12-20)

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

STATEMENT OF POSITION

DO NOT WRITE IN THIS SPACE	
Case No.	Date Filed
03-RC-282115	August 30, 2021

INSTRUCTIONS: *Submit this Statement of Position to an NLRB Office in the Region in which the petition was filed and serve it and all attachments on each party named in the petition in this case such that it is received by them by the date and time specified in the notice of hearing.*
Note: *Non-employer parties who complete this form are NOT required to complete items 8f or 8g below or to provide a commerce questionnaire or the lists described in item 7.*

1a. Full name of party filing Statement of Position	1c. Business Phone:	1e. Fax No.:
1b. Address *(Street and number, city, state, and ZIP code)*	1d. Cell No.:	1f. e-Mail Address

2. Do you agree that the NLRB has jurisdiction over the Employer in this case? [ ] Yes [ ] No
(A completed commerce questionnaire (Attachment A) must be submitted by the Employer, regardless of whether jurisdiction is admitted)

3. Do you agree that the proposed unit is appropriate? [ ] Yes [ ] No *(If not, answer 3a and 3b)*

a. State the basis for your contention that the proposed unit is not appropriate. (*If you contend a classification should be excluded or included briefly explain why, such as shares a community of interest or are supervisors or guards)*

b. State any classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit.

Added	Excluded

4. Other than the individuals in classifications listed in 3b, list any individual(s) whose eligibility to vote you intend to contest at the pre-election hearing in this case and the basis for contesting their eligibility.

5. Is there a bar to conducting an elec ion in this case? [ ] Yes [ ] No *If yes, state the basis for your position.*

6. Describe all other issues you intend to raise at the pre-election hearing.

7. The employer must provide the following lists which must be alphabetized (overall or by department) in the format specified at **www.nlrb.gov/sites/default/files/attachments/basic-page/node-4559/Optional Forms for Voter List.docx**.
(a) A list containing the full names, work locations, shifts and job classification of all individuals in the proposed unit as of the payroll period immediately preceding the filing of the petition who remain employed as of the date of the filing of the petition. (Attachment B)
(b) If the employer contends hat the proposed unit is inappropriate the employer must provide (1) a separate list containing the full names, work locations, shifts and job classifications of all individuals that it contends must be *added* to the proposed unit, if any to make it an appropriate unit, (Attachment C) and (2) a list containing the full names of any individuals it contends must be *excluded* from the proposed unit to make it an appropriate unit. (Attachment D)

8a. State your position with respect to the details of any elec ion that may be conducted in this matter. Type: [ ] Manual [ ] Mail [ ] Mixed Manual/Mail

8b. Date(s)	8c. Time(s)	8d. Location(s)
8e. Eligibility Period (e.g. special eligibility formula)	8f. Last Payroll Period Ending Date	8g. Length of payroll period [ ] Weekly [ ]Biweekly [ ] Other *(specify length)*

9. Representative who will accept service of all papers for purposes of the representation proceeding

9a. Full name and title of authorized representative	9b. Signature of authorized representative	9c. Date
9d. Address *(Street and number, city, state, and ZIP code)*		9e. e-Mail Address
9f. Business Phone No.:	9g. Fax No.	9h. Cell No.

WILLFUL FALSE STATEMENTS ON THIS PETITION 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 Section 151 et seq The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation proceedings The routine uses for the information are fully set forth in the Federal Register, 71 Fed 74942-43 (December 13, 2006) The NLRB will further explain these uses upon request Failure to supply the information requested by this form may preclude you from litigating issues under 102 66(d) of the Board's Rules and Regulations and may cause the NLRB to refuse to further process a representation case or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court

FORM NLRB-5081
(3-11)

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
	03-RC-282115

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).*

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

8. NUMBER OF PEOPLE PRESENTLY EMPLOYED

A. TOTAL:	B. AT THE ADDRESS INVOLVED IN THIS MATTER:

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

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 representation and/or unfair labor practice proceedings 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 may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

REVIEW THE FOLLOWING IMPORTANT INFORMATION BEFORE FILLING OUT A RESPONSIVE STATEMENT OF POSITION FORM

Completing and Filing this Form: For **RC and RD petitions**, the Petitioner is required to complete this form in response to each timely filed and served Statement of Position filed by another party. For **RM petitions**, the Employer-Petitioner must complete a Responsive Statement of Position form and submit the list described below. In accordance with Section 102.63(b) of the Board's Rules, if you are required to complete the form, you must have it signed by an authorized representative, and file a completed copy with any necessary attachments, with this office and serve it on all parties named in the petition responding to the issues raised in another party's Statement of Position, such that it is received no later than noon three business days before the date of the hearing. A separate form must be completed for each timely filed and properly served Statement of Position you receive. If more space is needed for your answers, additional pages may be attached. If you have questions about this form or would like assistance in filling out this form, please contact the Board agent assigned to handle this case. **You must E-File your Responsive Statement of Position at www.NLRB.gov, but unlike other e-Filed documents, it will *not* be timely if filed on the due date but after noon in the time zone of the Region where the petition was filed. Note that if you are completing this form as a PDF downloaded from www.NLRB.gov, the form will lock upon signature and no further editing may be made.**

Required List: In addition to responding to the issues raised in another party's Statement of Position, if any, the Employer-Petitioner in an RM case is required to file and serve on the parties a list of the full names, work locations, shifts, and job classifications of all individuals in the proposed unit as of the payroll period preceding the filing of the petition who remain employed at the time of filing. This list must be alphabetized (overall or by department). Unless the employer certifies that it does not possess the capacity to produce the list in the required form, the list must be in a table in a Microsoft Word file (.doc or .docx) or a file that is compatible with Microsoft Word, the first column of the table must begin with each employee's last name, and the font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional form for the list is provided on the NLRB website at www.nlrb.gov/sites/default/files/attachments/basic-page/node-4559/Optional Forms for Voter List.docx

Consequences of Failure to Submit a Responsive Statement of Position: Failure to supply the information requested by this form may preclude you from litigating issues under 102.66(d) of the Board's Rules and Regulations. Section 102.66(d) provides as follows:

> A party shall be precluded from raising any issue, presenting any evidence relating to any issue, cross-examining any witness concerning any issue, and presenting argument concerning any issue that the party failed to raise in its timely Statement of Position or to place in dispute in response to another party's Statement of Position or response, except that no party shall be precluded from contesting or presenting evidence relevant to the Board's statutory jurisdiction to process the petition. Nor shall any party be precluded, on the grounds that a voter's eligibility or inclusion was not contested at the pre-election hearing, from challenging the eligibility of any voter during the election. If a party contends that the proposed unit is not appropriate in its Statement of Position but fails to specify the classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit, the party shall also be precluded from raising any issue as to the appropriateness of the unit, presenting any evidence relating to the appropriateness of the unit, cross-examining any witness concerning the appropriateness of the unit, and presenting argument concerning the appropriateness of the unit. If the employer fails to timely furnish the lists of employees described in §§102.63(b)(1)(iii), (b)(2)(iii), or (b)(3)(iii), the employer shall be precluded from contesting the appropriateness of the proposed unit at any time and from contesting the eligibility or inclusion of any individuals at the pre-election hearing, including by presenting evidence or argument, or by cross-examination of witnesses.

FORM NLRB-506
(12-20)

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

RESPONSIVE STATEMENT OF POSITION – RC, RD or RM PETITION

DO NOT WRITE IN THIS SPACE	
Case No.	Date Filed
03-RC-282115	August 30, 2021

INSTRUCTIONS: *If a party has submitted and served on you a timely Statement of Position to an RC, RD or RM petition, the Petitioner must submit this Responsive Statement of Position to an NLRB Office in the Region in which the petition was filed and serve it and any attachments on each party named in the petition in this case such that it is received by noon local time, three business days prior to the hearing date specified in the Notice of Hearing. A separate form must be completed for each timely filed and properly served Statement of Position received by the Petitioner. The Petitioner-Employer in a RM case is required to file this Responsive Statement of Position and include an appropriate employee list without regard to whether another party has filed a Statement of Position.*

This Responsive Statement of Position is filed by he Petitioner in response to a Statement of Position received from the following party:

The Employer	**An Intervenor/Union**

1a. Full Name of Party Filing Responsive Statement of Position

1c. Business Phone	1d. Cell No.	1e. Fax No.	1f. E-Mail Address

1b. Address (Street and Number, City, State, and ZIP Code)

2. Identify all issues raised in the other party's Statement of Position that you dispute and describe the basis of your dispute:

a. EMPLOYER NAME/IDENTITY [Box 1a of Statement of Position Form NLRB-505 and Questionnaire on Commerce Information]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

b. JURISDICTION [Box 2 of Statement of Position Form NLRB-505 and Questionnaire on Commerce Information]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

c. APPROPRIATENESS OF UNIT [Boxes 3, 3a and 3b of Statement of Position Form NLRB-505]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

d. INDIVIDUAL ELIGIBILITY [Box 4 of Statement of Position Form NLRB-505]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

e. BARS TO ELECTION [Box 5 of Statement of Position Form NLRB-505]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

f. ALL OTHER ISSUES [Box 6 of Statement of Position Form NLRB-505]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

g. ELECTION DETAILS [Boxes 8a, 8b, 8c, 8d, 8e, 8f, and 8g of Statement of Position Form NLRB-505]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

Full Name and Title of Authorized Representative	Signature of Authorized Representative	Date

WILLFUL FALSE STATEMENTS ON THIS PETITION 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. Section 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation proceedings. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. 74942-43 (December 13, 2006). The NLRB will further explain these uses upon request. Failure to supply the information requested by this form may preclude you from litigating issues under 102.66(d) of the Board's Rules and Regulations and may cause the NLRB to refuse to further process a representation case or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

Please fill all necessary fields on the form PRIOR to digitally signing. To make changes after the form has been signed, right-click on the signature field and click "clear signature." Once complete, please sign the form.

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 3
130 S Elmwood Ave Ste 630
Buffalo, NY 14202-2465

Agency Website: www.nlrb.gov
Telephone: (716)551-4931
Fax: (716)551-4972

Download
NLRB
Mobile App

August 30, 2021

URGENT

Workers United Upstate
2954 Main Street, Suite 556
Buffalo, NY 14214

Re: Starbucks Corporation
Case 03-RC-282115

Dear Sir or Madam:

The enclosed petition that you filed with the National Labor Relations Board (NLRB) has been assigned the above case number. This letter tells you how to contact the Board agent who will be handling this matter; explains your obligation to provide the originals of the showing of interest and the requirement that you complete and serve a Responsive Statement of Position form in response to each timely filed and served Statement(s) of Position; notifies you of a hearing; describes the employer's obligation to post and distribute a Notice of Petition for Election, complete a Statement of Position and provide a voter list; requests that you provide certain information; notifies you of your right to be represented; and discusses some of our procedures including how to submit documents to the NLRB.

Investigator: This petition will be investigated by Field Examiner Michael Dahlheimer whose telephone number is (716)398-7008. The Board agent will contact you shortly to discuss processing the petition. If you have any questions, please do not hesitate to call the Board agent. The Board agent may also contact you and the other party or parties to schedule a conference meeting or telephonic or video conference for some time before the close of business the day following receipt of the final Responsive Statement(s) of Position. This will give the parties sufficient time to determine if any issues can be resolved prior to hearing or if a hearing is necessary. If the agent is not available, you may contact Regional Director LINDA M. LESLIE whose telephone number is (716)398-7017. If appropriate, the NLRB attempts to schedule an election either by agreement of the parties or by holding a hearing and then directing an election.

Showing of Interest: If the Showing of Interest you provided in support of your petition was submitted electronically or by fax, the original documents which constitute the Showing of Interest containing handwritten signatures must be delivered to the Regional office within **2 business days**. If the originals are not received within that time the Region will dismiss your petition.

Notice of Hearing: Enclosed is a Notice of Representation Hearing to be conducted at **10:00 AM** on **Monday, September 20, 2021** at **Via Video Conference**, **130 E. Elmwood Ave,**

Suite 630, Buffalo, NY 14202, if the parties do not voluntarily agree to an election. If a hearing is necessary, the hearing will run on consecutive days until concluded unless the regional director concludes that extraordinary circumstances warrant otherwise. Before the hearing begins, we will continue to explore potential areas of agreement with the parties in order to reach an election agreement and to eliminate or limit the costs associated with formal hearings.

Upon request of a party showing good cause, the regional director may postpone the hearing. A party desiring a postponement should make the request to the regional director in writing, set forth in detail the grounds for the request, and include the positions of the other parties regarding the postponement. E-Filing the request is required. A copy of the request must be served simultaneously on all the other parties, and that fact must be noted in the request.

Posting and Distribution of Notice: The Employer must post the enclosed Notice of Petition for Election by September 6, 2021 in conspicuous places, including all places where notices to employees are customarily posted. If it customarily communicates electronically with its employees in the petitioned-for unit, it must also distribute the notice electronically to them. The Employer must maintain the posting until the petition is dismissed or withdrawn or this notice is replaced by the Notice of Election. Failure to post or distribute the notice may be grounds for setting aside the election if proper and timely objections are filed.

Statement of Position: In accordance with Section 102.63(b) of the Board's Rules, the Employer is required to complete the enclosed Statement of Position form, have it signed by an authorized representative, and file a completed copy with any necessary attachments, with this office and serve it on all parties named in the petition by **noon Eastern Time** on **2021-09-10.** The Statement of Position must include a list of the full names, work locations, shifts, and job classifications of all individuals in the proposed unit as of the payroll period preceding the filing of the petition who remain employed at the time of filing. If the Employer contends that the proposed unit is inappropriate, it must separately list the full names, work locations, shifts and job classifications of all individuals that it contends must be added to the proposed unit to make it an appropriate unit. The Employer must also indicate those individuals, if any, whom it believes must be excluded from the proposed unit to make it an appropriate unit.

Required Responsive Statement of Position (RSOP): In accordance with Section 102.63(b) of the Board's Rules, following timely filing and service of a Statement of Position, the petitioner is required to complete the enclosed Responsive Statement of Position form addressing issues raised in any Statement(s) of Position. The petitioner must file a complete, signed RSOP in response to all other parties' timely filed and served Statement of Position, with all required attachments, with this office and serve it on all parties named in the petition such that it is received by them by **noon Eastern Time** on **September 15, 2021.** This form solicits information that will facilitate entry into election agreements or streamline the pre-election hearing if the parties are unable to enter into an election agreement. **This form must be e-Filed, but unlike other e-Filed documents, will not be timely if filed on the due date but after noon Eastern Time.** If you have questions about this form or would like assistance in filling out this form, please contact the Board agent named above.

Failure to Supply Information: Failure to supply the information requested by the RSOP form may preclude you from litigating issues under Section 102.66(d) of the Board's Rules and Regulations. Section 102.66(d) provides as follows:

> A party shall be precluded from raising any issue, presenting any evidence relating to any issue, cross-examining any witness concerning any issue, and presenting argument concerning any issue that the party failed to raise in its timely Statement of Position or to place in dispute in response to another party's Statement of Position or response, except that no party shall be precluded from contesting or presenting evidence relevant to the Board's statutory jurisdiction to process the petition. Nor shall any party be precluded, on the grounds that a voter's eligibility or inclusion was not contested at the pre-election hearing, from challenging the eligibility of any voter during the election. If a party contends that the proposed unit is not appropriate in its Statement of Position but fails to specify the classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit, the party shall also be precluded from raising any issue as to the appropriateness of the unit, presenting any evidence relating to the appropriateness of the unit, cross-examining any witness concerning the appropriateness of the unit, and presenting argument concerning the appropriateness of the unit. If the employer fails to timely furnish the lists of employees described in §§ 102.63(b)(1)(iii), (b)(2)(iii), or (b)(3)(iii), the employer shall be precluded from contesting the appropriateness of the proposed unit at any time and from contesting the eligibility or inclusion of any individuals at the pre-election hearing, including by presenting evidence or argument, or by cross-examination of witnesses.

Voter List: If an election is held in this matter, the Employer must transmit to this office and to the other parties to the election, an alphabetized list of the full names and addresses of all eligible voters, including their shifts, job classifications, work locations, and other contact information including available personal email addresses and available personal home and cellular telephone numbers. Usually, the list must be furnished within 2 business days of the issuance of the Decision and Direction of Election or approval of an election agreement. The list must be electronically filed with the Region and served electronically on the other parties. To guard against potential abuse, this list may not be used for purposes other than the representation proceeding, NLRB proceedings arising from it or other related matters.

Under existing NLRB practice, an election is not ordinarily scheduled for a date earlier than 10 days after the date when the Employer must file the voter list with the Regional Office. However, a petitioner and/or union entitled to receive the voter list may waive all or part of the 10-day period by executing Form NLRB-4483, which is available on the NLRB's website or from an NLRB office. A waiver will not be effective unless all parties who are entitled to the voter list agree to waive the same number of days.

Information Needed Now: Please submit to this office, as soon as possible, the following information needed to handle this matter:

(a) The correct name of the Union as stated in its constitution or bylaws.

(b) A copy of any existing or recently expired collective-bargaining agreements, and any amendments or extensions, or any recognition agreements covering any employees in the petitioned-for unit.

(c) If potential voters will need notices or ballots translated into a language other than English, the names of those languages and dialects, if any.

(d) The name and contact information for any other labor organization (union) claiming to represent or have an interest in any of the employees in the petitioned-for unit and for any employer who may be a joint employer of the employees in the proposed unit. Failure to disclose the existence of an interested party may delay the processing of the petition.

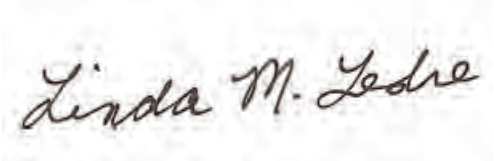
Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before the NLRB. In view of our policy of processing these cases expeditiously, if you wish to be represented, you should obtain representation promptly. Your representative must notify 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 someone contacts you 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 NLRB. Their knowledge regarding this matter was obtained only through access to information that must be made available to any member of the public under the Freedom of Information Act.

Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlrb.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determinations solely based on the documents and evidence properly submitted. All evidence submitted electronically should be in the form in which 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 petition.

Information about the NLRB and our customer service standards is available on our website, www.nlrb.gov, or from an NLRB office upon your request. 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,



LINDA M. LESLIE
Acting Regional Director

Enclosures

1. Petition
2. Notice of Petition for Election (Form 5492)
3. Notice of Representation Hearing
4. Description of Procedures in Certification and Decertification Cases (Form 4812)
5. Statement of Position form and Commerce Questionnaire (Form 505)
6. Responsive Statement of Position (Form 506)

cc: Ian Hayes, ESQ.
Creighton, Johnsen & Giroux
1103 Delaware Avenue
Buffalo, NY 14209

Form NLRB-5492
(Rev: 12-2015)

National Labor Relations Board

NOTICE OF PETITION FOR ELECTION

This notice is to inform employees that Workers United Upstate has filed a petition with the National Labor Relations Board (NLRB), a Federal agency, in Case 03-RC-282115 seeking an election to become certified as the representative of the employees of Starbucks Corporation in the unit set forth below:

All full-time and regular part-time Baristas, Shift Supervisors, Asst. Store Managers. Excluded: Store Managers; office clericals, guards, and supervisors as defined by the Act.

This notice also provides you with information about your basic rights under the National Labor Relations Act, the processing of the petition, and rules to keep NLRB elections fair and honest.

YOU HAVE THE RIGHT under Federal Law

- **To self-organization**
- **To form, join, or assist labor organizations**
- **To bargain collectively through representatives of your own choosing**
- **To act together for the purposes of collective bargaining or other mutual aid or protection**
- **To refuse to do any or all of these things unless the union and employer, in a state where such agreements are permitted, enter into a lawful union-security agreement requiring employees to pay periodic dues and initiation fees. Nonmembers who inform the union that they object to the use of their payments for nonrepresentational purposes may be required to pay only their share of the union's costs of representational activities (such as collective bargaining, contract administration, and grievance adjustments).**

PROCESSING THIS PETITION

Elections do not necessarily occur in all cases after a petition is filed. NO FINAL DECISIONS HAVE BEEN MADE YET regarding the appropriateness of the proposed unit or whether an election will be held in this matter. If appropriate, the NLRB will first see if the parties will enter into an election agreement that specifies the method, date, time, and location of an election and the unit of employees eligible to vote. If the parties do not enter into an election agreement, usually a hearing is held to receive evidence on the appropriateness of the unit and other issues in dispute. After a hearing, an election may be directed by the NLRB, if appropriate.

IF AN ELECTION IS HELD, it will be conducted by the NLRB by secret ballot and Notices of Election will be posted before the election giving complete details for voting.

ELECTION RULES

The NLRB applies rules that are intended to keep its elections fair and honest and that result in a free choice. If agents of any party act in such a way as to interfere with your right to a free election, the election can be set aside by the NLRB. Where appropriate the NLRB provides other remedies, such as reinstatement for employees fired for exercising their rights, including backpay from the party responsible for their discharge.

The following are examples of conduct that interfere with employees' rights and may result in setting aside the election:

- **Threatening loss of jobs or benefits by an employer or a union**
- **Promising or granting promotions, pay raises, or other benefits, to influence an employee's vote by a party capable of carrying out such promises**
- **An employer firing employees to discourage or encourage union activity or a union causing them to be fired to encourage union activity**
- **Making campaign speeches to assembled groups of employees on company time, where attendance is mandatory, within the 24-hour period before the polls for the election first open or, if the election is conducted by mail, from the time and date the ballots are scheduled to be sent out by the Region until the time and date set for their return**
- **Incitement by either an employer or a union of racial or religious prejudice by inflammatory appeals**
- **Threatening physical force or violence to employees by a union or an employer to influence their votes**

Please be assured that IF AN ELECTION IS HELD, every effort will be made to protect your right to a free choice under the law. Improper conduct will not be permitted. All parties are expected to cooperate fully with the NLRB in maintaining basic principles of a fair election as required by law. The NLRB as an agency of the United States Government does not endorse any choice in the election.

For additional information about the processing of petitions, go to www.nlrb.gov or contact the NLRB at (716)551-4931.

THIS IS AN OFFICIAL GOVERNMENT NOTICE AND MUST NOT BE DEFACED BY ANYONE. IT MUST REMAIN POSTED WITH ALL PAGES SIMULTANEOUSLY VISIBLE UNTIL REPLACED BY THE NOTICE OF ELECTION OR THE PETITION IS DISMISSED OR WITHDRAWN.

National Labor Relations Board

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 3

Starbucks Corporation **Employer** **and** **Workers United Upstate** **Petitioner**	**Case 03-RC-282115**

NOTICE OF REPRESENTATION HEARING

The Petitioner filed the attached petition pursuant to Section 9(c) of the National Labor Relations Act. It appears that a question affecting commerce exists as to whether the employees in the unit described in the petition wish to be represented by a collective-bargaining representative as defined in Section 9(a) of the Act.

YOU ARE HEREBY NOTIFIED that, pursuant to Sections 3(b) and 9(c) of the Act, at 10:00 AM on **Monday, September 20, 2021** and on consecutive days thereafter until concluded, at the National Labor Relations Board offices located at Via Video Conference, 130 E. Elmwood Ave, Suite 630, Buffalo, NY 14202, a hearing will be conducted before a hearing officer of the National Labor Relations Board. At the hearing, the parties will have the right to appear in person or otherwise, and give testimony.

YOU ARE FURTHER NOTIFIED that, pursuant to Section 102.63(b) of the Board's Rules and Regulations, Starbucks Corporation must complete the Statement of Position and file it and all attachments with the Regional Director and serve it on the parties listed on the petition such that is received by them by no later than **noon** Eastern time on September 10, 2021**.** Following timely filing and service of a Statement of Position by Starbucks Corporation, the Petitioner must complete its Responsive Statement of Position(s) responding to the issues raised in the Employer's and/or Union's Statement of Position and file them and all attachments with the Regional Director and serve them on the parties named in the petition such they are received by them no later than **noon** Eastern on September 15, 2021.

Pursuant to Section 102.5 of the Board's Rules and Regulations, all documents filed in cases before the Agency must be filed by electronically submitting (E-Filing) through the Agency's website (www.nlrb.gov), unless the party filing the document does not have access to the means for filing electronically or filing electronically would impose an undue burden. Documents filed by means other than E-Filing must be accompanied by a statement explaining why the filing party does not have access to the means for filing electronically or filing electronically would impose an undue burden. Detailed instructions for using the NLRB's E-Filing system can be found in the E-Filing System User Guide

The Statement of Position and Responsive Statement of Position must be E-Filed but, unlike other E-Filed documents, must be filed by **noon** Eastern on the due date in order to be timely. If an election agreement is signed by all parties and returned to the Regional Office before the due date of the Statement of Position, the Statement of Position and Responsive Statement of Position are not required to be filed. If an election agreement is signed by all parties and returned to the Regional office after the due date of the Statement of Position but before the due date of the Responsive Statement of Position, the Responsive Statement of Position is not required to be filed.

Dated: August 30, 2021

/s/LINDA M. LESLIE

LINDA M. LESLIE
ACTING REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 03
130 S Elmwood Ave Ste 630
Buffalo, NY 14202-2465

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

Starbucks Corporation **Employer** **and** **Workers United Upstate** **Petitioner**	**Case 03-RC-282115**

AFFIDAVIT OF SERVICE OF: Petition dated August 30, 2021**, Notice of Representation Hearing dated** August 30, 2021**, Description of Procedures in Certification and Decertification Cases (Form NLRB-4812), Notice of Petition for Election, and Statement of Position Form (Form NLRB-505).**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on August 30, 2021, I served the above documents by electronic mail and regular mail upon the following persons, addressed to them at the following addresses:

Kevin Johnson
Starbucks Corporation
933 Elmwood Ave
Buffalo, NY 14222
kevin.johnson@starbucks.com

David Lefrois, District Manager
Starbucks Corporation
933 Elmwood Ave
Buffalo, NY 14222
dlefrois@starbucks.com

Ian Hayes, ESQ.
Creighton, Johnsen & Giroux
1103 Delaware Avenue
Buffalo, NY 14209
ihayes@cpjglaborlaw.com
Fax: (716)854-0004

Workers United Upstate
2954 Main Street, Suite 556
Buffalo, NY 14214

August 30, 2021	LOUIS F PORTO, Designated Agent of NLRB
Date	Name
	/s/ LOUIS F PORTO
	Signature

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

DESCRIPTION OF REPRESENTATION CASE PROCEDURES IN CERTIFICATION AND DECERTIFICATION CASES

The National Labor Relations Act grants employees the right to bargain collectively through representatives of their own choosing and to refrain from such activity. A party may file an RC, RD or RM petition with the National Labor Relations Board (NLRB) to conduct a secret ballot election to determine whether a representative will represent, or continue to represent, a unit of employees. An **RC** petition is generally filed by a union that desires to be certified as the bargaining representative. An **RD** petition is filed by employees who seek to remove the currently recognized union as the bargaining representative. An **RM** petition is filed by an employer who seeks an election because one or more individuals or unions have sought recognition as the bargaining representative, or based on a reasonable belief supported by objective considerations that the currently recognized union has lost its majority status. This form generally describes representation case procedures in RC, RD and RM cases, also referred to as certification and decertification cases.

Right to be Represented – Any party to a case with the NLRB has the right to be represented by an attorney or other representative in any proceeding before the NLRB. A party wishing to have a representative appear on its behalf should have the representative complete a Notice of Appearance (Form NLRB-4701), and E-File it at www.nlrb.gov or forward it to the NLRB Regional Office handling the petition as soon as possible.

Filing and Service of Petition – A party filing an RC, RD or RM petition is required to serve a copy of its petition on the parties named in the petition along with this form and the Statement of Position form. The petitioner files the petition with the NLRB, together with (1) a certificate showing service of these documents on the other parties named in the petition, and (2) a showing of interest to support the petition. The showing of interest is not served on the other parties.

Notice of Hearing – After a petition in a certification or decertification case is filed with the NLRB, the NLRB reviews the petition, certificate of service, and the required showing of interest for sufficiency, assigns the petition a case number, and promptly sends letters to the parties notifying them of the Board agent who will be handling the case. In most cases, the letters include a Notice of Representation Hearing. Except in cases presenting unusually complex issues, this pre-election hearing is set for a date 14 business days (excluding weekends and federal holidays) from the date of service of the notice of hearing. Once the hearing begins, it will continue day to day until completed absent extraordinary circumstances. The Notice of Representation Hearing also sets the due date for filing and serving the Statement(s) of Position and the Responsive Statement of Position(s). Included with the Notice of Representation Hearing are the following: (1) copy of the petition, (2) this form, (3) Statement of Position for non-petitioning parties, (4) petitioner's Responsive Statement of Position, (5) Notice of Petition for Election, and (6) letter advising how to contact the Board agent who will be handling the case and discussing those documents.

Hearing Postponement: Requests to postpone the hearing are not routinely granted, but the regional director may postpone the hearing for good cause. A party wishing to request a postponement should make the request in writing and set forth in detail the grounds for the request. The request should include the positions of the other parties regarding the postponement. The request must be filed electronically ("E-Filed") on the Agency's website (www.nlrb.gov) by following the instructions on the website. A copy of the request must be served simultaneously on all the other parties, and that fact must be noted in the request.

Statement of Position Form and List(s) of Employees – The Statement of Position form solicits commerce and other information that will facilitate entry into election agreements or streamline the pre-election hearing if the parties are unable to enter into an election agreement. In an **RC** or **RD** case, as part of its Statement of Position form, the employer also provides a list of the full names, work locations, shifts, and job classifications of all individuals in the proposed unit. If the employer contends that the proposed unit is not appropriate, the employer must separately list the same information for all individuals that the employer contends must be added to the proposed unit to make it an appropriate unit, and must further indicate those individuals, if any, whom it believes must be excluded from the proposed unit to make it an appropriate unit. These lists must be alphabetized (overall or by department). Unless the employer certifies that it does not possess the capacity to produce the lists in the required form, the lists must be in a table in a Microsoft Word file (.doc or .docx) or a file that is compatible with Microsoft Word, the first column of the table must begin with each employee's last name, and the font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional

form for the list is provided on the NLRB website at www.nlrb.gov/sites/default/files/attachments/basic-page/node-4559/Optional Forms for Voter List.docx

Ordinarily the Statement of Position must be filed with the Regional Office and served on the other parties such that it is received by them by noon 8 business days from the issuance of the Notice of Hearing. The regional director may postpone the due date for filing and serving the Statement of Position for good cause. The Statement of Position form must be E-Filed but, unlike other E-Filed documents, will not be timely if filed on the due date but after noon in the time zone of the Region where the petition is filed. Consequences for failing to satisfy the Statement of Position requirement are discussed on the following page under the heading "Preclusion." A request to postpone the hearing will not automatically be treated as a request for an extension of the Statement of Position due date. If a party wishes to request both a postponement of the hearing and a postponement of the Statement of Position due date, the request must make that clear and must specify the reasons that postponements of both are sought.

Responsive Statement of Position – Petitioner's Responsive Statement(s) of Position solicits a response to the Statement(s) of Position filed by the other parties and further facilitates entry into election agreements or streamlines the preelection hearing. A petitioner must file a Responsive Statement of Position in response to each party's Statement of Position addressing each issue in each Statement of Position(s), if desired. In the case of an RM petition, the employer-petitioner must also provide commerce information and file and serve a list of the full names, work locations, shifts, and job classifications of all individuals in the proposed unit. Ordinarily, the Responsive Statement of Position must be electronically filed with the Regional Office and served on the other parties such that it is received by noon 3 business days prior to the hearing. The regional director may postpone the due date for filing and serving the Responsive Statement of Position for good cause. The Responsive Statement of Position form must be E-Filed but, unlike other E-Filed documents, will not be timely if filed on the due date but after noon in the time zone of the Region where the petition is filed. Consequences for failing to satisfy the Responsive Statement of Position requirement are discussed on the following page under the heading "Preclusion." A request to postpone the hearing will not automatically be treated as a request for an extension of the Responsive Statement of Position due date. If a party wishes to request both a postponement of the hearing and a Postponement of the Responsive Statement of Position due date, the request must make that clear and must specify the reasons that postponements of both are sought.

Posting and Distribution of Notice of Petition for Election – Within 5 business days after service of the notice of hearing, the employer must post the Notice of Petition for Election in conspicuous places, including all places where notices to employees are customarily posted, and must also distribute it electronically to the employees in the petitioned-for unit if the employer customarily communicates with these employees electronically. The employer must maintain the posting until the petition is dismissed or withdrawn, or the Notice of Petition for Election is replaced by the Notice of Election. The employer's failure properly to post or distribute the Notice of Petition for Election may be grounds for setting aside the election if proper and timely objections are filed.

Election Agreements – Elections can occur either by agreement of the parties or by direction of the regional director or the Board. Three types of agreements are available: (1) a Consent Election Agreement (Form NLRB-651); (2) a Stipulated Election Agreement (Form NLRB-652); and (3) a Full Consent Agreement (Form NLRB-5509). In the Consent Election Agreement and the Stipulated Election Agreement, the parties agree on an appropriate unit and the method, date, time, and place of a secret ballot election that will be conducted by an NLRB agent. In the Consent Agreement, the parties also agree that post-election matters (election objections or determinative challenged ballots) will be resolved with finality by the regional director; whereas in the Stipulated Election Agreement, the parties agree that they may request Board review of the regional director's post-election determinations. A Full Consent Agreement provides that the regional director will make final determinations regarding all pre-election and post-election issues.

Hearing Cancellation Based on Agreement of the Parties – The issuance of the Notice of Representation Hearing does not mean that the matter cannot be resolved by agreement of the parties. On the contrary, the NLRB encourages prompt voluntary adjustments and the Board agent assigned to the case will work with the parties to enter into an election agreement, so the parties can avoid the time and expense of participating in a hearing.

Hearing – A hearing will be held unless the parties enter into an election agreement approved by the regional director or the petition is dismissed or withdrawn.

***Purpose of Hearing*:** The primary purpose of a pre-election hearing is to determine if a question of representation exists. A question of representation exists if a proper petition has been filed concerning a unit

appropriate for the purpose of collective bargaining or, in the case of a decertification petition, concerning a unit in which a labor organization has been certified or is being currently recognized by the employer as the bargaining representative.

***Issues at Hearing*:** Issues that might be litigated at the pre-election hearing include: jurisdiction; labor organization status; bars to elections; unit appropriateness; expanding and contracting unit issues; inclusion of professional employees with nonprofessional employees; seasonal operation; potential mixed guard/non-guard unit; and eligibility formulas. At the hearing, the timely filed Statement of Position and Responsive Statement of Position(s) will be received into evidence. The hearing officer will not receive evidence concerning any issue as to which the parties have not taken adverse positions, except for evidence regarding the Board's jurisdiction over the employer and evidence concerning any issue, such as the appropriateness of the proposed unit, as to which the regional director determines that record evidence is necessary.

***Preclusion*:** At the hearing, a party will be precluded from raising any issue, presenting any evidence relating to any issue, cross-examining any witness concerning any issue, and presenting argument concerning any issue that the party failed to raise in its timely Statement of Position or Responsive Statement of Position(s) or to place in dispute in timely response to another party's Statement of Position or response, except that no party will be precluded from contesting or presenting evidence relevant to the Board's statutory jurisdiction to process the petition. Nor shall any party be precluded, on the grounds that a voter's eligibility or inclusion was not contested at the pre-election hearing, from challenging the eligibility of any voter during the election. If a party contends that the proposed unit is not appropriate in its Statement of Position but fails to specify the classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit, the party shall also be precluded from raising any issue as to the appropriateness of the unit, presenting any evidence relating to the appropriateness of the unit, cross examining any witness concerning the appropriateness of the unit, and presenting argument concerning the appropriateness of the unit. As set forth in §102.66(d) of the Board's rules, if the employer fails to timely furnish the lists of employees, the employer will be precluded from contesting the appropriateness of the proposed unit at any time and from contesting the eligibility or inclusion of any individuals at the pre-election hearing, including by presenting evidence or argument, or by cross-examination of witnesses.

***Conduct of Hearing*:** If held, the hearing is usually open to the public and will be conducted by a hearing officer of the NLRB. Any party has the right to appear at any hearing in person, by counsel, or by other representative, to call, examine, and cross-examine witnesses, and to introduce into the record evidence of the significant facts that support the party's contentions and are relevant to the existence of a question of representation. The hearing officer also has the power to call, examine, and cross-examine witnesses and to introduce into the record documentary and other evidence. Witnesses will be examined orally under oath. The rules of evidence prevailing in courts of law or equity shall not be controlling. Parties appearing at any hearing who have or whose witnesses have disabilities falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.503, and who in order to participate in this hearing need appropriate auxiliary aids, as defined in 29 C.F.R. 100.503, should notify the regional director as soon as possible and request the necessary assistance.

***Official Record*:** An official reporter will make the only official transcript of the proceedings and all citations in briefs or arguments must refer to the official record. (Copies of exhibits should be supplied to the hearing officer and other parties at the time the exhibit is offered in evidence.) All statements made at the hearing will be recorded by the official reporter while the hearing is on the record. If a party wishes to make off-the-record remarks, requests to make such remarks should be directed to the hearing officer and not to the official reporter. After the close of the hearing, any request for corrections to the record, either by stipulation or motion, should be forwarded to the regional director.

***Motions and Objections*:** All motions must be in writing unless stated orally on the record at the hearing and must briefly state the relief sought and the grounds for the motion. A copy of any motion must be served immediately on the other parties to the proceeding. Motions made during the hearing are filed with the hearing officer. All other motions are filed with the regional director, except that motions made after the transfer of the record to the Board are filed with the Board. If not E-Filed, an original and two copies of written motions shall be filed. Statements of reasons in support of motions or objections should be as concise as possible. Objections shall not be deemed waived by further participation in the hearing. On appropriate request, objections may be permitted to stand to an entire line of questioning. Automatic exceptions will be allowed to all adverse rulings.

***Election Details*:** Prior to the close of the hearing the hearing officer will: (1) solicit the parties' positions (but will not permit litigation) on the type, date(s), time(s), and location(s) of the election and the eligibility period; (2) solicit the name, address, email address, facsimile number, and phone number of the employer's on-site representative to whom the regional director should transmit the Notice of Election if an election is directed; (3) inform the parties that the regional director will issue a decision as soon as practicable and will immediately transmit the document to the parties and their designated representatives by email, facsimile, or by overnight mail (if neither an email address nor facsimile number was provided); and (4) inform the parties of their obligations if the director directs an election and of the time for complying with those obligations.

***Oral Argument and Briefs*:** Upon request, any party is entitled to a reasonable period at the close of the hearing for oral argument, which will be included in the official transcript of the hearing. At any time before the close of the hearing, any party may file a memorandum addressing relevant issues or points of law. Post-hearing briefs shall be due within 5 business days of the close of the hearing. The hearing officer may allow up to 10 additional business days for such briefs prior to the close of hearing and for good cause. If filed, copies of the memorandum or brief shall be served on all other parties to the proceeding and a statement of such service shall be filed with the memorandum or brief. No reply brief may be filed except upon special leave of the regional director. Briefs including electronic documents, filed with the Regional Director must be formatted as double-spaced in an 8½ by 11 inch format and must be e-filed through the Board's website, www.nlrb.gov.

Regional Director Decision - After the hearing, the regional director issues a decision directing an election, dismissing the petition or reopening the hearing. A request for review of the regional director's pre-election decision may be filed with the Board at any time after issuance of the decision until 10 business days after a final disposition of the proceeding by the regional director. Accordingly, a party need not file a request for review before the election in order to preserve its right to contest that decision after the election. Instead, a party can wait to see whether the election results have mooted the basis of an appeal. The Board will grant a request for review only where compelling reasons exist therefor.

Voter List – The employer must provide to the regional director and the parties named in the election agreement or direction of election a list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available home and personal cellular (''cell'') telephone numbers) of all eligible voters. (In construction industry elections, unless the parties stipulate to the contrary, also eligible to vote are all employees in the unit who either (1) were employed a total of 30 working days or more within the 12 months preceding the election eligibility date or (2) had some employment in the 12 months preceding the election eligibility date and were employed 45 working days or more within the 24 months immediately preceding the election eligibility date. However, employees meeting either of those criteria who were terminated for cause or who quit voluntarily prior to the completion of the last job for which they were employed, are not eligible.) The employer must also include in a separate section of the voter list the same information for those individuals whom the parties have agreed should be permitted to vote subject to challenge or those individuals who, according to the direction of election, will be permitted to vote subject to challenge. The list of names must be alphabetized (overall or by department) and be in the same Microsoft Word file (or Microsoft Word compatible file) format as the initial lists provided with the Statement of Position form unless the parties agree to a different format or the employer certifies that it does not possess the capacity to produce the list in the required form. When feasible, the list must be filed electronically with the regional director and served electronically on the other parties named in the agreement or direction. To be timely filed and served, the voter list must be received by the regional director and the parties named in the agreement or direction respectively within 2 business days after the approval of the agreement or issuance of the direction of elections unless a longer time is specified in the agreement or direction. A certificate of service on all parties must be filed with the regional director when the voter list is filed. The employer's failure to file or serve the list within the specified time or in proper format shall be grounds for setting aside the election whenever proper and timely objections are filed. The parties shall not use the list for purposes other than the representation proceeding, Board proceedings arising from it, and related matters.

Waiver of Time to Use Voter List – Under existing NLRB practice, an election is not ordinarily scheduled for a date earlier than 10 calendar days after the date when the employer must file the voter list with the Regional Office. However, the parties entitled to receive the voter list may waive all or part of the 10-day period by executing Form NLRB-4483. A waiver will not be effective unless all parties who are entitled to the list agree to waive the same number of days.

Election – Information about the election, requirements to post and distribute the Notice of Election, and possible proceedings after the election is available from the Regional Office and will be provided to the parties when the Notice of Election is sent to the parties.

Withdrawal or Dismissal – If it is determined that the NLRB does not have jurisdiction or that other criteria for proceeding to an election are not met, the petitioner is offered an opportunity to withdraw the petition. If the petitioner does not withdraw the petition, the regional director will dismiss the petition and advise the petitioner of the reason for the dismissal and of the right to appeal to the Board.

REVIEW THE FOLLOWING IMPORTANT INFORMATION BEFORE FILLING OUT A STATEMENT OF POSITION FORM

Completing and Filing this Form: The Notice of Hearing indicates which parties are responsible for completing the form. If you are required to complete the form, you must have it signed by an authorized representative and file a completed copy (including all attachments) with the RD and serve copies on all parties named in the petition by the date and time established for its submission. If more space is needed for your answers, additional pages may be attached. If you have questions about this form or would like assistance in filling out this form, please contact the Board agent assigned to handle this case. **You must EFile your Statement of Position at www.nlrb.gov, but unlike other e-Filed documents, it will *not* be timely if filed on the due date but after noon in the time zone of the Region where the petition was filed.**

> **Note:** ***Non-employer parties who complete this Statement of Position are NOT required to complete items 8f and 8g of the form, or to provide a commerce questionnaire or the lists described in item 7.***

Required Lists: The employer's Statement of Position must include a list of the full names, work locations, shifts, and job classifications of all individuals in the proposed unit as of the payroll period preceding the filing of the petition who remain employed at the time of filing. If the employer contends that the proposed unit is inappropriate, the employer must separately list the full names, work locations, shifts and job classifications of all individuals that it contends must be added to the proposed unit to make it an appropriate unit. The employer must also indicate those individuals, if any, whom it believes must be excluded from the proposed unit to make it an appropriate unit. These lists must be alphabetized (overall or by department). Unless the employer certifies that it does not possess the capacity to produce the lists in the required form, the lists must be in a table in a Microsoft Word file (.doc or .docx) or a file that is compatible with Microsoft Word, the first column of the table must begin with each employee's last name, and the font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional form for the list is provided on the NLRB website at **www.nlrb.gov/sites/default/files/attachments/basic-page/node-4559/Optional Forms for Voter List.docx**.

Consequences of Failure to Supply Information: Failure to supply the information requested by this form may preclude you from litigating issues under 102.66(d) of the Board's Rules and Regulations. Section 102.66(d) provides as follows:

> A party shall be precluded from raising any issue, presenting any evidence relating to any issue, cross-examining any witness concerning any issue, and presenting argument concerning any issue that the party failed to raise in its timely Statement of Position or to place in dispute in response to another party's Statement of Position or response, except that no party shall be precluded from contesting or presenting evidence relevant to the Board's statutory jurisdiction to process the petition. Nor shall any party be precluded, on the grounds that a voter's eligibility or inclusion was not contested at the pre-election hearing, from challenging the eligibility of any voter during the election. If a party contends that the proposed unit is not appropriate in its Statement of Position but fails to specify the classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit, the party shall also be precluded from raising any issue as to the appropriateness of the unit, presenting any evidence relating to the appropriateness of the unit, cross-examining any witness concerning the appropriateness of the unit, and presenting argument concerning the appropriateness of the unit. If the employer fails to timely furnish the lists of employees described in §§102.63(b)(1)(iii), (b)(2)(iii), or (b)(3)(iii), the employer shall be precluded from contesting the appropriateness of the proposed unit at any time and from contesting the eligibility or inclusion of any individuals at the pre-election hearing, including by presenting evidence or argument, or by cross-examination of witnesses.

FORM NLRB-505
(12-20)

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

STATEMENT OF POSITION

DO NOT WRITE IN THIS SPACE	
Case No.	Date Filed
03-RC-282115	August 30, 2021

INSTRUCTIONS: *Submit this Statement of Position to an NLRB Office in the Region in which the petition was filed and serve it and all attachments on each party named in the petition in this case such that it is received by them by the date and time specified in the notice of hearing.*
Note: *Non-employer parties who complete this form are NOT required to complete items 8f or 8g below or to provide a commerce questionnaire or the lists described in item 7.*

1a. Full name of party filing Statement of Position	1c. Business Phone:	1e. Fax No.:
1b. Address *(Street and number, city, state, and ZIP code)*	1d. Cell No.:	1f. e-Mail Address

2. Do you agree that the NLRB has jurisdiction over the Employer in this case? [ ] Yes [ ] No
(A completed commerce questionnaire (Attachment A) must be submitted by the Employer, regardless of whether jurisdiction is admitted)

3. Do you agree that the proposed unit is appropriate? [ ] Yes [ ] No *(If not, answer 3a and 3b)*

a. State the basis for your contention that the proposed unit is not appropriate. (*If you contend a classification should be excluded or included briefly explain why, such as shares a community of interest or are supervisors or guards)*

b. State any classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit.

Added	Excluded

4. Other than the individuals in classifications listed in 3b, list any individual(s) whose eligibility to vote you intend to contest at the pre-election hearing in this case and the basis for contesting their eligibility.

5. Is there a bar to conducting an elec ion in this case? [ ] Yes [ ] No *If yes, state the basis for your position.*

6. Describe all other issues you intend to raise at the pre-election hearing.

7. The employer must provide the following lists which must be alphabetized (overall or by department) in the format specified at **www.nlrb.gov/sites/default/files/attachments/basic-page/node-4559/Optional Forms for Voter List.docx**.
(a) A list containing the full names, work locations, shifts and job classification of all individuals in the proposed unit as of the payroll period immediately preceding the filing of the petition who remain employed as of the date of the filing of the petition. (Attachment B)
(b) If the employer contends hat the proposed unit is inappropriate the employer must provide (1) a separate list containing the full names, work locations, shifts and job classifications of all individuals that it contends must be *added* to the proposed unit, if any to make it an appropriate unit, (Attachment C) and (2) a list containing the full names of any individuals it contends must be *excluded* from the proposed unit to make it an appropriate unit. (Attachment D)

8a. State your position with respect to the details of any elec ion that may be conducted in this matter. Type: [ ] Manual [ ] Mail [ ] Mixed Manual/Mail

8b. Date(s)	8c. Time(s)	8d. Location(s)
8e. Eligibility Period (e.g. special eligibility formula)	8f. Last Payroll Period Ending Date	8g. Length of payroll period [ ] Weekly [ ]Biweekly [ ] Other *(specify length)*

9. Representative who will accept service of all papers for purposes of the representation proceeding

9a. Full name and title of authorized representative	9b. Signature of authorized representative	9c. Date
9d. Address *(Street and number, city, state, and ZIP code)*		9e. e-Mail Address
9f. Business Phone No.:	9g. Fax No.	9h. Cell No.

WILLFUL FALSE STATEMENTS ON THIS PETITION 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 Section 151 et seq The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation proceedings The routine uses for the information are fully set forth in the Federal Register, 71 Fed 74942-43 (December 13, 2006) The NLRB will further explain these uses upon request Failure to supply the information requested by this form may preclude you from litigating issues under 102 66(d) of the Board's Rules and Regulations and may cause the NLRB to refuse to further process a representation case or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court

FORM NLRB-5081
(3-11)

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
	03-RC-282115

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).*

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

8. NUMBER OF PEOPLE PRESENTLY EMPLOYED

A. TOTAL:	B. AT THE ADDRESS INVOLVED IN THIS MATTER:

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

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 representation and/or unfair labor practice proceedings 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 may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

REVIEW THE FOLLOWING IMPORTANT INFORMATION BEFORE FILLING OUT A RESPONSIVE STATEMENT OF POSITION FORM

Completing and Filing this Form: For **RC and RD petitions**, the Petitioner is required to complete this form in response to each timely filed and served Statement of Position filed by another party. For **RM petitions**, the Employer-Petitioner must complete a Responsive Statement of Position form and submit the list described below. In accordance with Section 102.63(b) of the Board's Rules, if you are required to complete the form, you must have it signed by an authorized representative, and file a completed copy with any necessary attachments, with this office and serve it on all parties named in the petition responding to the issues raised in another party's Statement of Position, such that it is received no later than noon three business days before the date of the hearing. A separate form must be completed for each timely filed and properly served Statement of Position you receive. If more space is needed for your answers, additional pages may be attached. If you have questions about this form or would like assistance in filling out this form, please contact the Board agent assigned to handle this case. **You must E-File your Responsive Statement of Position at www.NLRB.gov, but unlike other e-Filed documents, it will *not* be timely if filed on the due date but after noon in the time zone of the Region where the petition was filed. Note that if you are completing this form as a PDF downloaded from www.NLRB.gov, the form will lock upon signature and no further editing may be made.**

Required List: In addition to responding to the issues raised in another party's Statement of Position, if any, the Employer-Petitioner in an RM case is required to file and serve on the parties a list of the full names, work locations, shifts, and job classifications of all individuals in the proposed unit as of the payroll period preceding the filing of the petition who remain employed at the time of filing. This list must be alphabetized (overall or by department). Unless the employer certifies that it does not possess the capacity to produce the list in the required form, the list must be in a table in a Microsoft Word file (.doc or .docx) or a file that is compatible with Microsoft Word, the first column of the table must begin with each employee's last name, and the font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional form for the list is provided on the NLRB website at www.nlrb.gov/sites/default/files/attachments/basic-page/node-4559/Optional Forms for Voter List.docx

Consequences of Failure to Submit a Responsive Statement of Position: Failure to supply the information requested by this form may preclude you from litigating issues under 102.66(d) of the Board's Rules and Regulations. Section 102.66(d) provides as follows:

> A party shall be precluded from raising any issue, presenting any evidence relating to any issue, cross-examining any witness concerning any issue, and presenting argument concerning any issue that the party failed to raise in its timely Statement of Position or to place in dispute in response to another party's Statement of Position or response, except that no party shall be precluded from contesting or presenting evidence relevant to the Board's statutory jurisdiction to process the petition. Nor shall any party be precluded, on the grounds that a voter's eligibility or inclusion was not contested at the pre-election hearing, from challenging the eligibility of any voter during the election. If a party contends that the proposed unit is not appropriate in its Statement of Position but fails to specify the classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit, the party shall also be precluded from raising any issue as to the appropriateness of the unit, presenting any evidence relating to the appropriateness of the unit, cross-examining any witness concerning the appropriateness of the unit, and presenting argument concerning the appropriateness of the unit. If the employer fails to timely furnish the lists of employees described in §§102.63(b)(1)(iii), (b)(2)(iii), or (b)(3)(iii), the employer shall be precluded from contesting the appropriateness of the proposed unit at any time and from contesting the eligibility or inclusion of any individuals at the pre-election hearing, including by presenting evidence or argument, or by cross-examination of witnesses.

FORM NLRB-506
(12-20)

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

RESPONSIVE STATEMENT OF POSITION – RC, RD or RM PETITION

DO NOT WRITE IN THIS SPACE	
Case No.	Date Filed
03-RC-282115	August 30, 2021

INSTRUCTIONS: *If a party has submitted and served on you a timely Statement of Position to an RC, RD or RM petition, the Petitioner must submit this Responsive Statement of Position to an NLRB Office in the Region in which the petition was filed and serve it and any attachments on each party named in the petition in this case such that it is received by noon local time, three business days prior to the hearing date specified in the Notice of Hearing. A separate form must be completed for each timely filed and properly served Statement of Position received by the Petitioner. The Petitioner-Employer in a RM case is required to file this Responsive Statement of Position and include an appropriate employee list without regard to whether another party has filed a Statement of Position.*

This Responsive Statement of Position is filed by he Petitioner in response to a Statement of Position received from the following party:

The Employer	**An Intervenor/Union**

1a. Full Name of Party Filing Responsive Statement of Position

1c. Business Phone	1d. Cell No.	1e. Fax No.	1f. E-Mail Address

1b. Address (Street and Number, City, State, and ZIP Code)

2. Identify all issues raised in the other party's Statement of Position that you dispute and describe the basis of your dispute:

a. EMPLOYER NAME/IDENTITY [Box 1a of Statement of Position Form NLRB-505 and Questionnaire on Commerce Information]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

b. JURISDICTION [Box 2 of Statement of Position Form NLRB-505 and Questionnaire on Commerce Information]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

c. APPROPRIATENESS OF UNIT [Boxes 3, 3a and 3b of Statement of Position Form NLRB-505]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

d. INDIVIDUAL ELIGIBILITY [Box 4 of Statement of Position Form NLRB-505]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

e. BARS TO ELECTION [Box 5 of Statement of Position Form NLRB-505]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

f. ALL OTHER ISSUES [Box 6 of Statement of Position Form NLRB-505]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

g. ELECTION DETAILS [Boxes 8a, 8b, 8c, 8d, 8e, 8f, and 8g of Statement of Position Form NLRB-505]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

Full Name and Title of Authorized Representative	Signature of Authorized Representative	Date

WILLFUL FALSE STATEMENTS ON THIS PETITION 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. Section 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation proceedings. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. 74942-43 (December 13, 2006). The NLRB will further explain these uses upon request. Failure to supply the information requested by this form may preclude you from litigating issues under 102.66(d) of the Board's Rules and Regulations and may cause the NLRB to refuse to further process a representation case or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

Please fill all necessary fields on the form PRIOR to digitally signing. To make changes after the form has been signed, right-click on the signature field and click "clear signature." Once complete, please sign the form.

FORM NLRB-502 (RC)
(2-18)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
RC PETITION

DO NOT WRITE IN THIS SPACE	
Case No. 03-RC-282127	Date Filed 8/30/2021

INSTRUCTIONS: Unless e-Filed using the Agency's website, www.nlrb.gov/, submit an original of this Petition to an NLRB office in the Region in which the employer concerned is located. The petition must be accompanied by both a showing of interest (see 6b below) and a certificate of service showing service on the employer and all other parties named in the petition of: (1) the petition; (2) Statement of Position form (Form NLRB-505); and (3) Description of Representation Case Procedures (Form NLRB 4812). The showing of interest should only be filed with the NLRB and should not be served on the employer or any other party.

1. **PURPOSE OF THIS PETITION: RC-CERTIFICATION OF REPRESENTATIVE** - A substantial number of employees wish to be represented for purposes of collective bargaining by Petitioner and Petitioner desires to be certified as representative of the employees. **The Petitioner alleges that the following circumstances exist and requests that the National Labor Relations Board proceed under its proper authority pursuant to Section 9 of the National Labor Relations Act.**

2a. Name of Employer: Starbucks Corporation	2b. Address(es) of Establishment(s) involved *(Street and number, City, State, ZIP code)*: 5120 Camp Rd., Hamburg, NY 14075
3a. Employer Representative - Name and Title: Kevin Johnson, President and CEO (see attached for District Manager)	3b. Address *(if same as 2b - state same)*: Same

3c. Tel. No.	3d. Cell No.	3e. Fax No.	3f. E-Mail Address
206-318-2212			kevin.johnson@starbucks.com

4a. Type of Establishment *(Factory, mine, wholesaler, etc.)*	4b. Principal Product or Service	5a. City and State where unit is located:
Coffee shop	Food and beverage	Hamburg, NY

5b. Description of Unit Involved:
Included:
All full-time and regular part-time Baristas, Shift Supervisors, Asst. Store Managers
Excluded:
Store Managers; office clericals, guards, and supervisors as defined by the Act

6a. Number of Employees in Unit: 30

6b. Do a substantial number (30% or more) of the employees in the unit wish to be represented by the Petitioner? [x] Yes [ ] No

Check One: [ ] 7a. Request for recognition as Bargaining Representative was made on (Date) _____ and Employer declined recognition on or about (Date) _____ (If no reply received, so state).
[ ] 7b. Petitioner is currently recognized as Bargaining Representative and desires certification under the Act.

8a. Name of Recognized or Certified Bargaining Agent *(If none, so state)*	8b. Address:
None	

8c. Tel. No.	8d. Cell No.	8e. Fax No.	8f. E-Mail Address

8g. Affiliation, if any:	8h. Date of Recognition or Certification	8i. Expiration Date of Current or Most Recent Contract, if any *(Month, Day, Year)*

9. Is there now a strike or picketing at the Employer's establishment(s) involved? No If so, approximately how many employees are participating? _____
(Name of Labor Organization) _____, has picketed the Employer since *(Month, Day, Year)* _____

10. Organizations or individuals other than Petitioner and those named in items 8 and 9, which have claimed recognition as representatives and other organizations and individuals known to have a representative interest in any employees in the unit described in item 5b above. *(If none, so state)*
None

10a. Name	10b. Address	10c. Tel. No.	10d. Cell No.
		10e. Fax No.	10f. E-Mail Address

11. Election Details: If the NLRB conducts and election in this matter, state your position with respect to any such election: 11a. Election Type: [x] Manual [ ] Mail [ ] Mixed Manual/Mail

11b. Election Date(s):	11c. Election Time(s):	11d. Election Location(s):
9/13/21	TBD	Store premises

12a. Full Name of Petitioner *(including local name and number)*:	12b. Address *(street and number, city, State and ZIP code)*:
Workers United Upstate	2954 Main Street, Suite 556 Buffalo, NY 14214

12c. Full name of national or international labor organization of which Petitioner is an affiliate or constituent *(if none, so state)*:
Workers United

12d. Tel. No.	12e. Cell No.	12f. Fax No.	12g. E-Mail Address
585-473-3280			gbonadonnajr@rrjb.org

13. Representative of the Petitioner who will accept service of all papers for purposes of the representation proceeding.

13a. Name and Title:	13b. Address *(street and number, city, State and ZIP code)*:
Ian Hayes, Attorney	Creighton, Johnsen & Giroux 1103 Delaware Ave., Buffalo, NY 14209

13c. Tel. No.	13d. Cell No.	13e. Fax No.	13f. E-Mail Address
716-854-0007		716-854-0004	ihayes@cpjglaborlaw.com

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

Name *(Print)*	Signature	Title	Date
Ian Hayes	Ian Hayes	Attorney	08/30/21

WILLFUL FALSE STATEMENTS ON THIS PETITION 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 representation 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 may cause the NLRB to decline to invoke its processes.

Attachment to RC Petition – Sections 3a-3f:

David Lefrois, District Manager
585-975-9135
dlefrois@starbucks.com

Form NLRB-5544
(5-2015)

CERTIFICATE OF SERVICE

Employer Name: Starbucks Corporation

Service on the Employer

I hereby certify that on 8/30/21 (date), a copy of the petition involving the Employer named above, a Statement of Position (Form NLRB-505), and a Description of Procedures (Form NLRB-4812) were served on the Employer by: (check whichever is applicable)

- [x] e-mail to the email address shown on the petition.
- [ ] facsimile (with the permission of the Employer) to the facsimile number shown on the petition.
- [ ] overnight mail to the mailing address shown on the petition.
- [ ] hand-delivery to_____(name of Employer's representative) at the following address:_____.

Service on the Other Party Named in the Petition

I hereby certify that on _____ (date), a copy of the petition involving the Employer named above, a Statement of Position (Form NLRB-505), and a Description of Procedures (Form NLRB-4812) were also served on _____ (name of party or parties) by: (check whichever is applicable)

- [ ] email to the email address shown on the petition.
- [ ] facsimile (with the permission of the party) to the facsimile number shown on the petition.
- [ ] overnight mail to the mailing address shown on the petition.
- [ ] hand-delivery to_____ (name of party's representative) at the following address:_____.

Service on the Other Party Named in the Petition

I hereby certify that on _____ (date), a copy of the petition involving the Employer named above, a Statement of Position (Form NLRB-505), and a Description of Procedures (Form NLRB-4812) were also served on _____ (name of party or parties) by: (check whichever is applicable)

- [ ] email to the email address shown on the petition.
- [ ] facsimile (with the permission of the party) to the facsimile number shown on the petition.
- [ ] overnight mail to the mailing address shown on the petition.
- [ ] hand-delivery to_____ (name of party's representative) at the following address:_____.

Ian Hayes

Signature

Ian Hayes, Attorney

Name and Title

8/30/21

Date

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 3
130 S Elmwood Ave Ste 630
Buffalo, NY 14202-2465

Agency Website: www.nlrb.gov
Telephone: (716)551-4931
Fax: (716)551-4972

Download
NLRB
Mobile App

August 30, 2021

URGENT

kevin.johnson@starbucks.com

Kevin Johnson
Starbucks Corporation
5120 Camp Rd
Hamburg, NY 14075

Re: Starbucks Corporation
Case 03-RC-282127

Dear Mr. Johnson:

Enclosed is a copy of a petition that Workers United Upstate filed with the National Labor Relations Board (NLRB) seeking to represent certain of your employees. After a petition is filed, the employer is required to promptly take certain actions so please read this letter carefully to make sure you are aware of the employer's obligations. This letter tells you how to contact the Board agent who will be handling this matter, about the requirement to post and distribute the Notice of Petition for Election, the requirement to complete and serve a Statement of Position Form, the Petitioner's requirement to complete and serve a Responsive Statement of Position Form, a scheduled hearing in this matter, other information needed including a voter list, your right to be represented, and NLRB procedures, including how to submit documents to the NLRB.

Investigator: This petition will be investigated by Field Examiner Michael Dahlheimer whose telephone number is (716)398-7008. The Board agent will contact you shortly to discuss processing the petition. If you have any questions, please do not hesitate to call the Board agent. If the agent is not available, you may contact Regional Director LINDA M. LESLIE whose telephone number is (716)398-7017. The Board agent may also contact you and the other party or parties to schedule a conference meeting or telephonic or video conference for some time before the close of business the day following receipt of the final Responsive Statement(s) of Position. This will give the parties sufficient time to determine if any issues can be resolved prior to hearing or if a hearing is necessary. If appropriate, the NLRB attempts to schedule an election either by agreement of the parties or by holding a hearing and then directing an election.

Required Posting and Distribution of Notice: You must post the enclosed Notice of Petition for Election by September 6, 2021 in conspicuous places, including all places where notices to employees are customarily posted. The Notice of Petition for Election must be posted so all pages are simultaneously visible. If you customarily communicate electronically with

employees in the petitioned-for unit, you must also distribute the notice electronically to them. You must maintain the posting until the petition is dismissed or withdrawn or this notice is replaced by the Notice of Election. Posting and distribution of the Notice of Petition for Election will inform the employees whose representation is at issue and the employer of their rights and obligations under the National Labor Relations Act in the representation context. Failure to post or distribute the notice may be grounds for setting aside an election if proper and timely objections are filed.

Required Statement of Position: In accordance with Section 102.63(b) of the Board's Rules, the employer is required to complete the enclosed Statement of Position form (including the attached Commerce Questionnaire), have it signed by an authorized representative, and file a completed copy (with all required attachments) with this office and serve it on all parties named in the petition such that it is received by them by **noon Eastern Time** on **September 10, 2021**. This form solicits information that will facilitate entry into election agreements or streamline the pre-election hearing if the parties are unable to enter into an election agreement. **This form must be e-Filed, but unlike other e-Filed documents, will *not* be timely if filed on the due date but after noon September 10, 2021.** If you have questions about this form or would like assistance in filling out this form, please contact the Board agent named above.

List(s) of Employees: The employer's Statement of Position must include a list of the full names, work locations, shifts, and job classifications of all individuals in the proposed unit as of the payroll period preceding the filing of the petition who remain employed at the time of filing. If the employer contends that the proposed unit is inappropriate, the employer must separately list the full names, work locations, shifts and job classifications of all individuals that it contends must be added to the proposed unit to make it an appropriate unit. The employer must also indicate those individuals, if any, whom it believes must be excluded from the proposed unit to make it an appropriate unit. These lists must be alphabetized (overall or by department). Unless the employer certifies that it does not possess the capacity to produce the lists in the required form, the lists must be in a table in a Microsoft Word file (.doc or .docx) or a file that is compatible with Microsoft Word, the first column of the table must begin with each employee's last name, and the font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional form for the list is provided on the NLRB website at www.nlrb.gov/sites/default/files/attachments/basic-page/node-4559/Optional Forms for Voter List.docx

Failure to Supply Information: Failure to supply the information requested by this form may preclude you from litigating issues under Section 102.66(d) of the Board's Rules and Regulations. Section 102.66(d) provides as follows:

> A party shall be precluded from raising any issue, presenting any evidence relating to any issue, cross-examining any witness concerning any issue, and presenting argument concerning any issue that the party failed to raise in its timely Statement of Position or to place in dispute in response to another party's Statement of Position or response, except that no party shall be precluded from

> contesting or presenting evidence relevant to the Board's statutory jurisdiction to process the petition. Nor shall any party be precluded, on the grounds that a voter's eligibility or inclusion was not contested at the pre-election hearing, from challenging the eligibility of any voter during the election. If a party contends that the proposed unit is not appropriate in its Statement of Position but fails to specify the classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit, the party shall also be precluded from raising any issue as to the appropriateness of the unit, presenting any evidence relating to the appropriateness of the unit, cross-examining any witness concerning the appropriateness of the unit, and presenting argument concerning the appropriateness of the unit. If the employer fails to timely furnish the lists of employees described in §§ 102.63(b)(1)(iii), (b)(2)(iii), or (b)(3)(iii), the employer shall be precluded from contesting the appropriateness of the proposed unit at any time and from contesting the eligibility or inclusion of any individuals at the pre-election hearing, including by presenting evidence or argument, or by cross-examination of witnesses.

Responsive Statement of Position: In accordance with Section 102.63(b) of the Board's Rules, following timely filing and service of an employer's Statement of Position, the petitioner is required to complete the enclosed Responsive Statement of Position form, have it signed by an authorized representative, and file a completed copy with any necessary attachments, with this office and serve it on all parties named in the petition responding to the issues raised in the employer's Statement of Position, such that it is received no later than **noon Eastern Time** on **September 15, 2021.**

Notice of Hearing: Enclosed is a Notice of Representation Hearing to be conducted at **10:00 AM** on **Monday, September 20, 2021 VIA Video Conference,** if the parties do not voluntarily agree to an election. If a hearing is necessary, the hearing will run on consecutive days until concluded unless the regional director concludes that extraordinary circumstances warrant otherwise. Before the hearing begins, the NLRB will continue to explore potential areas of agreement with the parties in order to reach an election agreement and to eliminate or limit the costs associated with formal hearings.

Upon request of a party showing good cause, the regional director may postpone the hearing. A party desiring a postponement should make the request to the regional director in writing, set forth in detail the grounds for the request, and include the positions of the other parties regarding the postponement. E-Filing the request is required. A copy of the request must be served simultaneously on all the other parties, and that fact must be noted in the request.

Other Information Needed Now*:* Please submit to this office, as soon as possible, the following information needed to handle this matter:

(a) A copy of any existing or recently expired collective-bargaining agreements, and any amendments or extensions, or any recognition agreements covering any of your employees in the unit involved in the petition (the petitioned-for unit);

(b) The name and contact information for any other labor organization (union) claiming to represent any of the employees in the petitioned-for unit;

(c) If potential voters will need notices or ballots translated into a language other than English, the names of those languages and dialects, if any.

(d) If you desire a formal check of the showing of interest, you must provide an alphabetized payroll list of employees in the petitioned-for unit, with their job classifications, for the payroll period immediately before the date of this petition. Such a payroll list should be submitted as early as possible prior to the hearing. Ordinarily a formal check of the showing of interest is not performed using the employee list submitted as part of the Statement of Position.

Voter List: If an election is held in this matter, the employer must transmit to this office and to the other parties to the election, an alphabetized list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available home and personal cellular telephone numbers) of eligible voters. Usually, the list must be furnished within 2 business days of the issuance of the Decision and Direction of Election or approval of an election agreement. I am advising you of this requirement now, so that you will have ample time to prepare this list. The list must be electronically filed with the Region and served electronically on the other parties. To guard against potential abuse, this list may not be used for purposes other than the representation proceeding, NLRB proceedings arising from it or other related matters.

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.

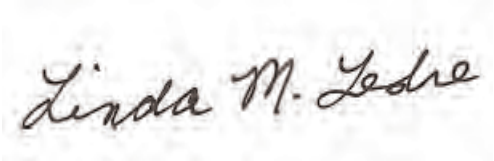
If someone contacts you about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the NLRB. Their knowledge regarding this matter was only obtained through access to information that must be made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

Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlrb.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determinations solely based on the documents and evidence properly submitted. All evidence

submitted electronically should be in the form in which 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 petition.

Information about the NLRB and our customer service standards is available on our website, www.nlrb.gov, or from an NLRB office upon your request. 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,



LINDA M. LESLIE
Acting Regional Director

Enclosures

1. Petition
2. Notice of Petition for Election (Form 5492)
3. Notice of Representation Hearing
4. Description of Procedures in Certification and Decertification Cases (Form 4812)
5. Statement of Position form and Commerce Questionnaire (Form 505)
6. Responsive Statement of Position (Form 506)

cc: David Lefrois, District Manager
Starbucks Corporation
5120 Camp Rd
Hamburg, NY 14075

Form NLRB-5492
(Rev: 12-2015)

National Labor Relations Board

NOTICE OF PETITION FOR ELECTION

This notice is to inform employees that Workers United Upstate has filed a petition with the National Labor Relations Board (NLRB), a Federal agency, in Case 03-RC-282127 seeking an election to become certified as the representative of the employees of Starbucks Corporation in the unit set forth below:

All full-time and regular part-time Baristas, Shift Supervisors, Asst. Store Managers. Excluded: Store Managers, office clericals, guards, and supervisors as defined by the Act.

This notice also provides you with information about your basic rights under the National Labor Relations Act, the processing of the petition, and rules to keep NLRB elections fair and honest.

YOU HAVE THE RIGHT under Federal Law

- **To self-organization**
- **To form, join, or assist labor organizations**
- **To bargain collectively through representatives of your own choosing**
- **To act together for the purposes of collective bargaining or other mutual aid or protection**
- **To refuse to do any or all of these things unless the union and employer, in a state where such agreements are permitted, enter into a lawful union-security agreement requiring employees to pay periodic dues and initiation fees. Nonmembers who inform the union that they object to the use of their payments for nonrepresentational purposes may be required to pay only their share of the union's costs of representational activities (such as collective bargaining, contract administration, and grievance adjustments).**

PROCESSING THIS PETITION

Elections do not necessarily occur in all cases after a petition is filed. NO FINAL DECISIONS HAVE BEEN MADE YET regarding the appropriateness of the proposed unit or whether an election will be held in this matter. If appropriate, the NLRB will first see if the parties will enter into an election agreement that specifies the method, date, time, and location of an election and the unit of employees eligible to vote. If the parties do not enter into an election agreement, usually a hearing is held to receive evidence on the appropriateness of the unit and other issues in dispute. After a hearing, an election may be directed by the NLRB, if appropriate.

IF AN ELECTION IS HELD, it will be conducted by the NLRB by secret ballot and Notices of Election will be posted before the election giving complete details for voting.

ELECTION RULES

The NLRB applies rules that are intended to keep its elections fair and honest and that result in a free choice. If agents of any party act in such a way as to interfere with your right to a free election, the election can be set aside by the NLRB. Where appropriate the NLRB provides other remedies, such as reinstatement for employees fired for exercising their rights, including backpay from the party responsible for their discharge.

The following are examples of conduct that interfere with employees' rights and may result in setting aside the election:

- **Threatening loss of jobs or benefits by an employer or a union**
- **Promising or granting promotions, pay raises, or other benefits, to influence an employee's vote by a party capable of carrying out such promises**
- **An employer firing employees to discourage or encourage union activity or a union causing them to be fired to encourage union activity**
- **Making campaign speeches to assembled groups of employees on company time, where attendance is mandatory, within the 24-hour period before the polls for the election first open or, if the election is conducted by mail, from the time and date the ballots are scheduled to be sent out by the Region until the time and date set for their return**
- **Incitement by either an employer or a union of racial or religious prejudice by inflammatory appeals**
- **Threatening physical force or violence to employees by a union or an employer to influence their votes**

Please be assured that IF AN ELECTION IS HELD, every effort will be made to protect your right to a free choice under the law. Improper conduct will not be permitted. All parties are expected to cooperate fully with the NLRB in maintaining basic principles of a fair election as required by law. The NLRB as an agency of the United States Government does not endorse any choice in the election.

For additional information about the processing of petitions, go to www.nlrb.gov or contact the NLRB at (716)551-4931.

THIS IS AN OFFICIAL GOVERNMENT NOTICE AND MUST NOT BE DEFACED BY ANYONE. IT MUST REMAIN POSTED WITH ALL PAGES SIMULTANEOUSLY VISIBLE UNTIL REPLACED BY THE NOTICE OF ELECTION OR THE PETITION IS DISMISSED OR WITHDRAWN.

National Labor Relations Board

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 3

Starbucks Corporation **Employer** **and** **Workers United Upstate** **Petitioner**	**Case 03-RC-282127**

NOTICE OF REPRESENTATION HEARING

The Petitioner filed the attached petition pursuant to Section 9(c) of the National Labor Relations Act. It appears that a question affecting commerce exists as to whether the employees in the unit described in the petition wish to be represented by a collective-bargaining representative as defined in Section 9(a) of the Act.

YOU ARE HEREBY NOTIFIED that, pursuant to Sections 3(b) and 9(c) of the Act, at 10:00 AM on **Monday, September 20, 2021** and on consecutive days thereafter until concluded, VIA Video Conference, a hearing will be conducted before a hearing officer of the National Labor Relations Board. At the hearing, the parties will have the right to appear in person or otherwise, and give testimony.

YOU ARE FURTHER NOTIFIED that, pursuant to Section 102.63(b) of the Board's Rules and Regulations, Starbucks Corporation must complete the Statement of Position and file it and all attachments with the Regional Director and serve it on the parties listed on the petition such that is received by them by no later than **noon** Eastern time on September 10, 2021**.** Following timely filing and service of a Statement of Position by Starbucks Corporation, the Petitioner must complete its Responsive Statement of Position(s) responding to the issues raised in the Employer's and/or Union's Statement of Position and file them and all attachments with the Regional Director and serve them on the parties named in the petition such they are received by them no later than **noon** Eastern on September 15, 2021.

Pursuant to Section 102.5 of the Board's Rules and Regulations, all documents filed in cases before the Agency must be filed by electronically submitting (E-Filing) through the Agency's website (www.nlrb.gov), unless the party filing the document does not have access to the means for filing electronically or filing electronically would impose an undue burden. Documents filed by means other than E-Filing must be accompanied by a statement explaining why the filing party does not have access to the means for filing electronically or filing electronically would impose an undue burden. Detailed instructions for using the NLRB's E-Filing system can be found in the E-Filing System User Guide

The Statement of Position and Responsive Statement of Position must be E-Filed but, unlike other E-Filed documents, must be filed by **noon** Eastern on the due date in order to be timely. If an election agreement is signed by all parties and returned to the Regional Office before the due date of the Statement of Position, the Statement of Position and Responsive Statement of Position are not required to be filed. If an election agreement is signed by all parties and returned to the Regional office after the due date of the Statement of Position but before the due date of the Responsive Statement of Position, the Responsive Statement of Position is not required to be filed.

Dated: August 30, 2021

/s/LINDA M. LESLIE

LINDA M. LESLIE
ACTING REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 03
130 S Elmwood Ave Ste 630
Buffalo, NY 14202-2465

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

Starbucks Corporation **Employer** **and** **Workers United Upstate** **Petitioner**	**Case 03-RC-282127**

AFFIDAVIT OF SERVICE OF: Petition dated August 30, 2021**, Notice of Representation Hearing dated** August 30, 2021**, Description of Procedures in Certification and Decertification Cases (Form NLRB-4812), Notice of Petition for Election, and Statement of Position Form (Form NLRB-505).**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on August 30, 2021, I served the above documents by electronic mail and regular mail upon the following persons, addressed to them at the following addresses:

Kevin Johnson
Starbucks Corporation
5120 Camp Rd
Hamburg, NY 14075
kevin.johnson@starbucks.com

David Lefrois, District Manager
Starbucks Corporation
5120 Camp Rd
Hamburg, NY 14075
dlefrois@starbucks.com

Ian Hayes, ESQ.
Creighton, Johnsen & Giroux
1103 Delaware Avenue
Buffalo, NY 14209
ihayes@cpjglaborlaw.com
Fax: (716)854-0004

Workers United Upstate
2954 Main Street, Suite 556
Buffalo, NY 14214

August 30, 2021	LOUIS F PORTO, Designated Agent of NLRB
Date	Name
	/s/ LOUIS F PORTO
	Signature

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

DESCRIPTION OF REPRESENTATION CASE PROCEDURES IN CERTIFICATION AND DECERTIFICATION CASES

The National Labor Relations Act grants employees the right to bargain collectively through representatives of their own choosing and to refrain from such activity. A party may file an RC, RD or RM petition with the National Labor Relations Board (NLRB) to conduct a secret ballot election to determine whether a representative will represent, or continue to represent, a unit of employees. An **RC** petition is generally filed by a union that desires to be certified as the bargaining representative. An **RD** petition is filed by employees who seek to remove the currently recognized union as the bargaining representative. An **RM** petition is filed by an employer who seeks an election because one or more individuals or unions have sought recognition as the bargaining representative, or based on a reasonable belief supported by objective considerations that the currently recognized union has lost its majority status. This form generally describes representation case procedures in RC, RD and RM cases, also referred to as certification and decertification cases.

Right to be Represented – Any party to a case with the NLRB has the right to be represented by an attorney or other representative in any proceeding before the NLRB. A party wishing to have a representative appear on its behalf should have the representative complete a Notice of Appearance (Form NLRB-4701), and E-File it at www.nlrb.gov or forward it to the NLRB Regional Office handling the petition as soon as possible.

Filing and Service of Petition – A party filing an RC, RD or RM petition is required to serve a copy of its petition on the parties named in the petition along with this form and the Statement of Position form. The petitioner files the petition with the NLRB, together with (1) a certificate showing service of these documents on the other parties named in the petition, and (2) a showing of interest to support the petition. The showing of interest is not served on the other parties.

Notice of Hearing – After a petition in a certification or decertification case is filed with the NLRB, the NLRB reviews the petition, certificate of service, and the required showing of interest for sufficiency, assigns the petition a case number, and promptly sends letters to the parties notifying them of the Board agent who will be handling the case. In most cases, the letters include a Notice of Representation Hearing. Except in cases presenting unusually complex issues, this pre-election hearing is set for a date 14 business days (excluding weekends and federal holidays) from the date of service of the notice of hearing. Once the hearing begins, it will continue day to day until completed absent extraordinary circumstances. The Notice of Representation Hearing also sets the due date for filing and serving the Statement(s) of Position and the Responsive Statement of Position(s). Included with the Notice of Representation Hearing are the following: (1) copy of the petition, (2) this form, (3) Statement of Position for non-petitioning parties, (4) petitioner's Responsive Statement of Position, (5) Notice of Petition for Election, and (6) letter advising how to contact the Board agent who will be handling the case and discussing those documents.

Hearing Postponement: Requests to postpone the hearing are not routinely granted, but the regional director may postpone the hearing for good cause. A party wishing to request a postponement should make the request in writing and set forth in detail the grounds for the request. The request should include the positions of the other parties regarding the postponement. The request must be filed electronically ("E-Filed") on the Agency's website (www.nlrb.gov) by following the instructions on the website. A copy of the request must be served simultaneously on all the other parties, and that fact must be noted in the request.

Statement of Position Form and List(s) of Employees – The Statement of Position form solicits commerce and other information that will facilitate entry into election agreements or streamline the pre-election hearing if the parties are unable to enter into an election agreement. In an **RC** or **RD** case, as part of its Statement of Position form, the employer also provides a list of the full names, work locations, shifts, and job classifications of all individuals in the proposed unit. If the employer contends that the proposed unit is not appropriate, the employer must separately list the same information for all individuals that the employer contends must be added to the proposed unit to make it an appropriate unit, and must further indicate those individuals, if any, whom it believes must be excluded from the proposed unit to make it an appropriate unit. These lists must be alphabetized (overall or by department). Unless the employer certifies that it does not possess the capacity to produce the lists in the required form, the lists must be in a table in a Microsoft Word file (.doc or .docx) or a file that is compatible with Microsoft Word, the first column of the table must begin with each employee's last name, and the font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional

form for the list is provided on the NLRB website at www.nlrb.gov/sites/default/files/attachments/basic-page/node-4559/Optional Forms for Voter List.docx

Ordinarily the Statement of Position must be filed with the Regional Office and served on the other parties such that it is received by them by noon 8 business days from the issuance of the Notice of Hearing. The regional director may postpone the due date for filing and serving the Statement of Position for good cause. The Statement of Position form must be E-Filed but, unlike other E-Filed documents, will not be timely if filed on the due date but after noon in the time zone of the Region where the petition is filed. Consequences for failing to satisfy the Statement of Position requirement are discussed on the following page under the heading "Preclusion." A request to postpone the hearing will not automatically be treated as a request for an extension of the Statement of Position due date. If a party wishes to request both a postponement of the hearing and a postponement of the Statement of Position due date, the request must make that clear and must specify the reasons that postponements of both are sought.

Responsive Statement of Position – Petitioner's Responsive Statement(s) of Position solicits a response to the Statement(s) of Position filed by the other parties and further facilitates entry into election agreements or streamlines the preelection hearing. A petitioner must file a Responsive Statement of Position in response to each party's Statement of Position addressing each issue in each Statement of Position(s), if desired. In the case of an RM petition, the employer-petitioner must also provide commerce information and file and serve a list of the full names, work locations, shifts, and job classifications of all individuals in the proposed unit. Ordinarily, the Responsive Statement of Position must be electronically filed with the Regional Office and served on the other parties such that it is received by noon 3 business days prior to the hearing. The regional director may postpone the due date for filing and serving the Responsive Statement of Position for good cause. The Responsive Statement of Position form must be E-Filed but, unlike other E-Filed documents, will not be timely if filed on the due date but after noon in the time zone of the Region where the petition is filed. Consequences for failing to satisfy the Responsive Statement of Position requirement are discussed on the following page under the heading "Preclusion." A request to postpone the hearing will not automatically be treated as a request for an extension of the Responsive Statement of Position due date. If a party wishes to request both a postponement of the hearing and a Postponement of the Responsive Statement of Position due date, the request must make that clear and must specify the reasons that postponements of both are sought.

Posting and Distribution of Notice of Petition for Election – Within 5 business days after service of the notice of hearing, the employer must post the Notice of Petition for Election in conspicuous places, including all places where notices to employees are customarily posted, and must also distribute it electronically to the employees in the petitioned-for unit if the employer customarily communicates with these employees electronically. The employer must maintain the posting until the petition is dismissed or withdrawn, or the Notice of Petition for Election is replaced by the Notice of Election. The employer's failure properly to post or distribute the Notice of Petition for Election may be grounds for setting aside the election if proper and timely objections are filed.

Election Agreements – Elections can occur either by agreement of the parties or by direction of the regional director or the Board. Three types of agreements are available: (1) a Consent Election Agreement (Form NLRB-651); (2) a Stipulated Election Agreement (Form NLRB-652); and (3) a Full Consent Agreement (Form NLRB-5509). In the Consent Election Agreement and the Stipulated Election Agreement, the parties agree on an appropriate unit and the method, date, time, and place of a secret ballot election that will be conducted by an NLRB agent. In the Consent Agreement, the parties also agree that post-election matters (election objections or determinative challenged ballots) will be resolved with finality by the regional director; whereas in the Stipulated Election Agreement, the parties agree that they may request Board review of the regional director's post-election determinations. A Full Consent Agreement provides that the regional director will make final determinations regarding all pre-election and post-election issues.

Hearing Cancellation Based on Agreement of the Parties – The issuance of the Notice of Representation Hearing does not mean that the matter cannot be resolved by agreement of the parties. On the contrary, the NLRB encourages prompt voluntary adjustments and the Board agent assigned to the case will work with the parties to enter into an election agreement, so the parties can avoid the time and expense of participating in a hearing.

Hearing – A hearing will be held unless the parties enter into an election agreement approved by the regional director or the petition is dismissed or withdrawn.

***Purpose of Hearing*:** The primary purpose of a pre-election hearing is to determine if a question of representation exists. A question of representation exists if a proper petition has been filed concerning a unit

appropriate for the purpose of collective bargaining or, in the case of a decertification petition, concerning a unit in which a labor organization has been certified or is being currently recognized by the employer as the bargaining representative.

***Issues at Hearing*:** Issues that might be litigated at the pre-election hearing include: jurisdiction; labor organization status; bars to elections; unit appropriateness; expanding and contracting unit issues; inclusion of professional employees with nonprofessional employees; seasonal operation; potential mixed guard/non-guard unit; and eligibility formulas. At the hearing, the timely filed Statement of Position and Responsive Statement of Position(s) will be received into evidence. The hearing officer will not receive evidence concerning any issue as to which the parties have not taken adverse positions, except for evidence regarding the Board's jurisdiction over the employer and evidence concerning any issue, such as the appropriateness of the proposed unit, as to which the regional director determines that record evidence is necessary.

***Preclusion*:** At the hearing, a party will be precluded from raising any issue, presenting any evidence relating to any issue, cross-examining any witness concerning any issue, and presenting argument concerning any issue that the party failed to raise in its timely Statement of Position or Responsive Statement of Position(s) or to place in dispute in timely response to another party's Statement of Position or response, except that no party will be precluded from contesting or presenting evidence relevant to the Board's statutory jurisdiction to process the petition. Nor shall any party be precluded, on the grounds that a voter's eligibility or inclusion was not contested at the pre-election hearing, from challenging the eligibility of any voter during the election. If a party contends that the proposed unit is not appropriate in its Statement of Position but fails to specify the classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit, the party shall also be precluded from raising any issue as to the appropriateness of the unit, presenting any evidence relating to the appropriateness of the unit, cross examining any witness concerning the appropriateness of the unit, and presenting argument concerning the appropriateness of the unit. As set forth in §102.66(d) of the Board's rules, if the employer fails to timely furnish the lists of employees, the employer will be precluded from contesting the appropriateness of the proposed unit at any time and from contesting the eligibility or inclusion of any individuals at the pre-election hearing, including by presenting evidence or argument, or by cross-examination of witnesses.

***Conduct of Hearing*:** If held, the hearing is usually open to the public and will be conducted by a hearing officer of the NLRB. Any party has the right to appear at any hearing in person, by counsel, or by other representative, to call, examine, and cross-examine witnesses, and to introduce into the record evidence of the significant facts that support the party's contentions and are relevant to the existence of a question of representation. The hearing officer also has the power to call, examine, and cross-examine witnesses and to introduce into the record documentary and other evidence. Witnesses will be examined orally under oath. The rules of evidence prevailing in courts of law or equity shall not be controlling. Parties appearing at any hearing who have or whose witnesses have disabilities falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.503, and who in order to participate in this hearing need appropriate auxiliary aids, as defined in 29 C.F.R. 100.503, should notify the regional director as soon as possible and request the necessary assistance.

***Official Record*:** An official reporter will make the only official transcript of the proceedings and all citations in briefs or arguments must refer to the official record. (Copies of exhibits should be supplied to the hearing officer and other parties at the time the exhibit is offered in evidence.) All statements made at the hearing will be recorded by the official reporter while the hearing is on the record. If a party wishes to make off-the-record remarks, requests to make such remarks should be directed to the hearing officer and not to the official reporter. After the close of the hearing, any request for corrections to the record, either by stipulation or motion, should be forwarded to the regional director.

***Motions and Objections*:** All motions must be in writing unless stated orally on the record at the hearing and must briefly state the relief sought and the grounds for the motion. A copy of any motion must be served immediately on the other parties to the proceeding. Motions made during the hearing are filed with the hearing officer. All other motions are filed with the regional director, except that motions made after the transfer of the record to the Board are filed with the Board. If not E-Filed, an original and two copies of written motions shall be filed. Statements of reasons in support of motions or objections should be as concise as possible. Objections shall not be deemed waived by further participation in the hearing. On appropriate request, objections may be permitted to stand to an entire line of questioning. Automatic exceptions will be allowed to all adverse rulings.

***Election Details*:** Prior to the close of the hearing the hearing officer will: (1) solicit the parties' positions (but will not permit litigation) on the type, date(s), time(s), and location(s) of the election and the eligibility period; (2) solicit the name, address, email address, facsimile number, and phone number of the employer's on-site representative to whom the regional director should transmit the Notice of Election if an election is directed; (3) inform the parties that the regional director will issue a decision as soon as practicable and will immediately transmit the document to the parties and their designated representatives by email, facsimile, or by overnight mail (if neither an email address nor facsimile number was provided); and (4) inform the parties of their obligations if the director directs an election and of the time for complying with those obligations.

***Oral Argument and Briefs*:** Upon request, any party is entitled to a reasonable period at the close of the hearing for oral argument, which will be included in the official transcript of the hearing. At any time before the close of the hearing, any party may file a memorandum addressing relevant issues or points of law. Post-hearing briefs shall be due within 5 business days of the close of the hearing. The hearing officer may allow up to 10 additional business days for such briefs prior to the close of hearing and for good cause. If filed, copies of the memorandum or brief shall be served on all other parties to the proceeding and a statement of such service shall be filed with the memorandum or brief. No reply brief may be filed except upon special leave of the regional director. Briefs including electronic documents, filed with the Regional Director must be formatted as double-spaced in an 8½ by 11 inch format and must be e-filed through the Board's website, www.nlrb.gov.

Regional Director Decision - After the hearing, the regional director issues a decision directing an election, dismissing the petition or reopening the hearing. A request for review of the regional director's pre-election decision may be filed with the Board at any time after issuance of the decision until 10 business days after a final disposition of the proceeding by the regional director. Accordingly, a party need not file a request for review before the election in order to preserve its right to contest that decision after the election. Instead, a party can wait to see whether the election results have mooted the basis of an appeal. The Board will grant a request for review only where compelling reasons exist therefor.

Voter List – The employer must provide to the regional director and the parties named in the election agreement or direction of election a list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available home and personal cellular (''cell'') telephone numbers) of all eligible voters. (In construction industry elections, unless the parties stipulate to the contrary, also eligible to vote are all employees in the unit who either (1) were employed a total of 30 working days or more within the 12 months preceding the election eligibility date or (2) had some employment in the 12 months preceding the election eligibility date and were employed 45 working days or more within the 24 months immediately preceding the election eligibility date. However, employees meeting either of those criteria who were terminated for cause or who quit voluntarily prior to the completion of the last job for which they were employed, are not eligible.) The employer must also include in a separate section of the voter list the same information for those individuals whom the parties have agreed should be permitted to vote subject to challenge or those individuals who, according to the direction of election, will be permitted to vote subject to challenge. The list of names must be alphabetized (overall or by department) and be in the same Microsoft Word file (or Microsoft Word compatible file) format as the initial lists provided with the Statement of Position form unless the parties agree to a different format or the employer certifies that it does not possess the capacity to produce the list in the required form. When feasible, the list must be filed electronically with the regional director and served electronically on the other parties named in the agreement or direction. To be timely filed and served, the voter list must be received by the regional director and the parties named in the agreement or direction respectively within 2 business days after the approval of the agreement or issuance of the direction of elections unless a longer time is specified in the agreement or direction. A certificate of service on all parties must be filed with the regional director when the voter list is filed. The employer's failure to file or serve the list within the specified time or in proper format shall be grounds for setting aside the election whenever proper and timely objections are filed. The parties shall not use the list for purposes other than the representation proceeding, Board proceedings arising from it, and related matters.

Waiver of Time to Use Voter List – Under existing NLRB practice, an election is not ordinarily scheduled for a date earlier than 10 calendar days after the date when the employer must file the voter list with the Regional Office. However, the parties entitled to receive the voter list may waive all or part of the 10-day period by executing Form NLRB-4483. A waiver will not be effective unless all parties who are entitled to the list agree to waive the same number of days.

Election – Information about the election, requirements to post and distribute the Notice of Election, and possible proceedings after the election is available from the Regional Office and will be provided to the parties when the Notice of Election is sent to the parties.

Withdrawal or Dismissal – If it is determined that the NLRB does not have jurisdiction or that other criteria for proceeding to an election are not met, the petitioner is offered an opportunity to withdraw the petition. If the petitioner does not withdraw the petition, the regional director will dismiss the petition and advise the petitioner of the reason for the dismissal and of the right to appeal to the Board.

REVIEW THE FOLLOWING IMPORTANT INFORMATION BEFORE FILLING OUT A STATEMENT OF POSITION FORM

Completing and Filing this Form: The Notice of Hearing indicates which parties are responsible for completing the form. If you are required to complete the form, you must have it signed by an authorized representative and file a completed copy (including all attachments) with the RD and serve copies on all parties named in the petition by the date and time established for its submission. If more space is needed for your answers, additional pages may be attached. If you have questions about this form or would like assistance in filling out this form, please contact the Board agent assigned to handle this case. **You must EFile your Statement of Position at www.nlrb.gov, but unlike other e-Filed documents, it will *not* be timely if filed on the due date but after noon in the time zone of the Region where the petition was filed.**

> **Note:** ***Non-employer parties who complete this Statement of Position are NOT required to complete items 8f and 8g of the form, or to provide a commerce questionnaire or the lists described in item 7.***

Required Lists: The employer's Statement of Position must include a list of the full names, work locations, shifts, and job classifications of all individuals in the proposed unit as of the payroll period preceding the filing of the petition who remain employed at the time of filing. If the employer contends that the proposed unit is inappropriate, the employer must separately list the full names, work locations, shifts and job classifications of all individuals that it contends must be added to the proposed unit to make it an appropriate unit. The employer must also indicate those individuals, if any, whom it believes must be excluded from the proposed unit to make it an appropriate unit. These lists must be alphabetized (overall or by department). Unless the employer certifies that it does not possess the capacity to produce the lists in the required form, the lists must be in a table in a Microsoft Word file (.doc or .docx) or a file that is compatible with Microsoft Word, the first column of the table must begin with each employee's last name, and the font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional form for the list is provided on the NLRB website at **www.nlrb.gov/sites/default/files/attachments/basic-page/node-4559/Optional Forms for Voter List.docx**.

Consequences of Failure to Supply Information: Failure to supply the information requested by this form may preclude you from litigating issues under 102.66(d) of the Board's Rules and Regulations. Section 102.66(d) provides as follows:

> A party shall be precluded from raising any issue, presenting any evidence relating to any issue, cross-examining any witness concerning any issue, and presenting argument concerning any issue that the party failed to raise in its timely Statement of Position or to place in dispute in response to another party's Statement of Position or response, except that no party shall be precluded from contesting or presenting evidence relevant to the Board's statutory jurisdiction to process the petition. Nor shall any party be precluded, on the grounds that a voter's eligibility or inclusion was not contested at the pre-election hearing, from challenging the eligibility of any voter during the election. If a party contends that the proposed unit is not appropriate in its Statement of Position but fails to specify the classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit, the party shall also be precluded from raising any issue as to the appropriateness of the unit, presenting any evidence relating to the appropriateness of the unit, cross-examining any witness concerning the appropriateness of the unit, and presenting argument concerning the appropriateness of the unit. If the employer fails to timely furnish the lists of employees described in §§102.63(b)(1)(iii), (b)(2)(iii), or (b)(3)(iii), the employer shall be precluded from contesting the appropriateness of the proposed unit at any time and from contesting the eligibility or inclusion of any individuals at the pre-election hearing, including by presenting evidence or argument, or by cross-examination of witnesses.

FORM NLRB-505
(12-20)

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

STATEMENT OF POSITION

DO NOT WRITE IN THIS SPACE	
Case No.	Date Filed
03-RC-282127	August 30, 2021

INSTRUCTIONS: *Submit this Statement of Position to an NLRB Office in the Region in which the petition was filed and serve it and all attachments on each party named in the petition in this case such that it is received by them by the date and time specified in the notice of hearing.*
Note: *Non-employer parties who complete this form are NOT required to complete items 8f or 8g below or to provide a commerce questionnaire or the lists described in item 7.*

1a. Full name of party filing Statement of Position	1c. Business Phone:	1e. Fax No.:
1b. Address *(Street and number, city, state, and ZIP code)*	1d. Cell No.:	1f. e-Mail Address

2. Do you agree that the NLRB has jurisdiction over the Employer in this case? [ ] Yes [ ] No
(A completed commerce questionnaire (Attachment A) must be submitted by the Employer, regardless of whether jurisdiction is admitted)

3. Do you agree that the proposed unit is appropriate? [ ] Yes [ ] No *(If not, answer 3a and 3b)*

a. State the basis for your contention that the proposed unit is not appropriate. (*If you contend a classification should be excluded or included briefly explain why, such as shares a community of interest or are supervisors or guards)*

b. State any classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit.

Added	Excluded

4. Other than the individuals in classifications listed in 3b, list any individual(s) whose eligibility to vote you intend to contest at the pre-election hearing in this case and the basis for contesting their eligibility.

5. Is there a bar to conducting an election in this case? [ ] Yes [ ] No *If yes, state the basis for your position.*

6. Describe all other issues you intend to raise at the pre-election hearing.

7. The employer must provide the following lists which must be alphabetized (overall or by department) in the format specified at **www.nlrb.gov/sites/default/files/attachments/basic-page/node-4559/Optional Forms for Voter List.docx**.
(a) A list containing the full names, work locations, shifts and job classification of all individuals in the proposed unit as of the payroll period immediately preceding the filing of the petition who remain employed as of the date of the filing of the petition. (Attachment B)
(b) If the employer contends that the proposed unit is inappropriate the employer must provide (1) a separate list containing the full names, work locations, shifts and job classifications of all individuals that it contends must be *added* to the proposed unit, if any to make it an appropriate unit, (Attachment C) and (2) a list containing the full names of any individuals it contends must be *excluded* from the proposed unit to make it an appropriate unit. (Attachment D)

8a. State your position with respect to the details of any elec ion that may be conducted in this matter. Type: [ ] Manual [ ] Mail [ ] Mixed Manual/Mail

8b. Date(s)	8c. Time(s)	8d. Location(s)
8e. Eligibility Period (e.g. special eligibility formula)	8f. Last Payroll Period Ending Date	8g. Length of payroll period [ ] Weekly [ ]Biweekly [ ] Other *(specify length)*

9. Representative who will accept service of all papers for purposes of the representation proceeding

9a. Full name and title of authorized representative	9b. Signature of authorized representative	9c. Date
9d. Address *(Street and number, city, state, and ZIP code)*		9e. e-Mail Address
9f. Business Phone No.:	9g. Fax No.	9h. Cell No.

WILLFUL FALSE STATEMENTS ON THIS PETITION 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 Section 151 et seq The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation proceedings The routine uses for the information are fully set forth in the Federal Register, 71 Fed 74942-43 (December 13, 2006) The NLRB will further explain these uses upon request Failure to supply the information requested by this form may preclude you from litigating issues under 102 66(d) of the Board's Rules and Regulations and may cause the NLRB to refuse to further process a representation case or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court

FORM NLRB-5081
(3-11)

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
	03-RC-282127

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).*

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

8. NUMBER OF PEOPLE PRESENTLY EMPLOYED

A. TOTAL:	B. AT THE ADDRESS INVOLVED IN THIS MATTER:

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

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 representation and/or unfair labor practice proceedings 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 may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

REVIEW THE FOLLOWING IMPORTANT INFORMATION BEFORE FILLING OUT A RESPONSIVE STATEMENT OF POSITION FORM

Completing and Filing this Form: For **RC and RD petitions**, the Petitioner is required to complete this form in response to each timely filed and served Statement of Position filed by another party. For **RM petitions**, the Employer-Petitioner must complete a Responsive Statement of Position form and submit the list described below. In accordance with Section 102.63(b) of the Board's Rules, if you are required to complete the form, you must have it signed by an authorized representative, and file a completed copy with any necessary attachments, with this office and serve it on all parties named in the petition responding to the issues raised in another party's Statement of Position, such that it is received no later than noon three business days before the date of the hearing. A separate form must be completed for each timely filed and properly served Statement of Position you receive. If more space is needed for your answers, additional pages may be attached. If you have questions about this form or would like assistance in filling out this form, please contact the Board agent assigned to handle this case. **You must E-File your Responsive Statement of Position at www.NLRB.gov, but unlike other e-Filed documents, it will *not* be timely if filed on the due date but after noon in the time zone of the Region where the petition was filed. Note that if you are completing this form as a PDF downloaded from www.NLRB.gov, the form will lock upon signature and no further editing may be made.**

Required List: In addition to responding to the issues raised in another party's Statement of Position, if any, the Employer-Petitioner in an RM case is required to file and serve on the parties a list of the full names, work locations, shifts, and job classifications of all individuals in the proposed unit as of the payroll period preceding the filing of the petition who remain employed at the time of filing. This list must be alphabetized (overall or by department). Unless the employer certifies that it does not possess the capacity to produce the list in the required form, the list must be in a table in a Microsoft Word file (.doc or .docx) or a file that is compatible with Microsoft Word, the first column of the table must begin with each employee's last name, and the font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional form for the list is provided on the NLRB website at www.nlrb.gov/sites/default/files/attachments/basic-page/node-4559/Optional Forms for Voter List.docx

Consequences of Failure to Submit a Responsive Statement of Position: Failure to supply the information requested by this form may preclude you from litigating issues under 102.66(d) of the Board's Rules and Regulations. Section 102.66(d) provides as follows:

> A party shall be precluded from raising any issue, presenting any evidence relating to any issue, cross-examining any witness concerning any issue, and presenting argument concerning any issue that the party failed to raise in its timely Statement of Position or to place in dispute in response to another party's Statement of Position or response, except that no party shall be precluded from contesting or presenting evidence relevant to the Board's statutory jurisdiction to process the petition. Nor shall any party be precluded, on the grounds that a voter's eligibility or inclusion was not contested at the pre-election hearing, from challenging the eligibility of any voter during the election. If a party contends that the proposed unit is not appropriate in its Statement of Position but fails to specify the classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit, the party shall also be precluded from raising any issue as to the appropriateness of the unit, presenting any evidence relating to the appropriateness of the unit, cross-examining any witness concerning the appropriateness of the unit, and presenting argument concerning the appropriateness of the unit. If the employer fails to timely furnish the lists of employees described in §§102.63(b)(1)(iii), (b)(2)(iii), or (b)(3)(iii), the employer shall be precluded from contesting the appropriateness of the proposed unit at any time and from contesting the eligibility or inclusion of any individuals at the pre-election hearing, including by presenting evidence or argument, or by cross-examination of witnesses.

FORM NLRB-506
(12-20)

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

RESPONSIVE STATEMENT OF POSITION – RC, RD or RM PETITION

DO NOT WRITE IN THIS SPACE	
Case No.	Date Filed
03-RC-282127	August 30, 2021

INSTRUCTIONS: *If a party has submitted and served on you a timely Statement of Position to an RC, RD or RM petition, the Petitioner must submit this Responsive Statement of Position to an NLRB Office in the Region in which the petition was filed and serve it and any attachments on each party named in the petition in this case such that it is received by noon local time, three business days prior to the hearing date specified in the Notice of Hearing. A separate form must be completed for each timely filed and properly served Statement of Position received by the Petitioner. The Petitioner-Employer in a RM case is required to file this Responsive Statement of Position and include an appropriate employee list without regard to whether another party has filed a Statement of Position.*

This Responsive Statement of Position is filed by he Petitioner in response to a Statement of Position received from the following party:

The Employer	**An Intervenor/Union**

1a. Full Name of Party Filing Responsive Statement of Position

1c. Business Phone	1d. Cell No.	1e. Fax No.	1f. E-Mail Address

1b. Address (Street and Number, City, State, and ZIP Code)

2. Identify all issues raised in the other party's Statement of Position that you dispute and describe the basis of your dispute:

a. EMPLOYER NAME/IDENTITY [Box 1a of Statement of Position Form NLRB-505 and Questionnaire on Commerce Information]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

b. JURISDICTION [Box 2 of Statement of Position Form NLRB-505 and Questionnaire on Commerce Information]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

c. APPROPRIATENESS OF UNIT [Boxes 3, 3a and 3b of Statement of Position Form NLRB-505]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

d. INDIVIDUAL ELIGIBILITY [Box 4 of Statement of Position Form NLRB-505]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

e. BARS TO ELECTION [Box 5 of Statement of Position Form NLRB-505]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

f. ALL OTHER ISSUES [Box 6 of Statement of Position Form NLRB-505]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

g. ELECTION DETAILS [Boxes 8a, 8b, 8c, 8d, 8e, 8f, and 8g of Statement of Position Form NLRB-505]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

Full Name and Title of Authorized Representative	Signature of Authorized Representative	Date

WILLFUL FALSE STATEMENTS ON THIS PETITION 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. Section 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation proceedings. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. 74942-43 (December 13, 2006). The NLRB will further explain these uses upon request. Failure to supply the information requested by this form may preclude you from litigating issues under 102.66(d) of the Board's Rules and Regulations and may cause the NLRB to refuse to further process a representation case or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

Please fill all necessary fields on the form PRIOR to digitally signing. To make changes after the form has been signed, right-click on the signature field and click "clear signature." Once complete, please sign the form.

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 3
130 S Elmwood Ave Ste 630
Buffalo, NY 14202-2465

Agency Website: www.nlrb.gov
Telephone: (716)551-4931
Fax: (716)551-4972

Download
NLRB
Mobile App

August 30, 2021

URGENT

Workers United Upstate
2954 Main Street, Suite 556
Buffalo, NY 14214

Re: Starbucks Corporation
Case 03-RC-282127

Dear Sir or Madam:

The enclosed petition that you filed with the National Labor Relations Board (NLRB) has been assigned the above case number. This letter tells you how to contact the Board agent who will be handling this matter; explains your obligation to provide the originals of the showing of interest and the requirement that you complete and serve a Responsive Statement of Position form in response to each timely filed and served Statement(s) of Position; notifies you of a hearing; describes the employer's obligation to post and distribute a Notice of Petition for Election, complete a Statement of Position and provide a voter list; requests that you provide certain information; notifies you of your right to be represented; and discusses some of our procedures including how to submit documents to the NLRB.

Investigator: This petition will be investigated by Field Examiner Michael Dahlheimer whose telephone number is (716)398-7008. The Board agent will contact you shortly to discuss processing the petition. If you have any questions, please do not hesitate to call the Board agent. The Board agent may also contact you and the other party or parties to schedule a conference meeting or telephonic or video conference for some time before the close of business the day following receipt of the final Responsive Statement(s) of Position. This will give the parties sufficient time to determine if any issues can be resolved prior to hearing or if a hearing is necessary. If the agent is not available, you may contact Regional Director LINDA M. LESLIE whose telephone number is (716)398-7017. If appropriate, the NLRB attempts to schedule an election either by agreement of the parties or by holding a hearing and then directing an election.

Showing of Interest: If the Showing of Interest you provided in support of your petition was submitted electronically or by fax, the original documents which constitute the Showing of Interest containing handwritten signatures must be delivered to the Regional office within **2 business days**. If the originals are not received within that time the Region will dismiss your petition.

Notice of Hearing: Enclosed is a Notice of Representation Hearing to be conducted **VIA Video Conference**, if the parties do not voluntarily agree to an election. If a hearing is necessary, the hearing will run on consecutive days until concluded unless the regional director

concludes that extraordinary circumstances warrant otherwise. Before the hearing begins, we will continue to explore potential areas of agreement with the parties in order to reach an election agreement and to eliminate or limit the costs associated with formal hearings.

Upon request of a party showing good cause, the regional director may postpone the hearing. A party desiring a postponement should make the request to the regional director in writing, set forth in detail the grounds for the request, and include the positions of the other parties regarding the postponement. E-Filing the request is required. A copy of the request must be served simultaneously on all the other parties, and that fact must be noted in the request.

Posting and Distribution of Notice: The Employer must post the enclosed Notice of Petition for Election by September 6, 2021 in conspicuous places, including all places where notices to employees are customarily posted. If it customarily communicates electronically with its employees in the petitioned-for unit, it must also distribute the notice electronically to them. The Employer must maintain the posting until the petition is dismissed or withdrawn or this notice is replaced by the Notice of Election. Failure to post or distribute the notice may be grounds for setting aside the election if proper and timely objections are filed.

Statement of Position: In accordance with Section 102.63(b) of the Board's Rules, the Employer is required to complete the enclosed Statement of Position form, have it signed by an authorized representative, and file a completed copy with any necessary attachments, with this office and serve it on all parties named in the petition by **noon Eastern Time** on **2021-09-10.** The Statement of Position must include a list of the full names, work locations, shifts, and job classifications of all individuals in the proposed unit as of the payroll period preceding the filing of the petition who remain employed at the time of filing. If the Employer contends that the proposed unit is inappropriate, it must separately list the full names, work locations, shifts and job classifications of all individuals that it contends must be added to the proposed unit to make it an appropriate unit. The Employer must also indicate those individuals, if any, whom it believes must be excluded from the proposed unit to make it an appropriate unit.

Required Responsive Statement of Position (RSOP): In accordance with Section 102.63(b) of the Board's Rules, following timely filing and service of a Statement of Position, the petitioner is required to complete the enclosed Responsive Statement of Position form addressing issues raised in any Statement(s) of Position. The petitioner must file a complete, signed RSOP in response to all other parties' timely filed and served Statement of Position, with all required attachments, with this office and serve it on all parties named in the petition such that it is received by them by **noon Eastern Time** on **September 15, 2021.** This form solicits information that will facilitate entry into election agreements or streamline the pre-election hearing if the parties are unable to enter into an election agreement. **This form must be e-Filed, but unlike other e-Filed documents, will not be timely if filed on the due date but after noon Eastern Time.** If you have questions about this form or would like assistance in filling out this form, please contact the Board agent named above.

Failure to Supply Information: Failure to supply the information requested by the RSOP form may preclude you from litigating issues under Section 102.66(d) of the Board's Rules and Regulations. Section 102.66(d) provides as follows:

> A party shall be precluded from raising any issue, presenting any evidence relating to any issue, cross-examining any witness concerning any issue, and presenting argument concerning any issue that the party failed to raise in its timely Statement of Position or to place in dispute in response to another party's Statement of Position or response, except that no party shall be precluded from contesting or presenting evidence relevant to the Board's statutory jurisdiction to process the petition. Nor shall any party be precluded, on the grounds that a voter's eligibility or inclusion was not contested at the pre-election hearing, from challenging the eligibility of any voter during the election. If a party contends that the proposed unit is not appropriate in its Statement of Position but fails to specify the classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit, the party shall also be precluded from raising any issue as to the appropriateness of the unit, presenting any evidence relating to the appropriateness of the unit, cross-examining any witness concerning the appropriateness of the unit, and presenting argument concerning the appropriateness of the unit. If the employer fails to timely furnish the lists of employees described in §§ 102.63(b)(1)(iii), (b)(2)(iii), or (b)(3)(iii), the employer shall be precluded from contesting the appropriateness of the proposed unit at any time and from contesting the eligibility or inclusion of any individuals at the pre-election hearing, including by presenting evidence or argument, or by cross-examination of witnesses.

Voter List: If an election is held in this matter, the Employer must transmit to this office and to the other parties to the election, an alphabetized list of the full names and addresses of all eligible voters, including their shifts, job classifications, work locations, and other contact information including available personal email addresses and available personal home and cellular telephone numbers. Usually, the list must be furnished within 2 business days of the issuance of the Decision and Direction of Election or approval of an election agreement. The list must be electronically filed with the Region and served electronically on the other parties. To guard against potential abuse, this list may not be used for purposes other than the representation proceeding, NLRB proceedings arising from it or other related matters.

Under existing NLRB practice, an election is not ordinarily scheduled for a date earlier than 10 days after the date when the Employer must file the voter list with the Regional Office. However, a petitioner and/or union entitled to receive the voter list may waive all or part of the 10-day period by executing Form NLRB-4483, which is available on the NLRB's website or from an NLRB office. A waiver will not be effective unless all parties who are entitled to the voter list agree to waive the same number of days.

Information Needed Now: Please submit to this office, as soon as possible, the following information needed to handle this matter:

(a) The correct name of the Union as stated in its constitution or bylaws.

(b) A copy of any existing or recently expired collective-bargaining agreements, and any amendments or extensions, or any recognition agreements covering any employees in the petitioned-for unit.

(c) If potential voters will need notices or ballots translated into a language other than English, the names of those languages and dialects, if any.

(d) The name and contact information for any other labor organization (union) claiming to represent or have an interest in any of the employees in the petitioned-for unit and for any employer who may be a joint employer of the employees in the proposed unit. Failure to disclose the existence of an interested party may delay the processing of the petition.

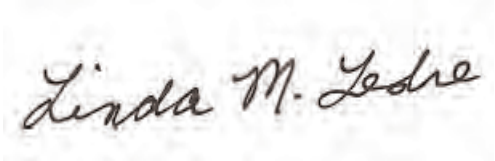
Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before the NLRB. In view of our policy of processing these cases expeditiously, if you wish to be represented, you should obtain representation promptly. Your representative must notify 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 someone contacts you 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 NLRB. Their knowledge regarding this matter was obtained only through access to information that must be made available to any member of the public under the Freedom of Information Act.

Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlrb.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determinations solely based on the documents and evidence properly submitted. All evidence submitted electronically should be in the form in which 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 petition.

Information about the NLRB and our customer service standards is available on our website, www.nlrb.gov, or from an NLRB office upon your request. 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,



LINDA M. LESLIE
Acting Regional Director

Enclosures

1. Petition
2. Notice of Petition for Election (Form 5492)
3. Notice of Representation Hearing
4. Description of Procedures in Certification and Decertification Cases (Form 4812)
5. Statement of Position form and Commerce Questionnaire (Form 505)
6. Responsive Statement of Position (Form 506)

cc: Ian Hayes, ESQ.
Creighton, Johnsen & Giroux
1103 Delaware Avenue
Buffalo, NY 14209

Form NLRB-5492
(Rev: 12-2015)

National Labor Relations Board

NOTICE OF PETITION FOR ELECTION

This notice is to inform employees that Workers United Upstate has filed a petition with the National Labor Relations Board (NLRB), a Federal agency, in Case 03-RC-282127 seeking an election to become certified as the representative of the employees of Starbucks Corporation in the unit set forth below:

All full-time and regular part-time Baristas, Shift Supervisors, Asst. Store Managers. Excluded: Store Managers, office clericals, guards, and supervisors as defined by the Act.

This notice also provides you with information about your basic rights under the National Labor Relations Act, the processing of the petition, and rules to keep NLRB elections fair and honest.

YOU HAVE THE RIGHT under Federal Law

- **To self-organization**
- **To form, join, or assist labor organizations**
- **To bargain collectively through representatives of your own choosing**
- **To act together for the purposes of collective bargaining or other mutual aid or protection**
- **To refuse to do any or all of these things unless the union and employer, in a state where such agreements are permitted, enter into a lawful union-security agreement requiring employees to pay periodic dues and initiation fees. Nonmembers who inform the union that they object to the use of their payments for nonrepresentational purposes may be required to pay only their share of the union's costs of representational activities (such as collective bargaining, contract administration, and grievance adjustments).**

PROCESSING THIS PETITION

Elections do not necessarily occur in all cases after a petition is filed. NO FINAL DECISIONS HAVE BEEN MADE YET regarding the appropriateness of the proposed unit or whether an election will be held in this matter. If appropriate, the NLRB will first see if the parties will enter into an election agreement that specifies the method, date, time, and location of an election and the unit of employees eligible to vote. If the parties do not enter into an election agreement, usually a hearing is held to receive evidence on the appropriateness of the unit and other issues in dispute. After a hearing, an election may be directed by the NLRB, if appropriate.

IF AN ELECTION IS HELD, it will be conducted by the NLRB by secret ballot and Notices of Election will be posted before the election giving complete details for voting.

ELECTION RULES

The NLRB applies rules that are intended to keep its elections fair and honest and that result in a free choice. If agents of any party act in such a way as to interfere with your right to a free election, the election can be set aside by the NLRB. Where appropriate the NLRB provides other remedies, such as reinstatement for employees fired for exercising their rights, including backpay from the party responsible for their discharge.

The following are examples of conduct that interfere with employees' rights and may result in setting aside the election:

- **Threatening loss of jobs or benefits by an employer or a union**
- **Promising or granting promotions, pay raises, or other benefits, to influence an employee's vote by a party capable of carrying out such promises**
- **An employer firing employees to discourage or encourage union activity or a union causing them to be fired to encourage union activity**
- **Making campaign speeches to assembled groups of employees on company time, where attendance is mandatory, within the 24-hour period before the polls for the election first open or, if the election is conducted by mail, from the time and date the ballots are scheduled to be sent out by the Region until the time and date set for their return**
- **Incitement by either an employer or a union of racial or religious prejudice by inflammatory appeals**
- **Threatening physical force or violence to employees by a union or an employer to influence their votes**

Please be assured that IF AN ELECTION IS HELD, every effort will be made to protect your right to a free choice under the law. Improper conduct will not be permitted. All parties are expected to cooperate fully with the NLRB in maintaining basic principles of a fair election as required by law. The NLRB as an agency of the United States Government does not endorse any choice in the election.

For additional information about the processing of petitions, go to www.nlrb.gov or contact the NLRB at (716)551-4931.

THIS IS AN OFFICIAL GOVERNMENT NOTICE AND MUST NOT BE DEFACED BY ANYONE. IT MUST REMAIN POSTED WITH ALL PAGES SIMULTANEOUSLY VISIBLE UNTIL REPLACED BY THE NOTICE OF ELECTION OR THE PETITION IS DISMISSED OR WITHDRAWN.

National Labor Relations Board

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 3

Starbucks Corporation **Employer** **and** **Workers United Upstate** **Petitioner**	**Case 03-RC-282127**

NOTICE OF REPRESENTATION HEARING

The Petitioner filed the attached petition pursuant to Section 9(c) of the National Labor Relations Act. It appears that a question affecting commerce exists as to whether the employees in the unit described in the petition wish to be represented by a collective-bargaining representative as defined in Section 9(a) of the Act.

YOU ARE HEREBY NOTIFIED that, pursuant to Sections 3(b) and 9(c) of the Act, at 10:00 AM on **Monday, September 20, 2021** and on consecutive days thereafter until concluded, VIA Video Conference, a hearing will be conducted before a hearing officer of the National Labor Relations Board. At the hearing, the parties will have the right to appear in person or otherwise, and give testimony.

YOU ARE FURTHER NOTIFIED that, pursuant to Section 102.63(b) of the Board's Rules and Regulations, Starbucks Corporation must complete the Statement of Position and file it and all attachments with the Regional Director and serve it on the parties listed on the petition such that is received by them by no later than **noon** Eastern time on September 10, 2021**.** Following timely filing and service of a Statement of Position by Starbucks Corporation, the Petitioner must complete its Responsive Statement of Position(s) responding to the issues raised in the Employer's and/or Union's Statement of Position and file them and all attachments with the Regional Director and serve them on the parties named in the petition such they are received by them no later than **noon** Eastern on September 15, 2021.

Pursuant to Section 102.5 of the Board's Rules and Regulations, all documents filed in cases before the Agency must be filed by electronically submitting (E-Filing) through the Agency's website (www.nlrb.gov), unless the party filing the document does not have access to the means for filing electronically or filing electronically would impose an undue burden. Documents filed by means other than E-Filing must be accompanied by a statement explaining why the filing party does not have access to the means for filing electronically or filing electronically would impose an undue burden. Detailed instructions for using the NLRB's E-Filing system can be found in the E-Filing System User Guide

The Statement of Position and Responsive Statement of Position must be E-Filed but, unlike other E-Filed documents, must be filed by **noon** Eastern on the due date in order to be timely. If an election agreement is signed by all parties and returned to the Regional Office before the due date of the Statement of Position, the Statement of Position and Responsive Statement of Position are not required to be filed. If an election agreement is signed by all parties and returned to the Regional office after the due date of the Statement of Position but before the due date of the Responsive Statement of Position, the Responsive Statement of Position is not required to be filed.

Dated: August 30, 2021

/s/LINDA M. LESLIE

LINDA M. LESLIE
ACTING REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 03
130 S Elmwood Ave Ste 630
Buffalo, NY 14202-2465

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

Starbucks Corporation **Employer** **and** **Workers United Upstate** **Petitioner**	**Case 03-RC-282127**

AFFIDAVIT OF SERVICE OF: Petition dated August 30, 2021**, Notice of Representation Hearing dated** August 30, 2021**, Description of Procedures in Certification and Decertification Cases (Form NLRB-4812), Notice of Petition for Election, and Statement of Position Form (Form NLRB-505).**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on August 30, 2021, I served the above documents by electronic mail and regular mail upon the following persons, addressed to them at the following addresses:

Kevin Johnson
Starbucks Corporation
5120 Camp Rd
Hamburg, NY 14075
kevin.johnson@starbucks.com

David Lefrois, District Manager
Starbucks Corporation
5120 Camp Rd
Hamburg, NY 14075
dlefrois@starbucks.com

Ian Hayes, ESQ.
Creighton, Johnsen & Giroux
1103 Delaware Avenue
Buffalo, NY 14209
ihayes@cpjglaborlaw.com
Fax: (716)854-0004

Workers United Upstate
2954 Main Street, Suite 556
Buffalo, NY 14214

August 30, 2021	LOUIS F PORTO, Designated Agent of NLRB
Date	Name
	/s/ LOUIS F PORTO
	Signature

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

DESCRIPTION OF REPRESENTATION CASE PROCEDURES IN CERTIFICATION AND DECERTIFICATION CASES

The National Labor Relations Act grants employees the right to bargain collectively through representatives of their own choosing and to refrain from such activity. A party may file an RC, RD or RM petition with the National Labor Relations Board (NLRB) to conduct a secret ballot election to determine whether a representative will represent, or continue to represent, a unit of employees. An **RC** petition is generally filed by a union that desires to be certified as the bargaining representative. An **RD** petition is filed by employees who seek to remove the currently recognized union as the bargaining representative. An **RM** petition is filed by an employer who seeks an election because one or more individuals or unions have sought recognition as the bargaining representative, or based on a reasonable belief supported by objective considerations that the currently recognized union has lost its majority status. This form generally describes representation case procedures in RC, RD and RM cases, also referred to as certification and decertification cases.

Right to be Represented – Any party to a case with the NLRB has the right to be represented by an attorney or other representative in any proceeding before the NLRB. A party wishing to have a representative appear on its behalf should have the representative complete a Notice of Appearance (Form NLRB-4701), and E-File it at www.nlrb.gov or forward it to the NLRB Regional Office handling the petition as soon as possible.

Filing and Service of Petition – A party filing an RC, RD or RM petition is required to serve a copy of its petition on the parties named in the petition along with this form and the Statement of Position form. The petitioner files the petition with the NLRB, together with (1) a certificate showing service of these documents on the other parties named in the petition, and (2) a showing of interest to support the petition. The showing of interest is not served on the other parties.

Notice of Hearing – After a petition in a certification or decertification case is filed with the NLRB, the NLRB reviews the petition, certificate of service, and the required showing of interest for sufficiency, assigns the petition a case number, and promptly sends letters to the parties notifying them of the Board agent who will be handling the case. In most cases, the letters include a Notice of Representation Hearing. Except in cases presenting unusually complex issues, this pre-election hearing is set for a date 14 business days (excluding weekends and federal holidays) from the date of service of the notice of hearing. Once the hearing begins, it will continue day to day until completed absent extraordinary circumstances. The Notice of Representation Hearing also sets the due date for filing and serving the Statement(s) of Position and the Responsive Statement of Position(s). Included with the Notice of Representation Hearing are the following: (1) copy of the petition, (2) this form, (3) Statement of Position for non-petitioning parties, (4) petitioner's Responsive Statement of Position, (5) Notice of Petition for Election, and (6) letter advising how to contact the Board agent who will be handling the case and discussing those documents.

Hearing Postponement: Requests to postpone the hearing are not routinely granted, but the regional director may postpone the hearing for good cause. A party wishing to request a postponement should make the request in writing and set forth in detail the grounds for the request. The request should include the positions of the other parties regarding the postponement. The request must be filed electronically ("E-Filed") on the Agency's website (www.nlrb.gov) by following the instructions on the website. A copy of the request must be served simultaneously on all the other parties, and that fact must be noted in the request.

Statement of Position Form and List(s) of Employees – The Statement of Position form solicits commerce and other information that will facilitate entry into election agreements or streamline the pre-election hearing if the parties are unable to enter into an election agreement. In an **RC** or **RD** case, as part of its Statement of Position form, the employer also provides a list of the full names, work locations, shifts, and job classifications of all individuals in the proposed unit. If the employer contends that the proposed unit is not appropriate, the employer must separately list the same information for all individuals that the employer contends must be added to the proposed unit to make it an appropriate unit, and must further indicate those individuals, if any, whom it believes must be excluded from the proposed unit to make it an appropriate unit. These lists must be alphabetized (overall or by department). Unless the employer certifies that it does not possess the capacity to produce the lists in the required form, the lists must be in a table in a Microsoft Word file (.doc or .docx) or a file that is compatible with Microsoft Word, the first column of the table must begin with each employee's last name, and the font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional

form for the list is provided on the NLRB website at www.nlrb.gov/sites/default/files/attachments/basic-page/node-4559/Optional Forms for Voter List.docx

Ordinarily the Statement of Position must be filed with the Regional Office and served on the other parties such that it is received by them by noon 8 business days from the issuance of the Notice of Hearing. The regional director may postpone the due date for filing and serving the Statement of Position for good cause. The Statement of Position form must be E-Filed but, unlike other E-Filed documents, will not be timely if filed on the due date but after noon in the time zone of the Region where the petition is filed. Consequences for failing to satisfy the Statement of Position requirement are discussed on the following page under the heading "Preclusion." A request to postpone the hearing will not automatically be treated as a request for an extension of the Statement of Position due date. If a party wishes to request both a postponement of the hearing and a postponement of the Statement of Position due date, the request must make that clear and must specify the reasons that postponements of both are sought.

Responsive Statement of Position – Petitioner's Responsive Statement(s) of Position solicits a response to the Statement(s) of Position filed by the other parties and further facilitates entry into election agreements or streamlines the preelection hearing. A petitioner must file a Responsive Statement of Position in response to each party's Statement of Position addressing each issue in each Statement of Position(s), if desired. In the case of an RM petition, the employer-petitioner must also provide commerce information and file and serve a list of the full names, work locations, shifts, and job classifications of all individuals in the proposed unit. Ordinarily, the Responsive Statement of Position must be electronically filed with the Regional Office and served on the other parties such that it is received by noon 3 business days prior to the hearing. The regional director may postpone the due date for filing and serving the Responsive Statement of Position for good cause. The Responsive Statement of Position form must be E-Filed but, unlike other E-Filed documents, will not be timely if filed on the due date but after noon in the time zone of the Region where the petition is filed. Consequences for failing to satisfy the Responsive Statement of Position requirement are discussed on the following page under the heading "Preclusion." A request to postpone the hearing will not automatically be treated as a request for an extension of the Responsive Statement of Position due date. If a party wishes to request both a postponement of the hearing and a Postponement of the Responsive Statement of Position due date, the request must make that clear and must specify the reasons that postponements of both are sought.

Posting and Distribution of Notice of Petition for Election – Within 5 business days after service of the notice of hearing, the employer must post the Notice of Petition for Election in conspicuous places, including all places where notices to employees are customarily posted, and must also distribute it electronically to the employees in the petitioned-for unit if the employer customarily communicates with these employees electronically. The employer must maintain the posting until the petition is dismissed or withdrawn, or the Notice of Petition for Election is replaced by the Notice of Election. The employer's failure properly to post or distribute the Notice of Petition for Election may be grounds for setting aside the election if proper and timely objections are filed.

Election Agreements – Elections can occur either by agreement of the parties or by direction of the regional director or the Board. Three types of agreements are available: (1) a Consent Election Agreement (Form NLRB-651); (2) a Stipulated Election Agreement (Form NLRB-652); and (3) a Full Consent Agreement (Form NLRB-5509). In the Consent Election Agreement and the Stipulated Election Agreement, the parties agree on an appropriate unit and the method, date, time, and place of a secret ballot election that will be conducted by an NLRB agent. In the Consent Agreement, the parties also agree that post-election matters (election objections or determinative challenged ballots) will be resolved with finality by the regional director; whereas in the Stipulated Election Agreement, the parties agree that they may request Board review of the regional director's post-election determinations. A Full Consent Agreement provides that the regional director will make final determinations regarding all pre-election and post-election issues.

Hearing Cancellation Based on Agreement of the Parties – The issuance of the Notice of Representation Hearing does not mean that the matter cannot be resolved by agreement of the parties. On the contrary, the NLRB encourages prompt voluntary adjustments and the Board agent assigned to the case will work with the parties to enter into an election agreement, so the parties can avoid the time and expense of participating in a hearing.

Hearing – A hearing will be held unless the parties enter into an election agreement approved by the regional director or the petition is dismissed or withdrawn.

***Purpose of Hearing*:** The primary purpose of a pre-election hearing is to determine if a question of representation exists. A question of representation exists if a proper petition has been filed concerning a unit

appropriate for the purpose of collective bargaining or, in the case of a decertification petition, concerning a unit in which a labor organization has been certified or is being currently recognized by the employer as the bargaining representative.

***Issues at Hearing*:** Issues that might be litigated at the pre-election hearing include: jurisdiction; labor organization status; bars to elections; unit appropriateness; expanding and contracting unit issues; inclusion of professional employees with nonprofessional employees; seasonal operation; potential mixed guard/non-guard unit; and eligibility formulas. At the hearing, the timely filed Statement of Position and Responsive Statement of Position(s) will be received into evidence. The hearing officer will not receive evidence concerning any issue as to which the parties have not taken adverse positions, except for evidence regarding the Board's jurisdiction over the employer and evidence concerning any issue, such as the appropriateness of the proposed unit, as to which the regional director determines that record evidence is necessary.

***Preclusion*:** At the hearing, a party will be precluded from raising any issue, presenting any evidence relating to any issue, cross-examining any witness concerning any issue, and presenting argument concerning any issue that the party failed to raise in its timely Statement of Position or Responsive Statement of Position(s) or to place in dispute in timely response to another party's Statement of Position or response, except that no party will be precluded from contesting or presenting evidence relevant to the Board's statutory jurisdiction to process the petition. Nor shall any party be precluded, on the grounds that a voter's eligibility or inclusion was not contested at the pre-election hearing, from challenging the eligibility of any voter during the election. If a party contends that the proposed unit is not appropriate in its Statement of Position but fails to specify the classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit, the party shall also be precluded from raising any issue as to the appropriateness of the unit, presenting any evidence relating to the appropriateness of the unit, cross examining any witness concerning the appropriateness of the unit, and presenting argument concerning the appropriateness of the unit. As set forth in §102.66(d) of the Board's rules, if the employer fails to timely furnish the lists of employees, the employer will be precluded from contesting the appropriateness of the proposed unit at any time and from contesting the eligibility or inclusion of any individuals at the pre-election hearing, including by presenting evidence or argument, or by cross-examination of witnesses.

***Conduct of Hearing*:** If held, the hearing is usually open to the public and will be conducted by a hearing officer of the NLRB. Any party has the right to appear at any hearing in person, by counsel, or by other representative, to call, examine, and cross-examine witnesses, and to introduce into the record evidence of the significant facts that support the party's contentions and are relevant to the existence of a question of representation. The hearing officer also has the power to call, examine, and cross-examine witnesses and to introduce into the record documentary and other evidence. Witnesses will be examined orally under oath. The rules of evidence prevailing in courts of law or equity shall not be controlling. Parties appearing at any hearing who have or whose witnesses have disabilities falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.503, and who in order to participate in this hearing need appropriate auxiliary aids, as defined in 29 C.F.R. 100.503, should notify the regional director as soon as possible and request the necessary assistance.

***Official Record*:** An official reporter will make the only official transcript of the proceedings and all citations in briefs or arguments must refer to the official record. (Copies of exhibits should be supplied to the hearing officer and other parties at the time the exhibit is offered in evidence.) All statements made at the hearing will be recorded by the official reporter while the hearing is on the record. If a party wishes to make off-the-record remarks, requests to make such remarks should be directed to the hearing officer and not to the official reporter. After the close of the hearing, any request for corrections to the record, either by stipulation or motion, should be forwarded to the regional director.

***Motions and Objections*:** All motions must be in writing unless stated orally on the record at the hearing and must briefly state the relief sought and the grounds for the motion. A copy of any motion must be served immediately on the other parties to the proceeding. Motions made during the hearing are filed with the hearing officer. All other motions are filed with the regional director, except that motions made after the transfer of the record to the Board are filed with the Board. If not E-Filed, an original and two copies of written motions shall be filed. Statements of reasons in support of motions or objections should be as concise as possible. Objections shall not be deemed waived by further participation in the hearing. On appropriate request, objections may be permitted to stand to an entire line of questioning. Automatic exceptions will be allowed to all adverse rulings.

***Election Details*:** Prior to the close of the hearing the hearing officer will: (1) solicit the parties' positions (but will not permit litigation) on the type, date(s), time(s), and location(s) of the election and the eligibility period; (2) solicit the name, address, email address, facsimile number, and phone number of the employer's on-site representative to whom the regional director should transmit the Notice of Election if an election is directed; (3) inform the parties that the regional director will issue a decision as soon as practicable and will immediately transmit the document to the parties and their designated representatives by email, facsimile, or by overnight mail (if neither an email address nor facsimile number was provided); and (4) inform the parties of their obligations if the director directs an election and of the time for complying with those obligations.

***Oral Argument and Briefs*:** Upon request, any party is entitled to a reasonable period at the close of the hearing for oral argument, which will be included in the official transcript of the hearing. At any time before the close of the hearing, any party may file a memorandum addressing relevant issues or points of law. Post-hearing briefs shall be due within 5 business days of the close of the hearing. The hearing officer may allow up to 10 additional business days for such briefs prior to the close of hearing and for good cause. If filed, copies of the memorandum or brief shall be served on all other parties to the proceeding and a statement of such service shall be filed with the memorandum or brief. No reply brief may be filed except upon special leave of the regional director. Briefs including electronic documents, filed with the Regional Director must be formatted as double-spaced in an 8½ by 11 inch format and must be e-filed through the Board's website, www.nlrb.gov.

Regional Director Decision - After the hearing, the regional director issues a decision directing an election, dismissing the petition or reopening the hearing. A request for review of the regional director's pre-election decision may be filed with the Board at any time after issuance of the decision until 10 business days after a final disposition of the proceeding by the regional director. Accordingly, a party need not file a request for review before the election in order to preserve its right to contest that decision after the election. Instead, a party can wait to see whether the election results have mooted the basis of an appeal. The Board will grant a request for review only where compelling reasons exist therefor.

Voter List – The employer must provide to the regional director and the parties named in the election agreement or direction of election a list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available home and personal cellular (''cell'') telephone numbers) of all eligible voters. (In construction industry elections, unless the parties stipulate to the contrary, also eligible to vote are all employees in the unit who either (1) were employed a total of 30 working days or more within the 12 months preceding the election eligibility date or (2) had some employment in the 12 months preceding the election eligibility date and were employed 45 working days or more within the 24 months immediately preceding the election eligibility date. However, employees meeting either of those criteria who were terminated for cause or who quit voluntarily prior to the completion of the last job for which they were employed, are not eligible.) The employer must also include in a separate section of the voter list the same information for those individuals whom the parties have agreed should be permitted to vote subject to challenge or those individuals who, according to the direction of election, will be permitted to vote subject to challenge. The list of names must be alphabetized (overall or by department) and be in the same Microsoft Word file (or Microsoft Word compatible file) format as the initial lists provided with the Statement of Position form unless the parties agree to a different format or the employer certifies that it does not possess the capacity to produce the list in the required form. When feasible, the list must be filed electronically with the regional director and served electronically on the other parties named in the agreement or direction. To be timely filed and served, the voter list must be received by the regional director and the parties named in the agreement or direction respectively within 2 business days after the approval of the agreement or issuance of the direction of elections unless a longer time is specified in the agreement or direction. A certificate of service on all parties must be filed with the regional director when the voter list is filed. The employer's failure to file or serve the list within the specified time or in proper format shall be grounds for setting aside the election whenever proper and timely objections are filed. The parties shall not use the list for purposes other than the representation proceeding, Board proceedings arising from it, and related matters.

Waiver of Time to Use Voter List – Under existing NLRB practice, an election is not ordinarily scheduled for a date earlier than 10 calendar days after the date when the employer must file the voter list with the Regional Office. However, the parties entitled to receive the voter list may waive all or part of the 10-day period by executing Form NLRB-4483. A waiver will not be effective unless all parties who are entitled to the list agree to waive the same number of days.

Election – Information about the election, requirements to post and distribute the Notice of Election, and possible proceedings after the election is available from the Regional Office and will be provided to the parties when the Notice of Election is sent to the parties.

Withdrawal or Dismissal – If it is determined that the NLRB does not have jurisdiction or that other criteria for proceeding to an election are not met, the petitioner is offered an opportunity to withdraw the petition. If the petitioner does not withdraw the petition, the regional director will dismiss the petition and advise the petitioner of the reason for the dismissal and of the right to appeal to the Board.

REVIEW THE FOLLOWING IMPORTANT INFORMATION BEFORE FILLING OUT A STATEMENT OF POSITION FORM

Completing and Filing this Form: The Notice of Hearing indicates which parties are responsible for completing the form. If you are required to complete the form, you must have it signed by an authorized representative and file a completed copy (including all attachments) with the RD and serve copies on all parties named in the petition by the date and time established for its submission. If more space is needed for your answers, additional pages may be attached. If you have questions about this form or would like assistance in filling out this form, please contact the Board agent assigned to handle this case. **You must EFile your Statement of Position at www.nlrb.gov, but unlike other e-Filed documents, it will *not* be timely if filed on the due date but after noon in the time zone of the Region where the petition was filed.**

> **Note:** ***Non-employer parties who complete this Statement of Position are NOT required to complete items 8f and 8g of the form, or to provide a commerce questionnaire or the lists described in item 7.***

Required Lists: The employer's Statement of Position must include a list of the full names, work locations, shifts, and job classifications of all individuals in the proposed unit as of the payroll period preceding the filing of the petition who remain employed at the time of filing. If the employer contends that the proposed unit is inappropriate, the employer must separately list the full names, work locations, shifts and job classifications of all individuals that it contends must be added to the proposed unit to make it an appropriate unit. The employer must also indicate those individuals, if any, whom it believes must be excluded from the proposed unit to make it an appropriate unit. These lists must be alphabetized (overall or by department). Unless the employer certifies that it does not possess the capacity to produce the lists in the required form, the lists must be in a table in a Microsoft Word file (.doc or .docx) or a file that is compatible with Microsoft Word, the first column of the table must begin with each employee's last name, and the font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional form for the list is provided on the NLRB website at **www.nlrb.gov/sites/default/files/attachments/basic-page/node-4559/Optional Forms for Voter List.docx**.

Consequences of Failure to Supply Information: Failure to supply the information requested by this form may preclude you from litigating issues under 102.66(d) of the Board's Rules and Regulations. Section 102.66(d) provides as follows:

> A party shall be precluded from raising any issue, presenting any evidence relating to any issue, cross-examining any witness concerning any issue, and presenting argument concerning any issue that the party failed to raise in its timely Statement of Position or to place in dispute in response to another party's Statement of Position or response, except that no party shall be precluded from contesting or presenting evidence relevant to the Board's statutory jurisdiction to process the petition. Nor shall any party be precluded, on the grounds that a voter's eligibility or inclusion was not contested at the pre-election hearing, from challenging the eligibility of any voter during the election. If a party contends that the proposed unit is not appropriate in its Statement of Position but fails to specify the classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit, the party shall also be precluded from raising any issue as to the appropriateness of the unit, presenting any evidence relating to the appropriateness of the unit, cross-examining any witness concerning the appropriateness of the unit, and presenting argument concerning the appropriateness of the unit. If the employer fails to timely furnish the lists of employees described in §§102.63(b)(1)(iii), (b)(2)(iii), or (b)(3)(iii), the employer shall be precluded from contesting the appropriateness of the proposed unit at any time and from contesting the eligibility or inclusion of any individuals at the pre-election hearing, including by presenting evidence or argument, or by cross-examination of witnesses.

FORM NLRB-505
(12-20)

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

STATEMENT OF POSITION

DO NOT WRITE IN THIS SPACE	
Case No.	Date Filed
03-RC-282127	August 30, 2021

INSTRUCTIONS: *Submit this Statement of Position to an NLRB Office in the Region in which the petition was filed and serve it and all attachments on each party named in the petition in this case such that it is received by them by the date and time specified in the notice of hearing.*
Note: *Non-employer parties who complete this form are NOT required to complete items 8f or 8g below or to provide a commerce questionnaire or the lists described in item 7.*

1a. Full name of party filing Statement of Position	1c. Business Phone:	1e. Fax No.:
1b. Address *(Street and number, city, state, and ZIP code)*	1d. Cell No.:	1f. e-Mail Address

2. Do you agree that the NLRB has jurisdiction over the Employer in this case? [ ] Yes [ ] No
(A completed commerce questionnaire (Attachment A) must be submitted by the Employer, regardless of whether jurisdiction is admitted)

3. Do you agree that the proposed unit is appropriate? [ ] Yes [ ] No *(If not, answer 3a and 3b)*

a. State the basis for your contention that the proposed unit is not appropriate. (*If you contend a classification should be excluded or included briefly explain why, such as shares a community of interest or are supervisors or guards)*

b. State any classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit.

Added	Excluded

4. Other than the individuals in classifications listed in 3b, list any individual(s) whose eligibility to vote you intend to contest at the pre-election hearing in this case and the basis for contesting their eligibility.

5. Is there a bar to conducting an election in this case? [ ] Yes [ ] No *If yes, state the basis for your position.*

6. Describe all other issues you intend to raise at the pre-election hearing.

7. The employer must provide the following lists which must be alphabetized (overall or by department) in the format specified at **www.nlrb.gov/sites/default/files/attachments/basic-page/node-4559/Optional Forms for Voter List.docx**.
(a) A list containing the full names, work locations, shifts and job classification of all individuals in the proposed unit as of the payroll period immediately preceding the filing of the petition who remain employed as of the date of the filing of the petition. (Attachment B)
(b) If the employer contends that the proposed unit is inappropriate the employer must provide (1) a separate list containing the full names, work locations, shifts and job classifications of all individuals that it contends must be *added* to the proposed unit, if any to make it an appropriate unit, (Attachment C) and (2) a list containing the full names of any individuals it contends must be *excluded* from the proposed unit to make it an appropriate unit. (Attachment D)

8a. State your position with respect to the details of any elec ion that may be conducted in this matter. Type: [ ] Manual [ ] Mail [ ] Mixed Manual/Mail

8b. Date(s)	8c. Time(s)	8d. Location(s)
8e. Eligibility Period (e.g. special eligibility formula)	8f. Last Payroll Period Ending Date	8g. Length of payroll period [ ] Weekly [ ]Biweekly [ ] Other *(specify length)*

9. Representative who will accept service of all papers for purposes of the representation proceeding

9a. Full name and title of authorized representative	9b. Signature of authorized representative	9c. Date
9d. Address *(Street and number, city, state, and ZIP code)*		9e. e-Mail Address
9f. Business Phone No.:	9g. Fax No.	9h. Cell No.

WILLFUL FALSE STATEMENTS ON THIS PETITION 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 Section 151 et seq The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation proceedings The routine uses for the information are fully set forth in the Federal Register, 71 Fed 74942-43 (December 13, 2006) The NLRB will further explain these uses upon request Failure to supply the information requested by this form may preclude you from litigating issues under 102 66(d) of the Board's Rules and Regulations and may cause the NLRB to refuse to further process a representation case or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court

FORM NLRB-5081
(3-11)

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
	03-RC-282127

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).*

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

8. NUMBER OF PEOPLE PRESENTLY EMPLOYED

A. TOTAL:	B. AT THE ADDRESS INVOLVED IN THIS MATTER:

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

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 representation and/or unfair labor practice proceedings 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 may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

REVIEW THE FOLLOWING IMPORTANT INFORMATION BEFORE FILLING OUT A RESPONSIVE STATEMENT OF POSITION FORM

Completing and Filing this Form: For **RC and RD petitions**, the Petitioner is required to complete this form in response to each timely filed and served Statement of Position filed by another party. For **RM petitions**, the Employer-Petitioner must complete a Responsive Statement of Position form and submit the list described below. In accordance with Section 102.63(b) of the Board's Rules, if you are required to complete the form, you must have it signed by an authorized representative, and file a completed copy with any necessary attachments, with this office and serve it on all parties named in the petition responding to the issues raised in another party's Statement of Position, such that it is received no later than noon three business days before the date of the hearing. A separate form must be completed for each timely filed and properly served Statement of Position you receive. If more space is needed for your answers, additional pages may be attached. If you have questions about this form or would like assistance in filling out this form, please contact the Board agent assigned to handle this case. **You must E-File your Responsive Statement of Position at www.NLRB.gov, but unlike other e-Filed documents, it will *not* be timely if filed on the due date but after noon in the time zone of the Region where the petition was filed. Note that if you are completing this form as a PDF downloaded from www.NLRB.gov, the form will lock upon signature and no further editing may be made.**

Required List: In addition to responding to the issues raised in another party's Statement of Position, if any, the Employer-Petitioner in an RM case is required to file and serve on the parties a list of the full names, work locations, shifts, and job classifications of all individuals in the proposed unit as of the payroll period preceding the filing of the petition who remain employed at the time of filing. This list must be alphabetized (overall or by department). Unless the employer certifies that it does not possess the capacity to produce the list in the required form, the list must be in a table in a Microsoft Word file (.doc or .docx) or a file that is compatible with Microsoft Word, the first column of the table must begin with each employee's last name, and the font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional form for the list is provided on the NLRB website at www.nlrb.gov/sites/default/files/attachments/basic-page/node-4559/Optional Forms for Voter List.docx

Consequences of Failure to Submit a Responsive Statement of Position: Failure to supply the information requested by this form may preclude you from litigating issues under 102.66(d) of the Board's Rules and Regulations. Section 102.66(d) provides as follows:

> A party shall be precluded from raising any issue, presenting any evidence relating to any issue, cross-examining any witness concerning any issue, and presenting argument concerning any issue that the party failed to raise in its timely Statement of Position or to place in dispute in response to another party's Statement of Position or response, except that no party shall be precluded from contesting or presenting evidence relevant to the Board's statutory jurisdiction to process the petition. Nor shall any party be precluded, on the grounds that a voter's eligibility or inclusion was not contested at the pre-election hearing, from challenging the eligibility of any voter during the election. If a party contends that the proposed unit is not appropriate in its Statement of Position but fails to specify the classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit, the party shall also be precluded from raising any issue as to the appropriateness of the unit, presenting any evidence relating to the appropriateness of the unit, cross-examining any witness concerning the appropriateness of the unit, and presenting argument concerning the appropriateness of the unit. If the employer fails to timely furnish the lists of employees described in §§102.63(b)(1)(iii), (b)(2)(iii), or (b)(3)(iii), the employer shall be precluded from contesting the appropriateness of the proposed unit at any time and from contesting the eligibility or inclusion of any individuals at the pre-election hearing, including by presenting evidence or argument, or by cross-examination of witnesses.

FORM NLRB-506
(12-20)

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

RESPONSIVE STATEMENT OF POSITION – RC, RD or RM PETITION

DO NOT WRITE IN THIS SPACE	
Case No.	Date Filed
03-RC-282127	August 30, 2021

INSTRUCTIONS: *If a party has submitted and served on you a timely Statement of Position to an RC, RD or RM petition, the Petitioner must submit this Responsive Statement of Position to an NLRB Office in the Region in which the petition was filed and serve it and any attachments on each party named in the petition in this case such that it is received by noon local time, three business days prior to the hearing date specified in the Notice of Hearing. A separate form must be completed for each timely filed and properly served Statement of Position received by the Petitioner. The Petitioner-Employer in a RM case is required to file this Responsive Statement of Position and include an appropriate employee list without regard to whether another party has filed a Statement of Position.*

This Responsive Statement of Position is filed by he Petitioner in response to a Statement of Position received from the following party:

The Employer	**An Intervenor/Union**

1a. Full Name of Party Filing Responsive Statement of Position

1c. Business Phone	1d. Cell No.	1e. Fax No.	1f. E-Mail Address

1b. Address (Street and Number, City, State, and ZIP Code)

2. Identify all issues raised in the other party's Statement of Position that you dispute and describe the basis of your dispute:

a. EMPLOYER NAME/IDENTITY [Box 1a of Statement of Position Form NLRB-505 and Questionnaire on Commerce Information]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

b. JURISDICTION [Box 2 of Statement of Position Form NLRB-505 and Questionnaire on Commerce Information]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

c. APPROPRIATENESS OF UNIT [Boxes 3, 3a and 3b of Statement of Position Form NLRB-505]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

d. INDIVIDUAL ELIGIBILITY [Box 4 of Statement of Position Form NLRB-505]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

e. BARS TO ELECTION [Box 5 of Statement of Position Form NLRB-505]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

f. ALL OTHER ISSUES [Box 6 of Statement of Position Form NLRB-505]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

g. ELECTION DETAILS [Boxes 8a, 8b, 8c, 8d, 8e, 8f, and 8g of Statement of Position Form NLRB-505]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

Full Name and Title of Authorized Representative	Signature of Authorized Representative	Date

WILLFUL FALSE STATEMENTS ON THIS PETITION 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. Section 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation proceedings. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. 74942-43 (December 13, 2006). The NLRB will further explain these uses upon request. Failure to supply the information requested by this form may preclude you from litigating issues under 102.66(d) of the Board's Rules and Regulations and may cause the NLRB to refuse to further process a representation case or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

Please fill all necessary fields on the form PRIOR to digitally signing. To make changes after the form has been signed, right-click on the signature field and click "clear signature." Once complete, please sign the form.

FORM NLRB-502 (RC)
(2-18)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

RC PETITION

DO NOT WRITE IN THIS SPACE	
Case No. 03-RC-282139	Date Filed 8/30/2021

***INSTRUCTIONS:** Unless e-Filed using the Agency's website, www.nlrb.gov/, submit an original of this Petition to an NLRB office in the Region in which the employer concerned is located. The petition must be accompanied by both a showing of interest (see 6b below) and a certificate of service showing service on the employer and all other parties named in the petition of: (1) the petition; (2) Statement of Position form (Form NLRB-505); and (3) Description of Representation Case Procedures (Form NLRB 4812). The showing of interest should only be filed with the NLRB and should not be served on the employer or any other party.*

1. **PURPOSE OF THIS PETITION: RC-CERTIFICATION OF REPRESENTATIVE** - A substantial number of employees wish to be represented for purposes of collective bargaining by Petitioner and Petitioner desires to be certified as representative of the employees. **The Petitioner alleges that the following circumstances exist and requests that the National Labor Relations Board proceed under its proper authority pursuant to Section 9 of the National Labor Relations Act.**

2a. Name of Employer: Starbucks Corporation	2b. Address(es) of Establishment(s) involved *(Street and number, City, State, ZIP code)*: 4255 Genesee St., Cheektowaga, NY 14225
3a. Employer Representative - Name and Title: Kevin Johnson, President and CEO (see attached for District Manager)	3b. Address *(if same as 2b - state same)*: Same

3c. Tel. No.	3d. Cell No.	3e. Fax No.	3f. E-Mail Address
206-318-2212			kevin.johnson@starbucks.com

4a. Type of Establishment *(Factory, mine, wholesaler, etc.)*	4b. Principal Product or Service	5a. City and State where unit is located:
Coffee shop	Food and beverage	Cheektowaga, NY

5b. Description of Unit Involved:
Included:
All full-time and regular part-time Baristas, Shift Supervisors, Asst. Store Managers
Excluded:
Store Managers; office clericals, guards, and supervisors as defined by the Act

6a. Number of Employees in Unit: 21

6b. Do a substantial number (30% or more) of the employees in the unit wish to be represented by the Petitioner? ☒ Yes ☐ No

Check One: ☐ 7a. Request for recognition as Bargaining Representative was made on (Date) _____ and Employer declined recognition on or about (Date) _____ (If no reply received, so state).
☐ 7b. Petitioner is currently recognized as Bargaining Representative and desires certification under the Act.

8a. Name of Recognized or Certified Bargaining Agent *(If none, so state)*	8b. Address:
None	

8c. Tel. No.	8d. Cell No.	8e. Fax No.	8f. E-Mail Address

8g. Affiliation, if any:	8h. Date of Recognition or Certification	8i. Expiration Date of Current or Most Recent Contract, if any *(Month, Day, Year)*

9. Is there now a strike or picketing at the Employer's establishment(s) involved? No If so, approximately how many employees are participating? _____
(Name of Labor Organization) _____, has picketed the Employer since *(Month, Day, Year)* _____

10. Organizations or individuals other than Petitioner and those named in items 8 and 9, which have claimed recognition as representatives and other organizations and individuals known to have a representative interest in any employees in the unit described in item 5b above. *(If none, so state)*
None

10a. Name	10b. Address	10c. Tel. No.	10d. Cell No.
		10e. Fax No.	10f. E-Mail Address

11. Election Details: If the NLRB conducts and election in this matter, state your position with respect to any such election:

11a. Election Type: ☒ Manual ☐ Mail ☐ Mixed Manual/Mail

11b. Election Date(s):	11c. Election Time(s):	11d. Election Location(s):
9/13/21	TBD	Store premises

12a. Full Name of Petitioner *(including local name and number)*:	12b. Address *(street and number, city, State and ZIP code)*:
Workers United Upstate	2954 Main Street, Suite 556 Buffalo, NY 14214

12c. Full name of national or international labor organization of which Petitioner is an affiliate or constituent *(if none, so state)*:
Workers United

12d. Tel. No.	12e. Cell No.	12f. Fax No.	12g. E-Mail Address
585-473-3280			gbonadonnajr@rrjb.org

13. Representative of the Petitioner who will accept service of all papers for purposes of the representation proceeding.

13a. Name and Title:	13b. Address *(street and number, city, State and ZIP code)*:
Ian Hayes, Attorney	Creighton, Johnsen & Giroux 1103 Delaware Ave., Buffalo, NY 14209

13c. Tel. No.	13d. Cell No.	13e. Fax No.	13f. E-Mail Address
716-854-0007		716-854-0004	ihayes@cpjglaborlaw.com

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

Name *(Print)*	Signature	Title	Date
Ian Hayes	Ian Hayes	Attorney	08/30/21

WILLFUL FALSE STATEMENTS ON THIS PETITION 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 representation 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 may cause the NLRB to decline to invoke its processes.

Attachment to RC Petition – Sections 3a-3f:

David Lefrois, District Manager
585-975-9135
dlefrois@starbucks.com

Form NLRB-5544
(5-2015)

CERTIFICATE OF SERVICE

Employer Name: Starbucks Corporation

Service on the Employer

I hereby certify that on 8/30/21 (date), a copy of the petition involving the Employer named above, a Statement of Position (Form NLRB-505), and a Description of Procedures (Form NLRB-4812) were served on the Employer by: (check whichever is applicable)

- [x] e-mail to the email address shown on the petition.
- [ ] facsimile (with the permission of the Employer) to the facsimile number shown on the petition.
- [ ] overnight mail to the mailing address shown on the petition.
- [ ] hand-delivery to _____ (name of Employer's representative) at the following address: _____.

Service on the Other Party Named in the Petition

I hereby certify that on _____ (date), a copy of the petition involving the Employer named above, a Statement of Position (Form NLRB-505), and a Description of Procedures (Form NLRB-4812) were also served on _____ (name of party or parties) by: (check whichever is applicable)

- [ ] email to the email address shown on the petition.
- [ ] facsimile (with the permission of the party) to the facsimile number shown on the petition.
- [ ] overnight mail to the mailing address shown on the petition.
- [ ] hand-delivery to _____ (name of party's representative) at the following address: _____.

Service on the Other Party Named in the Petition

I hereby certify that on _____ (date), a copy of the petition involving the Employer named above, a Statement of Position (Form NLRB-505), and a Description of Procedures (Form NLRB-4812) were also served on _____ (name of party or parties) by: (check whichever is applicable)

- [ ] email to the email address shown on the petition.
- [ ] facsimile (with the permission of the party) to the facsimile number shown on the petition.
- [ ] overnight mail to the mailing address shown on the petition.
- [ ] hand-delivery to _____ (name of party's representative) at the following address: _____.

Ian Hayes

Signature

Ian Hayes, Attorney

Name and Title

8/30/21

Date

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 3
130 S Elmwood Ave Ste 630
Buffalo, NY 14202-2465

Agency Website: www.nlrb.gov
Telephone: (716)551-4931
Fax: (716)551-4972

Download
NLRB
Mobile App

August 30, 2021

URGENT

kevin.johnson@starbucks.com

Kevin Johnson
Starbucks Corporation
4255 Genesee St.
Cheektowaga, NY 14225

Re: Starbucks Corporation
Case 03-RC-282139

Dear Mr. Johnson:

Enclosed is a copy of a petition that Workers United Upstate filed with the National Labor Relations Board (NLRB) seeking to represent certain of your employees. After a petition is filed, the employer is required to promptly take certain actions so please read this letter carefully to make sure you are aware of the employer's obligations. This letter tells you how to contact the Board agent who will be handling this matter, about the requirement to post and distribute the Notice of Petition for Election, the requirement to complete and serve a Statement of Position Form, the Petitioner's requirement to complete and serve a Responsive Statement of Position Form, a scheduled hearing in this matter, other information needed including a voter list, your right to be represented, and NLRB procedures, including how to submit documents to the NLRB.

Investigator: This petition will be investigated by Field Examiner Michael Dahlheimer whose telephone number is (716)398-7008. The Board agent will contact you shortly to discuss processing the petition. If you have any questions, please do not hesitate to call the Board agent. If the agent is not available, you may contact Regional Director LINDA M. LESLIE whose telephone number is (716)398-7017. The Board agent may also contact you and the other party or parties to schedule a conference meeting or telephonic or video conference for some time before the close of business the day following receipt of the final Responsive Statement(s) of Position. This will give the parties sufficient time to determine if any issues can be resolved prior to hearing or if a hearing is necessary. If appropriate, the NLRB attempts to schedule an election either by agreement of the parties or by holding a hearing and then directing an election.

Required Posting and Distribution of Notice: You must post the enclosed Notice of Petition for Election by September 6, 2021 in conspicuous places, including all places where notices to employees are customarily posted. The Notice of Petition for Election must be posted so all pages are simultaneously visible. If you customarily communicate electronically with

employees in the petitioned-for unit, you must also distribute the notice electronically to them. You must maintain the posting until the petition is dismissed or withdrawn or this notice is replaced by the Notice of Election. Posting and distribution of the Notice of Petition for Election will inform the employees whose representation is at issue and the employer of their rights and obligations under the National Labor Relations Act in the representation context. Failure to post or distribute the notice may be grounds for setting aside an election if proper and timely objections are filed.

Required Statement of Position: In accordance with Section 102.63(b) of the Board's Rules, the employer is required to complete the enclosed Statement of Position form (including the attached Commerce Questionnaire), have it signed by an authorized representative, and file a completed copy (with all required attachments) with this office and serve it on all parties named in the petition such that it is received by them by **noon Eastern Time** on **September 10, 2021**. This form solicits information that will facilitate entry into election agreements or streamline the pre-election hearing if the parties are unable to enter into an election agreement. **This form must be e-Filed, but unlike other e-Filed documents, will *not* be timely if filed on the due date but after noon September 10, 2021.** If you have questions about this form or would like assistance in filling out this form, please contact the Board agent named above.

List(s) of Employees: The employer's Statement of Position must include a list of the full names, work locations, shifts, and job classifications of all individuals in the proposed unit as of the payroll period preceding the filing of the petition who remain employed at the time of filing. If the employer contends that the proposed unit is inappropriate, the employer must separately list the full names, work locations, shifts and job classifications of all individuals that it contends must be added to the proposed unit to make it an appropriate unit. The employer must also indicate those individuals, if any, whom it believes must be excluded from the proposed unit to make it an appropriate unit. These lists must be alphabetized (overall or by department). Unless the employer certifies that it does not possess the capacity to produce the lists in the required form, the lists must be in a table in a Microsoft Word file (.doc or .docx) or a file that is compatible with Microsoft Word, the first column of the table must begin with each employee's last name, and the font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional form for the list is provided on the NLRB website at www.nlrb.gov/sites/default/files/attachments/basic-page/node-4559/Optional Forms for Voter List.docx

Failure to Supply Information: Failure to supply the information requested by this form may preclude you from litigating issues under Section 102.66(d) of the Board's Rules and Regulations. Section 102.66(d) provides as follows:

> A party shall be precluded from raising any issue, presenting any evidence relating to any issue, cross-examining any witness concerning any issue, and presenting argument concerning any issue that the party failed to raise in its timely Statement of Position or to place in dispute in response to another party's Statement of Position or response, except that no party shall be precluded from

contesting or presenting evidence relevant to the Board's statutory jurisdiction to process the petition. Nor shall any party be precluded, on the grounds that a voter's eligibility or inclusion was not contested at the pre-election hearing, from challenging the eligibility of any voter during the election. If a party contends that the proposed unit is not appropriate in its Statement of Position but fails to specify the classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit, the party shall also be precluded from raising any issue as to the appropriateness of the unit, presenting any evidence relating to the appropriateness of the unit, cross-examining any witness concerning the appropriateness of the unit, and presenting argument concerning the appropriateness of the unit. If the employer fails to timely furnish the lists of employees described in §§ 102.63(b)(1)(iii), (b)(2)(iii), or (b)(3)(iii), the employer shall be precluded from contesting the appropriateness of the proposed unit at any time and from contesting the eligibility or inclusion of any individuals at the pre-election hearing, including by presenting evidence or argument, or by cross-examination of witnesses.

Responsive Statement of Position: In accordance with Section 102.63(b) of the Board's Rules, following timely filing and service of an employer's Statement of Position, the petitioner is required to complete the enclosed Responsive Statement of Position form, have it signed by an authorized representative, and file a completed copy with any necessary attachments, with this office and serve it on all parties named in the petition responding to the issues raised in the employer's Statement of Position, such that it is received no later than **noon Eastern Time** on **September 15, 2021.**

Notice of Hearing: Enclosed is a Notice of Representation Hearing to be conducted at **10:00 AM** on **Monday, September 20, 2021 VIA Video Conference,** if the parties do not voluntarily agree to an election. If a hearing is necessary, the hearing will run on consecutive days until concluded unless the regional director concludes that extraordinary circumstances warrant otherwise. Before the hearing begins, the NLRB will continue to explore potential areas of agreement with the parties in order to reach an election agreement and to eliminate or limit the costs associated with formal hearings.

Upon request of a party showing good cause, the regional director may postpone the hearing. A party desiring a postponement should make the request to the regional director in writing, set forth in detail the grounds for the request, and include the positions of the other parties regarding the postponement. E-Filing the request is required. A copy of the request must be served simultaneously on all the other parties, and that fact must be noted in the request.

Other Information Needed Now*:* Please submit to this office, as soon as possible, the following information needed to handle this matter:

(a) A copy of any existing or recently expired collective-bargaining agreements, and any amendments or extensions, or any recognition agreements covering any of your employees in the unit involved in the petition (the petitioned-for unit);

(b) The name and contact information for any other labor organization (union) claiming to represent any of the employees in the petitioned-for unit;

(c) If potential voters will need notices or ballots translated into a language other than English, the names of those languages and dialects, if any.

(d) If you desire a formal check of the showing of interest, you must provide an alphabetized payroll list of employees in the petitioned-for unit, with their job classifications, for the payroll period immediately before the date of this petition. Such a payroll list should be submitted as early as possible prior to the hearing. Ordinarily a formal check of the showing of interest is not performed using the employee list submitted as part of the Statement of Position.

Voter List: If an election is held in this matter, the employer must transmit to this office and to the other parties to the election, an alphabetized list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available home and personal cellular telephone numbers) of eligible voters. Usually, the list must be furnished within 2 business days of the issuance of the Decision and Direction of Election or approval of an election agreement. I am advising you of this requirement now, so that you will have ample time to prepare this list. The list must be electronically filed with the Region and served electronically on the other parties. To guard against potential abuse, this list may not be used for purposes other than the representation proceeding, NLRB proceedings arising from it or other related matters.

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.

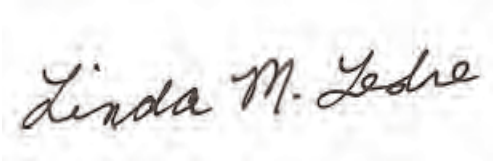
If someone contacts you about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the NLRB. Their knowledge regarding this matter was only obtained through access to information that must be made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

Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlrb.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determinations solely based on the documents and evidence properly submitted. All evidence

submitted electronically should be in the form in which 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 petition.

Information about the NLRB and our customer service standards is available on our website, www.nlrb.gov, or from an NLRB office upon your request. 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,



LINDA M. LESLIE
Acting Regional Director

Enclosures

1. Petition
2. Notice of Petition for Election (Form 5492)
3. Notice of Representation Hearing
4. Description of Procedures in Certification and Decertification Cases (Form 4812)
5. Statement of Position form and Commerce Questionnaire (Form 505)
6. Responsive Statement of Position (Form 506)

cc: David Lefrois, District Manager
Starbucks Corporation
4255 Genesee St.
Cheektowaga, NY 14225

Form NLRB-5492
(Rev: 12-2015)

National Labor Relations Board

NOTICE OF PETITION FOR ELECTION

This notice is to inform employees that Workers United Upstate has filed a petition with the National Labor Relations Board (NLRB), a Federal agency, in Case 03-RC-282139 seeking an election to become certified as the representative of the employees of Starbucks Corporation in the unit set forth below:

All full-time and regular part-time Baristas, Shift Supervisors, Asst. Store Managers. Excluded: Store Managers, office clericals, guards, and supervisors as defined by the Act.

This notice also provides you with information about your basic rights under the National Labor Relations Act, the processing of the petition, and rules to keep NLRB elections fair and honest.

YOU HAVE THE RIGHT under Federal Law

- **To self-organization**
- **To form, join, or assist labor organizations**
- **To bargain collectively through representatives of your own choosing**
- **To act together for the purposes of collective bargaining or other mutual aid or protection**
- **To refuse to do any or all of these things unless the union and employer, in a state where such agreements are permitted, enter into a lawful union-security agreement requiring employees to pay periodic dues and initiation fees. Nonmembers who inform the union that they object to the use of their payments for nonrepresentational purposes may be required to pay only their share of the union's costs of representational activities (such as collective bargaining, contract administration, and grievance adjustments).**

PROCESSING THIS PETITION

Elections do not necessarily occur in all cases after a petition is filed. NO FINAL DECISIONS HAVE BEEN MADE YET regarding the appropriateness of the proposed unit or whether an election will be held in this matter. If appropriate, the NLRB will first see if the parties will enter into an election agreement that specifies the method, date, time, and location of an election and the unit of employees eligible to vote. If the parties do not enter into an election agreement, usually a hearing is held to receive evidence on the appropriateness of the unit and other issues in dispute. After a hearing, an election may be directed by the NLRB, if appropriate.

IF AN ELECTION IS HELD, it will be conducted by the NLRB by secret ballot and Notices of Election will be posted before the election giving complete details for voting.

ELECTION RULES

The NLRB applies rules that are intended to keep its elections fair and honest and that result in a free choice. If agents of any party act in such a way as to interfere with your right to a free election, the election can be set aside by the NLRB. Where appropriate the NLRB provides other remedies, such as reinstatement for employees fired for exercising their rights, including backpay from the party responsible for their discharge.

The following are examples of conduct that interfere with employees' rights and may result in setting aside the election:

- **Threatening loss of jobs or benefits by an employer or a union**
- **Promising or granting promotions, pay raises, or other benefits, to influence an employee's vote by a party capable of carrying out such promises**
- **An employer firing employees to discourage or encourage union activity or a union causing them to be fired to encourage union activity**
- **Making campaign speeches to assembled groups of employees on company time, where attendance is mandatory, within the 24-hour period before the polls for the election first open or, if the election is conducted by mail, from the time and date the ballots are scheduled to be sent out by the Region until the time and date set for their return**
- **Incitement by either an employer or a union of racial or religious prejudice by inflammatory appeals**
- **Threatening physical force or violence to employees by a union or an employer to influence their votes**

Please be assured that IF AN ELECTION IS HELD, every effort will be made to protect your right to a free choice under the law. Improper conduct will not be permitted. All parties are expected to cooperate fully with the NLRB in maintaining basic principles of a fair election as required by law. The NLRB as an agency of the United States Government does not endorse any choice in the election.

For additional information about the processing of petitions, go to www.nlrb.gov or contact the NLRB at (716)551-4931.

THIS IS AN OFFICIAL GOVERNMENT NOTICE AND MUST NOT BE DEFACED BY ANYONE. IT MUST REMAIN POSTED WITH ALL PAGES SIMULTANEOUSLY VISIBLE UNTIL REPLACED BY THE NOTICE OF ELECTION OR THE PETITION IS DISMISSED OR WITHDRAWN.

National Labor Relations Board

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 3

Starbucks Corporation **Employer** **and** **Workers United Upstate** **Petitioner**	**Case 03-RC-282139**

NOTICE OF REPRESENTATION HEARING

The Petitioner filed the attached petition pursuant to Section 9(c) of the National Labor Relations Act. It appears that a question affecting commerce exists as to whether the employees in the unit described in the petition wish to be represented by a collective-bargaining representative as defined in Section 9(a) of the Act.

YOU ARE HEREBY NOTIFIED that, pursuant to Sections 3(b) and 9(c) of the Act, at 10:00 AM on **Monday, September 20, 2021** and on consecutive days thereafter until concluded, VIA Video Conference, a hearing will be conducted before a hearing officer of the National Labor Relations Board. At the hearing, the parties will have the right to appear in person or otherwise, and give testimony.

YOU ARE FURTHER NOTIFIED that, pursuant to Section 102.63(b) of the Board's Rules and Regulations, Starbucks Corporation must complete the Statement of Position and file it and all attachments with the Regional Director and serve it on the parties listed on the petition such that is received by them by no later than **noon** Eastern time on September 10, 2021**.** Following timely filing and service of a Statement of Position by Starbucks Corporation, the Petitioner must complete its Responsive Statement of Position(s) responding to the issues raised in the Employer's and/or Union's Statement of Position and file them and all attachments with the Regional Director and serve them on the parties named in the petition such they are received by them no later than **noon** Eastern on September 15, 2021.

Pursuant to Section 102.5 of the Board's Rules and Regulations, all documents filed in cases before the Agency must be filed by electronically submitting (E-Filing) through the Agency's website (www.nlrb.gov), unless the party filing the document does not have access to the means for filing electronically or filing electronically would impose an undue burden. Documents filed by means other than E-Filing must be accompanied by a statement explaining why the filing party does not have access to the means for filing electronically or filing electronically would impose an undue burden. Detailed instructions for using the NLRB's E-Filing system can be found in the E-Filing System User Guide

The Statement of Position and Responsive Statement of Position must be E-Filed but, unlike other E-Filed documents, must be filed by **noon** Eastern on the due date in order to be timely. If an election agreement is signed by all parties and returned to the Regional Office before the due date of the Statement of Position, the Statement of Position and Responsive Statement of Position are not required to be filed. If an election agreement is signed by all parties and returned to the Regional office after the due date of the Statement of Position but before the due date of the Responsive Statement of Position, the Responsive Statement of Position is not required to be filed.

Dated: August 30, 2021

/s/LINDA M. LESLIE

LINDA M. LESLIE
ACTING REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 03
130 S Elmwood Ave Ste 630
Buffalo, NY 14202-2465

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

Starbucks Corporation **Employer** **and** **Workers United Upstate** **Petitioner**	**Case 03-RC-282139**

AFFIDAVIT OF SERVICE OF: Petition dated August 30, 2021**, Notice of Representation Hearing dated** August 30, 2021**, Description of Procedures in Certification and Decertification Cases (Form NLRB-4812), Notice of Petition for Election, and Statement of Position Form (Form NLRB-505).**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on August 30, 2021, I served the above documents by electronic mail and regular mail upon the following persons, addressed to them at the following addresses:

Kevin Johnson
Starbucks Corporation
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August 30, 2021	LOUIS F PORTO, Designated Agent of NLRB
Date	Name
	/s/ LOUIS F PORTO
	Signature

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

DESCRIPTION OF REPRESENTATION CASE PROCEDURES IN CERTIFICATION AND DECERTIFICATION CASES

The National Labor Relations Act grants employees the right to bargain collectively through representatives of their own choosing and to refrain from such activity. A party may file an RC, RD or RM petition with the National Labor Relations Board (NLRB) to conduct a secret ballot election to determine whether a representative will represent, or continue to represent, a unit of employees. An **RC** petition is generally filed by a union that desires to be certified as the bargaining representative. An **RD** petition is filed by employees who seek to remove the currently recognized union as the bargaining representative. An **RM** petition is filed by an employer who seeks an election because one or more individuals or unions have sought recognition as the bargaining representative, or based on a reasonable belief supported by objective considerations that the currently recognized union has lost its majority status. This form generally describes representation case procedures in RC, RD and RM cases, also referred to as certification and decertification cases.

Right to be Represented – Any party to a case with the NLRB has the right to be represented by an attorney or other representative in any proceeding before the NLRB. A party wishing to have a representative appear on its behalf should have the representative complete a Notice of Appearance (Form NLRB-4701), and E-File it at www.nlrb.gov or forward it to the NLRB Regional Office handling the petition as soon as possible.

Filing and Service of Petition – A party filing an RC, RD or RM petition is required to serve a copy of its petition on the parties named in the petition along with this form and the Statement of Position form. The petitioner files the petition with the NLRB, together with (1) a certificate showing service of these documents on the other parties named in the petition, and (2) a showing of interest to support the petition. The showing of interest is not served on the other parties.

Notice of Hearing – After a petition in a certification or decertification case is filed with the NLRB, the NLRB reviews the petition, certificate of service, and the required showing of interest for sufficiency, assigns the petition a case number, and promptly sends letters to the parties notifying them of the Board agent who will be handling the case. In most cases, the letters include a Notice of Representation Hearing. Except in cases presenting unusually complex issues, this pre-election hearing is set for a date 14 business days (excluding weekends and federal holidays) from the date of service of the notice of hearing. Once the hearing begins, it will continue day to day until completed absent extraordinary circumstances. The Notice of Representation Hearing also sets the due date for filing and serving the Statement(s) of Position and the Responsive Statement of Position(s). Included with the Notice of Representation Hearing are the following: (1) copy of the petition, (2) this form, (3) Statement of Position for non-petitioning parties, (4) petitioner's Responsive Statement of Position, (5) Notice of Petition for Election, and (6) letter advising how to contact the Board agent who will be handling the case and discussing those documents.

Hearing Postponement: Requests to postpone the hearing are not routinely granted, but the regional director may postpone the hearing for good cause. A party wishing to request a postponement should make the request in writing and set forth in detail the grounds for the request. The request should include the positions of the other parties regarding the postponement. The request must be filed electronically ("E-Filed") on the Agency's website (www.nlrb.gov) by following the instructions on the website. A copy of the request must be served simultaneously on all the other parties, and that fact must be noted in the request.

Statement of Position Form and List(s) of Employees – The Statement of Position form solicits commerce and other information that will facilitate entry into election agreements or streamline the pre-election hearing if the parties are unable to enter into an election agreement. In an **RC** or **RD** case, as part of its Statement of Position form, the employer also provides a list of the full names, work locations, shifts, and job classifications of all individuals in the proposed unit. If the employer contends that the proposed unit is not appropriate, the employer must separately list the same information for all individuals that the employer contends must be added to the proposed unit to make it an appropriate unit, and must further indicate those individuals, if any, whom it believes must be excluded from the proposed unit to make it an appropriate unit. These lists must be alphabetized (overall or by department). Unless the employer certifies that it does not possess the capacity to produce the lists in the required form, the lists must be in a table in a Microsoft Word file (.doc or .docx) or a file that is compatible with Microsoft Word, the first column of the table must begin with each employee's last name, and the font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional

form for the list is provided on the NLRB website at www.nlrb.gov/sites/default/files/attachments/basic-page/node-4559/Optional Forms for Voter List.docx

Ordinarily the Statement of Position must be filed with the Regional Office and served on the other parties such that it is received by them by noon 8 business days from the issuance of the Notice of Hearing. The regional director may postpone the due date for filing and serving the Statement of Position for good cause. The Statement of Position form must be E-Filed but, unlike other E-Filed documents, will not be timely if filed on the due date but after noon in the time zone of the Region where the petition is filed. Consequences for failing to satisfy the Statement of Position requirement are discussed on the following page under the heading "Preclusion." A request to postpone the hearing will not automatically be treated as a request for an extension of the Statement of Position due date. If a party wishes to request both a postponement of the hearing and a postponement of the Statement of Position due date, the request must make that clear and must specify the reasons that postponements of both are sought.

Responsive Statement of Position – Petitioner's Responsive Statement(s) of Position solicits a response to the Statement(s) of Position filed by the other parties and further facilitates entry into election agreements or streamlines the preelection hearing. A petitioner must file a Responsive Statement of Position in response to each party's Statement of Position addressing each issue in each Statement of Position(s), if desired. In the case of an RM petition, the employer-petitioner must also provide commerce information and file and serve a list of the full names, work locations, shifts, and job classifications of all individuals in the proposed unit. Ordinarily, the Responsive Statement of Position must be electronically filed with the Regional Office and served on the other parties such that it is received by noon 3 business days prior to the hearing. The regional director may postpone the due date for filing and serving the Responsive Statement of Position for good cause. The Responsive Statement of Position form must be E-Filed but, unlike other E-Filed documents, will not be timely if filed on the due date but after noon in the time zone of the Region where the petition is filed. Consequences for failing to satisfy the Responsive Statement of Position requirement are discussed on the following page under the heading "Preclusion." A request to postpone the hearing will not automatically be treated as a request for an extension of the Responsive Statement of Position due date. If a party wishes to request both a postponement of the hearing and a Postponement of the Responsive Statement of Position due date, the request must make that clear and must specify the reasons that postponements of both are sought.

Posting and Distribution of Notice of Petition for Election – Within 5 business days after service of the notice of hearing, the employer must post the Notice of Petition for Election in conspicuous places, including all places where notices to employees are customarily posted, and must also distribute it electronically to the employees in the petitioned-for unit if the employer customarily communicates with these employees electronically. The employer must maintain the posting until the petition is dismissed or withdrawn, or the Notice of Petition for Election is replaced by the Notice of Election. The employer's failure properly to post or distribute the Notice of Petition for Election may be grounds for setting aside the election if proper and timely objections are filed.

Election Agreements – Elections can occur either by agreement of the parties or by direction of the regional director or the Board. Three types of agreements are available: (1) a Consent Election Agreement (Form NLRB-651); (2) a Stipulated Election Agreement (Form NLRB-652); and (3) a Full Consent Agreement (Form NLRB-5509). In the Consent Election Agreement and the Stipulated Election Agreement, the parties agree on an appropriate unit and the method, date, time, and place of a secret ballot election that will be conducted by an NLRB agent. In the Consent Agreement, the parties also agree that post-election matters (election objections or determinative challenged ballots) will be resolved with finality by the regional director; whereas in the Stipulated Election Agreement, the parties agree that they may request Board review of the regional director's post-election determinations. A Full Consent Agreement provides that the regional director will make final determinations regarding all pre-election and post-election issues.

Hearing Cancellation Based on Agreement of the Parties – The issuance of the Notice of Representation Hearing does not mean that the matter cannot be resolved by agreement of the parties. On the contrary, the NLRB encourages prompt voluntary adjustments and the Board agent assigned to the case will work with the parties to enter into an election agreement, so the parties can avoid the time and expense of participating in a hearing.

Hearing – A hearing will be held unless the parties enter into an election agreement approved by the regional director or the petition is dismissed or withdrawn.

***Purpose of Hearing*:** The primary purpose of a pre-election hearing is to determine if a question of representation exists. A question of representation exists if a proper petition has been filed concerning a unit

appropriate for the purpose of collective bargaining or, in the case of a decertification petition, concerning a unit in which a labor organization has been certified or is being currently recognized by the employer as the bargaining representative.

***Issues at Hearing*:** Issues that might be litigated at the pre-election hearing include: jurisdiction; labor organization status; bars to elections; unit appropriateness; expanding and contracting unit issues; inclusion of professional employees with nonprofessional employees; seasonal operation; potential mixed guard/non-guard unit; and eligibility formulas. At the hearing, the timely filed Statement of Position and Responsive Statement of Position(s) will be received into evidence. The hearing officer will not receive evidence concerning any issue as to which the parties have not taken adverse positions, except for evidence regarding the Board's jurisdiction over the employer and evidence concerning any issue, such as the appropriateness of the proposed unit, as to which the regional director determines that record evidence is necessary.

***Preclusion*:** At the hearing, a party will be precluded from raising any issue, presenting any evidence relating to any issue, cross-examining any witness concerning any issue, and presenting argument concerning any issue that the party failed to raise in its timely Statement of Position or Responsive Statement of Position(s) or to place in dispute in timely response to another party's Statement of Position or response, except that no party will be precluded from contesting or presenting evidence relevant to the Board's statutory jurisdiction to process the petition. Nor shall any party be precluded, on the grounds that a voter's eligibility or inclusion was not contested at the pre-election hearing, from challenging the eligibility of any voter during the election. If a party contends that the proposed unit is not appropriate in its Statement of Position but fails to specify the classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit, the party shall also be precluded from raising any issue as to the appropriateness of the unit, presenting any evidence relating to the appropriateness of the unit, cross examining any witness concerning the appropriateness of the unit, and presenting argument concerning the appropriateness of the unit. As set forth in §102.66(d) of the Board's rules, if the employer fails to timely furnish the lists of employees, the employer will be precluded from contesting the appropriateness of the proposed unit at any time and from contesting the eligibility or inclusion of any individuals at the pre-election hearing, including by presenting evidence or argument, or by cross-examination of witnesses.

***Conduct of Hearing*:** If held, the hearing is usually open to the public and will be conducted by a hearing officer of the NLRB. Any party has the right to appear at any hearing in person, by counsel, or by other representative, to call, examine, and cross-examine witnesses, and to introduce into the record evidence of the significant facts that support the party's contentions and are relevant to the existence of a question of representation. The hearing officer also has the power to call, examine, and cross-examine witnesses and to introduce into the record documentary and other evidence. Witnesses will be examined orally under oath. The rules of evidence prevailing in courts of law or equity shall not be controlling. Parties appearing at any hearing who have or whose witnesses have disabilities falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.503, and who in order to participate in this hearing need appropriate auxiliary aids, as defined in 29 C.F.R. 100.503, should notify the regional director as soon as possible and request the necessary assistance.

***Official Record*:** An official reporter will make the only official transcript of the proceedings and all citations in briefs or arguments must refer to the official record. (Copies of exhibits should be supplied to the hearing officer and other parties at the time the exhibit is offered in evidence.) All statements made at the hearing will be recorded by the official reporter while the hearing is on the record. If a party wishes to make off-the-record remarks, requests to make such remarks should be directed to the hearing officer and not to the official reporter. After the close of the hearing, any request for corrections to the record, either by stipulation or motion, should be forwarded to the regional director.

***Motions and Objections*:** All motions must be in writing unless stated orally on the record at the hearing and must briefly state the relief sought and the grounds for the motion. A copy of any motion must be served immediately on the other parties to the proceeding. Motions made during the hearing are filed with the hearing officer. All other motions are filed with the regional director, except that motions made after the transfer of the record to the Board are filed with the Board. If not E-Filed, an original and two copies of written motions shall be filed. Statements of reasons in support of motions or objections should be as concise as possible. Objections shall not be deemed waived by further participation in the hearing. On appropriate request, objections may be permitted to stand to an entire line of questioning. Automatic exceptions will be allowed to all adverse rulings.

***Election Details*:** Prior to the close of the hearing the hearing officer will: (1) solicit the parties' positions (but will not permit litigation) on the type, date(s), time(s), and location(s) of the election and the eligibility period; (2) solicit the name, address, email address, facsimile number, and phone number of the employer's on-site representative to whom the regional director should transmit the Notice of Election if an election is directed; (3) inform the parties that the regional director will issue a decision as soon as practicable and will immediately transmit the document to the parties and their designated representatives by email, facsimile, or by overnight mail (if neither an email address nor facsimile number was provided); and (4) inform the parties of their obligations if the director directs an election and of the time for complying with those obligations.

***Oral Argument and Briefs*:** Upon request, any party is entitled to a reasonable period at the close of the hearing for oral argument, which will be included in the official transcript of the hearing. At any time before the close of the hearing, any party may file a memorandum addressing relevant issues or points of law. Post-hearing briefs shall be due within 5 business days of the close of the hearing. The hearing officer may allow up to 10 additional business days for such briefs prior to the close of hearing and for good cause. If filed, copies of the memorandum or brief shall be served on all other parties to the proceeding and a statement of such service shall be filed with the memorandum or brief. No reply brief may be filed except upon special leave of the regional director. Briefs including electronic documents, filed with the Regional Director must be formatted as double-spaced in an 8½ by 11 inch format and must be e-filed through the Board's website, www.nlrb.gov.

Regional Director Decision - After the hearing, the regional director issues a decision directing an election, dismissing the petition or reopening the hearing. A request for review of the regional director's pre-election decision may be filed with the Board at any time after issuance of the decision until 10 business days after a final disposition of the proceeding by the regional director. Accordingly, a party need not file a request for review before the election in order to preserve its right to contest that decision after the election. Instead, a party can wait to see whether the election results have mooted the basis of an appeal. The Board will grant a request for review only where compelling reasons exist therefor.

Voter List – The employer must provide to the regional director and the parties named in the election agreement or direction of election a list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available home and personal cellular (''cell'') telephone numbers) of all eligible voters. (In construction industry elections, unless the parties stipulate to the contrary, also eligible to vote are all employees in the unit who either (1) were employed a total of 30 working days or more within the 12 months preceding the election eligibility date or (2) had some employment in the 12 months preceding the election eligibility date and were employed 45 working days or more within the 24 months immediately preceding the election eligibility date. However, employees meeting either of those criteria who were terminated for cause or who quit voluntarily prior to the completion of the last job for which they were employed, are not eligible.) The employer must also include in a separate section of the voter list the same information for those individuals whom the parties have agreed should be permitted to vote subject to challenge or those individuals who, according to the direction of election, will be permitted to vote subject to challenge. The list of names must be alphabetized (overall or by department) and be in the same Microsoft Word file (or Microsoft Word compatible file) format as the initial lists provided with the Statement of Position form unless the parties agree to a different format or the employer certifies that it does not possess the capacity to produce the list in the required form. When feasible, the list must be filed electronically with the regional director and served electronically on the other parties named in the agreement or direction. To be timely filed and served, the voter list must be received by the regional director and the parties named in the agreement or direction respectively within 2 business days after the approval of the agreement or issuance of the direction of elections unless a longer time is specified in the agreement or direction. A certificate of service on all parties must be filed with the regional director when the voter list is filed. The employer's failure to file or serve the list within the specified time or in proper format shall be grounds for setting aside the election whenever proper and timely objections are filed. The parties shall not use the list for purposes other than the representation proceeding, Board proceedings arising from it, and related matters.

Waiver of Time to Use Voter List – Under existing NLRB practice, an election is not ordinarily scheduled for a date earlier than 10 calendar days after the date when the employer must file the voter list with the Regional Office. However, the parties entitled to receive the voter list may waive all or part of the 10-day period by executing Form NLRB-4483. A waiver will not be effective unless all parties who are entitled to the list agree to waive the same number of days.

Election – Information about the election, requirements to post and distribute the Notice of Election, and possible proceedings after the election is available from the Regional Office and will be provided to the parties when the Notice of Election is sent to the parties.

Withdrawal or Dismissal – If it is determined that the NLRB does not have jurisdiction or that other criteria for proceeding to an election are not met, the petitioner is offered an opportunity to withdraw the petition. If the petitioner does not withdraw the petition, the regional director will dismiss the petition and advise the petitioner of the reason for the dismissal and of the right to appeal to the Board.

REVIEW THE FOLLOWING IMPORTANT INFORMATION BEFORE FILLING OUT A STATEMENT OF POSITION FORM

Completing and Filing this Form: The Notice of Hearing indicates which parties are responsible for completing the form. If you are required to complete the form, you must have it signed by an authorized representative and file a completed copy (including all attachments) with the RD and serve copies on all parties named in the petition by the date and time established for its submission. If more space is needed for your answers, additional pages may be attached. If you have questions about this form or would like assistance in filling out this form, please contact the Board agent assigned to handle this case. **You must EFile your Statement of Position at www.nlrb.gov, but unlike other e-Filed documents, it will *not* be timely if filed on the due date but after noon in the time zone of the Region where the petition was filed.**

> **Note:** ***Non-employer parties who complete this Statement of Position are NOT required to complete items 8f and 8g of the form, or to provide a commerce questionnaire or the lists described in item 7.***

Required Lists: The employer's Statement of Position must include a list of the full names, work locations, shifts, and job classifications of all individuals in the proposed unit as of the payroll period preceding the filing of the petition who remain employed at the time of filing. If the employer contends that the proposed unit is inappropriate, the employer must separately list the full names, work locations, shifts and job classifications of all individuals that it contends must be added to the proposed unit to make it an appropriate unit. The employer must also indicate those individuals, if any, whom it believes must be excluded from the proposed unit to make it an appropriate unit. These lists must be alphabetized (overall or by department). Unless the employer certifies that it does not possess the capacity to produce the lists in the required form, the lists must be in a table in a Microsoft Word file (.doc or .docx) or a file that is compatible with Microsoft Word, the first column of the table must begin with each employee's last name, and the font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional form for the list is provided on the NLRB website at **www.nlrb.gov/sites/default/files/attachments/basic-page/node-4559/Optional Forms for Voter List.docx**.

Consequences of Failure to Supply Information: Failure to supply the information requested by this form may preclude you from litigating issues under 102.66(d) of the Board's Rules and Regulations. Section 102.66(d) provides as follows:

> A party shall be precluded from raising any issue, presenting any evidence relating to any issue, cross-examining any witness concerning any issue, and presenting argument concerning any issue that the party failed to raise in its timely Statement of Position or to place in dispute in response to another party's Statement of Position or response, except that no party shall be precluded from contesting or presenting evidence relevant to the Board's statutory jurisdiction to process the petition. Nor shall any party be precluded, on the grounds that a voter's eligibility or inclusion was not contested at the pre-election hearing, from challenging the eligibility of any voter during the election. If a party contends that the proposed unit is not appropriate in its Statement of Position but fails to specify the classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit, the party shall also be precluded from raising any issue as to the appropriateness of the unit, presenting any evidence relating to the appropriateness of the unit, cross-examining any witness concerning the appropriateness of the unit, and presenting argument concerning the appropriateness of the unit. If the employer fails to timely furnish the lists of employees described in §§102.63(b)(1)(iii), (b)(2)(iii), or (b)(3)(iii), the employer shall be precluded from contesting the appropriateness of the proposed unit at any time and from contesting the eligibility or inclusion of any individuals at the pre-election hearing, including by presenting evidence or argument, or by cross-examination of witnesses.

FORM NLRB-505
(12-20)

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

STATEMENT OF POSITION

DO NOT WRITE IN THIS SPACE	
Case No.	Date Filed
03-RC-282139	August 30, 2021

INSTRUCTIONS: *Submit this Statement of Position to an NLRB Office in the Region in which the petition was filed and serve it and all attachments on each party named in the petition in this case such that it is received by them by the date and time specified in the notice of hearing.*
Note: *Non-employer parties who complete this form are NOT required to complete items 8f or 8g below or to provide a commerce questionnaire or the lists described in item 7.*

1a. Full name of party filing Statement of Position	1c. Business Phone:	1e. Fax No.:
1b. Address *(Street and number, city, state, and ZIP code)*	1d. Cell No.:	1f. e-Mail Address

2. Do you agree that the NLRB has jurisdiction over the Employer in this case? [ ] Yes [ ] No
(A completed commerce questionnaire (Attachment A) must be submitted by the Employer, regardless of whether jurisdiction is admitted)

3. Do you agree that the proposed unit is appropriate? [ ] Yes [ ] No *(If not, answer 3a and 3b)*

a. State the basis for your contention that the proposed unit is not appropriate. (*If you contend a classification should be excluded or included briefly explain why, such as shares a community of interest or are supervisors or guards)*

b. State any classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit.

Added	Excluded

4. Other than the individuals in classifications listed in 3b, list any individual(s) whose eligibility to vote you intend to contest at the pre-election hearing in this case and the basis for contesting their eligibility.

5. Is there a bar to conducting an election in this case? [ ] Yes [ ] No *If yes, state the basis for your position.*

6. Describe all other issues you intend to raise at the pre-election hearing.

7. The employer must provide the following lists which must be alphabetized (overall or by department) in the format specified at **www.nlrb.gov/sites/default/files/attachments/basic-page/node-4559/Optional Forms for Voter List.docx**.
(a) A list containing the full names, work locations, shifts and job classification of all individuals in the proposed unit as of the payroll period immediately preceding the filing of the petition who remain employed as of the date of the filing of the petition. (Attachment B)
(b) If the employer contends that the proposed unit is inappropriate the employer must provide (1) a separate list containing the full names, work locations, shifts and job classifications of all individuals that it contends must be *added* to the proposed unit, if any to make it an appropriate unit, (Attachment C) and (2) a list containing the full names of any individuals it contends must be *excluded* from the proposed unit to make it an appropriate unit. (Attachment D)

8a. State your position with respect to the details of any elec ion that may be conducted in this matter. Type: [ ] Manual [ ] Mail [ ] Mixed Manual/Mail

8b. Date(s)	8c. Time(s)	8d. Location(s)
8e. Eligibility Period (e.g. special eligibility formula)	8f. Last Payroll Period Ending Date	8g. Length of payroll period [ ] Weekly [ ]Biweekly [ ] Other *(specify length)*

9. Representative who will accept service of all papers for purposes of the representation proceeding

9a. Full name and title of authorized representative	9b. Signature of authorized representative	9c. Date
9d. Address *(Street and number, city, state, and ZIP code)*		9e. e-Mail Address
9f. Business Phone No.:	9g. Fax No.	9h. Cell No.

WILLFUL FALSE STATEMENTS ON THIS PETITION 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 Section 151 et seq The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation proceedings The routine uses for the information are fully set forth in the Federal Register, 71 Fed 74942-43 (December 13, 2006) The NLRB will further explain these uses upon request Failure to supply the information requested by this form may preclude you from litigating issues under 102 66(d) of the Board's Rules and Regulations and may cause the NLRB to refuse to further process a representation case or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court

FORM NLRB-5081
(3-11)

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
	03-RC-282139

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).*

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

8. NUMBER OF PEOPLE PRESENTLY EMPLOYED

A. TOTAL:	B. AT THE ADDRESS INVOLVED IN THIS MATTER:

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

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 representation and/or unfair labor practice proceedings 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 may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

REVIEW THE FOLLOWING IMPORTANT INFORMATION BEFORE FILLING OUT A RESPONSIVE STATEMENT OF POSITION FORM

Completing and Filing this Form: For **RC and RD petitions**, the Petitioner is required to complete this form in response to each timely filed and served Statement of Position filed by another party. For **RM petitions**, the Employer-Petitioner must complete a Responsive Statement of Position form and submit the list described below. In accordance with Section 102.63(b) of the Board's Rules, if you are required to complete the form, you must have it signed by an authorized representative, and file a completed copy with any necessary attachments, with this office and serve it on all parties named in the petition responding to the issues raised in another party's Statement of Position, such that it is received no later than noon three business days before the date of the hearing. A separate form must be completed for each timely filed and properly served Statement of Position you receive. If more space is needed for your answers, additional pages may be attached. If you have questions about this form or would like assistance in filling out this form, please contact the Board agent assigned to handle this case. **You must E-File your Responsive Statement of Position at www.NLRB.gov, but unlike other e-Filed documents, it will *not* be timely if filed on the due date but after noon in the time zone of the Region where the petition was filed. Note that if you are completing this form as a PDF downloaded from www.NLRB.gov, the form will lock upon signature and no further editing may be made.**

Required List: In addition to responding to the issues raised in another party's Statement of Position, if any, the Employer-Petitioner in an RM case is required to file and serve on the parties a list of the full names, work locations, shifts, and job classifications of all individuals in the proposed unit as of the payroll period preceding the filing of the petition who remain employed at the time of filing. This list must be alphabetized (overall or by department). Unless the employer certifies that it does not possess the capacity to produce the list in the required form, the list must be in a table in a Microsoft Word file (.doc or .docx) or a file that is compatible with Microsoft Word, the first column of the table must begin with each employee's last name, and the font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional form for the list is provided on the NLRB website at www.nlrb.gov/sites/default/files/attachments/basic-page/node-4559/Optional Forms for Voter List.docx

Consequences of Failure to Submit a Responsive Statement of Position: Failure to supply the information requested by this form may preclude you from litigating issues under 102.66(d) of the Board's Rules and Regulations. Section 102.66(d) provides as follows:

> A party shall be precluded from raising any issue, presenting any evidence relating to any issue, cross-examining any witness concerning any issue, and presenting argument concerning any issue that the party failed to raise in its timely Statement of Position or to place in dispute in response to another party's Statement of Position or response, except that no party shall be precluded from contesting or presenting evidence relevant to the Board's statutory jurisdiction to process the petition. Nor shall any party be precluded, on the grounds that a voter's eligibility or inclusion was not contested at the pre-election hearing, from challenging the eligibility of any voter during the election. If a party contends that the proposed unit is not appropriate in its Statement of Position but fails to specify the classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit, the party shall also be precluded from raising any issue as to the appropriateness of the unit, presenting any evidence relating to the appropriateness of the unit, cross-examining any witness concerning the appropriateness of the unit, and presenting argument concerning the appropriateness of the unit. If the employer fails to timely furnish the lists of employees described in §§102.63(b)(1)(iii), (b)(2)(iii), or (b)(3)(iii), the employer shall be precluded from contesting the appropriateness of the proposed unit at any time and from contesting the eligibility or inclusion of any individuals at the pre-election hearing, including by presenting evidence or argument, or by cross-examination of witnesses.

FORM NLRB-506
(12-20)

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

RESPONSIVE STATEMENT OF POSITION – RC, RD or RM PETITION

DO NOT WRITE IN THIS SPACE	
Case No.	Date Filed
03-RC-282139	August 30, 2021

INSTRUCTIONS: *If a party has submitted and served on you a timely Statement of Position to an RC, RD or RM petition, the Petitioner must submit this Responsive Statement of Position to an NLRB Office in the Region in which the petition was filed and serve it and any attachments on each party named in the petition in this case such that it is received by noon local time, three business days prior to the hearing date specified in the Notice of Hearing. A separate form must be completed for each timely filed and properly served Statement of Position received by the Petitioner. The Petitioner-Employer in a RM case is required to file this Responsive Statement of Position and include an appropriate employee list without regard to whether another party has filed a Statement of Position.*

This Responsive Statement of Position is filed by he Petitioner in response to a Statement of Position received from the following party:

The Employer	**An Intervenor/Union**

1a. Full Name of Party Filing Responsive Statement of Position

1c. Business Phone	1d. Cell No.	1e. Fax No.	1f. E-Mail Address

1b. Address (Street and Number, City, State, and ZIP Code)

2. Identify all issues raised in the other party's Statement of Position that you dispute and describe the basis of your dispute:

a. EMPLOYER NAME/IDENTITY [Box 1a of Statement of Position Form NLRB-505 and Questionnaire on Commerce Information]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

b. JURISDICTION [Box 2 of Statement of Position Form NLRB-505 and Questionnaire on Commerce Information]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

c. APPROPRIATENESS OF UNIT [Boxes 3, 3a and 3b of Statement of Position Form NLRB-505]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

d. INDIVIDUAL ELIGIBILITY [Box 4 of Statement of Position Form NLRB-505]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

e. BARS TO ELECTION [Box 5 of Statement of Position Form NLRB-505]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

f. ALL OTHER ISSUES [Box 6 of Statement of Position Form NLRB-505]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

g. ELECTION DETAILS [Boxes 8a, 8b, 8c, 8d, 8e, 8f, and 8g of Statement of Position Form NLRB-505]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

Full Name and Title of Authorized Representative	Signature of Authorized Representative	Date

WILLFUL FALSE STATEMENTS ON THIS PETITION 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. Section 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation proceedings. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. 74942-43 (December 13, 2006). The NLRB will further explain these uses upon request. Failure to supply the information requested by this form may preclude you from litigating issues under 102.66(d) of the Board's Rules and Regulations and may cause the NLRB to refuse to further process a representation case or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

Please fill all necessary fields on the form PRIOR to digitally signing. To make changes after the form has been signed, right-click on the signature field and click "clear signature." Once complete, please sign the form.

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 3
130 S Elmwood Ave Ste 630
Buffalo, NY 14202-2465

Agency Website: www.nlrb.gov
Telephone: (716)551-4931
Fax: (716)551-4972

Download
NLRB
Mobile App

August 30, 2021

URGENT

Workers United Upstate
2954 Main Street, Suite 556
Buffalo, NY 14214

Re: Starbucks Corporation
Case 03-RC-282139

Dear Sir or Madam:

The enclosed petition that you filed with the National Labor Relations Board (NLRB) has been assigned the above case number. This letter tells you how to contact the Board agent who will be handling this matter; explains your obligation to provide the originals of the showing of interest and the requirement that you complete and serve a Responsive Statement of Position form in response to each timely filed and served Statement(s) of Position; notifies you of a hearing; describes the employer's obligation to post and distribute a Notice of Petition for Election, complete a Statement of Position and provide a voter list; requests that you provide certain information; notifies you of your right to be represented; and discusses some of our procedures including how to submit documents to the NLRB.

Investigator: This petition will be investigated by Field Examiner Michael Dahlheimer whose telephone number is (716)398-7008. The Board agent will contact you shortly to discuss processing the petition. If you have any questions, please do not hesitate to call the Board agent. The Board agent may also contact you and the other party or parties to schedule a conference meeting or telephonic or video conference for some time before the close of business the day following receipt of the final Responsive Statement(s) of Position. This will give the parties sufficient time to determine if any issues can be resolved prior to hearing or if a hearing is necessary. If the agent is not available, you may contact Regional Director LINDA M. LESLIE whose telephone number is (716)398-7017. If appropriate, the NLRB attempts to schedule an election either by agreement of the parties or by holding a hearing and then directing an election.

Showing of Interest: If the Showing of Interest you provided in support of your petition was submitted electronically or by fax, the original documents which constitute the Showing of Interest containing handwritten signatures must be delivered to the Regional office within **2 business days**. If the originals are not received within that time the Region will dismiss your petition.

Notice of Hearing: Enclosed is a Notice of Representation Hearing to be conducted at **10:00 AM** on **Monday, September 20, 2021 VIA Video Conference**, if the parties do not voluntarily agree to an election. If a hearing is necessary, the hearing will run on consecutive

days until concluded unless the regional director concludes that extraordinary circumstances warrant otherwise. Before the hearing begins, we will continue to explore potential areas of agreement with the parties in order to reach an election agreement and to eliminate or limit the costs associated with formal hearings.

Upon request of a party showing good cause, the regional director may postpone the hearing. A party desiring a postponement should make the request to the regional director in writing, set forth in detail the grounds for the request, and include the positions of the other parties regarding the postponement. E-Filing the request is required. A copy of the request must be served simultaneously on all the other parties, and that fact must be noted in the request.

Posting and Distribution of Notice: The Employer must post the enclosed Notice of Petition for Election by September 6, 2021 in conspicuous places, including all places where notices to employees are customarily posted. If it customarily communicates electronically with its employees in the petitioned-for unit, it must also distribute the notice electronically to them. The Employer must maintain the posting until the petition is dismissed or withdrawn or this notice is replaced by the Notice of Election. Failure to post or distribute the notice may be grounds for setting aside the election if proper and timely objections are filed.

Statement of Position: In accordance with Section 102.63(b) of the Board's Rules, the Employer is required to complete the enclosed Statement of Position form, have it signed by an authorized representative, and file a completed copy with any necessary attachments, with this office and serve it on all parties named in the petition by **noon Eastern Time** on **2021-09-10.** The Statement of Position must include a list of the full names, work locations, shifts, and job classifications of all individuals in the proposed unit as of the payroll period preceding the filing of the petition who remain employed at the time of filing. If the Employer contends that the proposed unit is inappropriate, it must separately list the full names, work locations, shifts and job classifications of all individuals that it contends must be added to the proposed unit to make it an appropriate unit. The Employer must also indicate those individuals, if any, whom it believes must be excluded from the proposed unit to make it an appropriate unit.

Required Responsive Statement of Position (RSOP): In accordance with Section 102.63(b) of the Board's Rules, following timely filing and service of a Statement of Position, the petitioner is required to complete the enclosed Responsive Statement of Position form addressing issues raised in any Statement(s) of Position. The petitioner must file a complete, signed RSOP in response to all other parties' timely filed and served Statement of Position, with all required attachments, with this office and serve it on all parties named in the petition such that it is received by them by **noon Eastern Time** on **September 15, 2021.** This form solicits information that will facilitate entry into election agreements or streamline the pre-election hearing if the parties are unable to enter into an election agreement. **This form must be e-Filed, but unlike other e-Filed documents, will not be timely if filed on the due date but after noon Eastern Time.** If you have questions about this form or would like assistance in filling out this form, please contact the Board agent named above.

Failure to Supply Information: Failure to supply the information requested by the RSOP form may preclude you from litigating issues under Section 102.66(d) of the Board's Rules and Regulations. Section 102.66(d) provides as follows:

> A party shall be precluded from raising any issue, presenting any evidence relating to any issue, cross-examining any witness concerning any issue, and presenting argument concerning any issue that the party failed to raise in its timely Statement of Position or to place in dispute in response to another party's Statement of Position or response, except that no party shall be precluded from contesting or presenting evidence relevant to the Board's statutory jurisdiction to process the petition. Nor shall any party be precluded, on the grounds that a voter's eligibility or inclusion was not contested at the pre-election hearing, from challenging the eligibility of any voter during the election. If a party contends that the proposed unit is not appropriate in its Statement of Position but fails to specify the classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit, the party shall also be precluded from raising any issue as to the appropriateness of the unit, presenting any evidence relating to the appropriateness of the unit, cross-examining any witness concerning the appropriateness of the unit, and presenting argument concerning the appropriateness of the unit. If the employer fails to timely furnish the lists of employees described in §§ 102.63(b)(1)(iii), (b)(2)(iii), or (b)(3)(iii), the employer shall be precluded from contesting the appropriateness of the proposed unit at any time and from contesting the eligibility or inclusion of any individuals at the pre-election hearing, including by presenting evidence or argument, or by cross-examination of witnesses.

Voter List: If an election is held in this matter, the Employer must transmit to this office and to the other parties to the election, an alphabetized list of the full names and addresses of all eligible voters, including their shifts, job classifications, work locations, and other contact information including available personal email addresses and available personal home and cellular telephone numbers. Usually, the list must be furnished within 2 business days of the issuance of the Decision and Direction of Election or approval of an election agreement. The list must be electronically filed with the Region and served electronically on the other parties. To guard against potential abuse, this list may not be used for purposes other than the representation proceeding, NLRB proceedings arising from it or other related matters.

Under existing NLRB practice, an election is not ordinarily scheduled for a date earlier than 10 days after the date when the Employer must file the voter list with the Regional Office. However, a petitioner and/or union entitled to receive the voter list may waive all or part of the 10-day period by executing Form NLRB-4483, which is available on the NLRB's website or from an NLRB office. A waiver will not be effective unless all parties who are entitled to the voter list agree to waive the same number of days.

Information Needed Now: Please submit to this office, as soon as possible, the following information needed to handle this matter:

(a) The correct name of the Union as stated in its constitution or bylaws.

(b) A copy of any existing or recently expired collective-bargaining agreements, and any amendments or extensions, or any recognition agreements covering any employees in the petitioned-for unit.

(c) If potential voters will need notices or ballots translated into a language other than English, the names of those languages and dialects, if any.

(d) The name and contact information for any other labor organization (union) claiming to represent or have an interest in any of the employees in the petitioned-for unit and for any employer who may be a joint employer of the employees in the proposed unit. Failure to disclose the existence of an interested party may delay the processing of the petition.

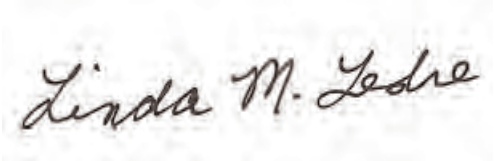
Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before the NLRB. In view of our policy of processing these cases expeditiously, if you wish to be represented, you should obtain representation promptly. Your representative must notify 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 someone contacts you 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 NLRB. Their knowledge regarding this matter was obtained only through access to information that must be made available to any member of the public under the Freedom of Information Act.

Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlrb.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determinations solely based on the documents and evidence properly submitted. All evidence submitted electronically should be in the form in which 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 petition.

Information about the NLRB and our customer service standards is available on our website, www.nlrb.gov, or from an NLRB office upon your request. 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,



LINDA M. LESLIE
Acting Regional Director

Enclosures

1. Petition
2. Notice of Petition for Election (Form 5492)
3. Notice of Representation Hearing
4. Description of Procedures in Certification and Decertification Cases (Form 4812)
5. Statement of Position form and Commerce Questionnaire (Form 505)
6. Responsive Statement of Position (Form 506)

cc: Ian Hayes, ESQ.
Creighton, Johnsen & Giroux
1103 Delaware Avenue
Buffalo, NY 14209

Form NLRB-5492
(Rev: 12-2015)

National Labor Relations Board

NOTICE OF PETITION FOR ELECTION

This notice is to inform employees that Workers United Upstate has filed a petition with the National Labor Relations Board (NLRB), a Federal agency, in Case 03-RC-282139 seeking an election to become certified as the representative of the employees of Starbucks Corporation in the unit set forth below:

All full-time and regular part-time Baristas, Shift Supervisors, Asst. Store Managers. Excluded: Store Managers, office clericals, guards, and supervisors as defined by the Act.

This notice also provides you with information about your basic rights under the National Labor Relations Act, the processing of the petition, and rules to keep NLRB elections fair and honest.

YOU HAVE THE RIGHT under Federal Law

- **To self-organization**
- **To form, join, or assist labor organizations**
- **To bargain collectively through representatives of your own choosing**
- **To act together for the purposes of collective bargaining or other mutual aid or protection**
- **To refuse to do any or all of these things unless the union and employer, in a state where such agreements are permitted, enter into a lawful union-security agreement requiring employees to pay periodic dues and initiation fees. Nonmembers who inform the union that they object to the use of their payments for nonrepresentational purposes may be required to pay only their share of the union's costs of representational activities (such as collective bargaining, contract administration, and grievance adjustments).**

PROCESSING THIS PETITION

Elections do not necessarily occur in all cases after a petition is filed. NO FINAL DECISIONS HAVE BEEN MADE YET regarding the appropriateness of the proposed unit or whether an election will be held in this matter. If appropriate, the NLRB will first see if the parties will enter into an election agreement that specifies the method, date, time, and location of an election and the unit of employees eligible to vote. If the parties do not enter into an election agreement, usually a hearing is held to receive evidence on the appropriateness of the unit and other issues in dispute. After a hearing, an election may be directed by the NLRB, if appropriate.

IF AN ELECTION IS HELD, it will be conducted by the NLRB by secret ballot and Notices of Election will be posted before the election giving complete details for voting.

ELECTION RULES

The NLRB applies rules that are intended to keep its elections fair and honest and that result in a free choice. If agents of any party act in such a way as to interfere with your right to a free election, the election can be set aside by the NLRB. Where appropriate the NLRB provides other remedies, such as reinstatement for employees fired for exercising their rights, including backpay from the party responsible for their discharge.

The following are examples of conduct that interfere with employees' rights and may result in setting aside the election:

- **Threatening loss of jobs or benefits by an employer or a union**
- **Promising or granting promotions, pay raises, or other benefits, to influence an employee's vote by a party capable of carrying out such promises**
- **An employer firing employees to discourage or encourage union activity or a union causing them to be fired to encourage union activity**
- **Making campaign speeches to assembled groups of employees on company time, where attendance is mandatory, within the 24-hour period before the polls for the election first open or, if the election is conducted by mail, from the time and date the ballots are scheduled to be sent out by the Region until the time and date set for their return**
- **Incitement by either an employer or a union of racial or religious prejudice by inflammatory appeals**
- **Threatening physical force or violence to employees by a union or an employer to influence their votes**

Please be assured that IF AN ELECTION IS HELD, every effort will be made to protect your right to a free choice under the law. Improper conduct will not be permitted. All parties are expected to cooperate fully with the NLRB in maintaining basic principles of a fair election as required by law. The NLRB as an agency of the United States Government does not endorse any choice in the election.

For additional information about the processing of petitions, go to www.nlrb.gov or contact the NLRB at (716)551-4931.

THIS IS AN OFFICIAL GOVERNMENT NOTICE AND MUST NOT BE DEFACED BY ANYONE. IT MUST REMAIN POSTED WITH ALL PAGES SIMULTANEOUSLY VISIBLE UNTIL REPLACED BY THE NOTICE OF ELECTION OR THE PETITION IS DISMISSED OR WITHDRAWN.

National Labor Relations Board

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 3

Starbucks Corporation **Employer** **and** **Workers United Upstate** **Petitioner**	**Case 03-RC-282139**

NOTICE OF REPRESENTATION HEARING

The Petitioner filed the attached petition pursuant to Section 9(c) of the National Labor Relations Act. It appears that a question affecting commerce exists as to whether the employees in the unit described in the petition wish to be represented by a collective-bargaining representative as defined in Section 9(a) of the Act.

YOU ARE HEREBY NOTIFIED that, pursuant to Sections 3(b) and 9(c) of the Act, at 10:00 AM on **Monday, September 20, 2021** and on consecutive days thereafter until concluded, VIA Video Conference, a hearing will be conducted before a hearing officer of the National Labor Relations Board. At the hearing, the parties will have the right to appear in person or otherwise, and give testimony.

YOU ARE FURTHER NOTIFIED that, pursuant to Section 102.63(b) of the Board's Rules and Regulations, Starbucks Corporation must complete the Statement of Position and file it and all attachments with the Regional Director and serve it on the parties listed on the petition such that is received by them by no later than **noon** Eastern time on September 10, 2021**.** Following timely filing and service of a Statement of Position by Starbucks Corporation, the Petitioner must complete its Responsive Statement of Position(s) responding to the issues raised in the Employer's and/or Union's Statement of Position and file them and all attachments with the Regional Director and serve them on the parties named in the petition such they are received by them no later than **noon** Eastern on September 15, 2021.

Pursuant to Section 102.5 of the Board's Rules and Regulations, all documents filed in cases before the Agency must be filed by electronically submitting (E-Filing) through the Agency's website (www.nlrb.gov), unless the party filing the document does not have access to the means for filing electronically or filing electronically would impose an undue burden. Documents filed by means other than E-Filing must be accompanied by a statement explaining why the filing party does not have access to the means for filing electronically or filing electronically would impose an undue burden. Detailed instructions for using the NLRB's E-Filing system can be found in the E-Filing System User Guide

The Statement of Position and Responsive Statement of Position must be E-Filed but, unlike other E-Filed documents, must be filed by **noon** Eastern on the due date in order to be timely. If an election agreement is signed by all parties and returned to the Regional Office before the due date of the Statement of Position, the Statement of Position and Responsive Statement of Position are not required to be filed. If an election agreement is signed by all parties and returned to the Regional office after the due date of the Statement of Position but before the due date of the Responsive Statement of Position, the Responsive Statement of Position is not required to be filed.

Dated: August 30, 2021

/s/LINDA M. LESLIE

LINDA M. LESLIE
ACTING REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 03
130 S Elmwood Ave Ste 630
Buffalo, NY 14202-2465

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

Starbucks Corporation **Employer** **and** **Workers United Upstate** **Petitioner**	**Case 03-RC-282139**

AFFIDAVIT OF SERVICE OF: Petition dated August 30, 2021**, Notice of Representation Hearing dated** August 30, 2021**, Description of Procedures in Certification and Decertification Cases (Form NLRB-4812), Notice of Petition for Election, and Statement of Position Form (Form NLRB-505).**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on August 30, 2021, I served the above documents by electronic mail and regular mail upon the following persons, addressed to them at the following addresses:

Kevin Johnson
Starbucks Corporation
4255 Genesee St.
Cheektowaga, NY 14225
kevin.johnson@starbucks.com

David Lefrois, District Manager
Starbucks Corporation
4255 Genesee St.
Cheektowaga, NY 14225
dlefrois@starbucks.com

Ian Hayes, ESQ.
Creighton, Johnsen & Giroux
1103 Delaware Avenue
Buffalo, NY 14209
ihayes@cpjglaborlaw.com
Fax: (716)854-0004

Workers United Upstate
2954 Main Street, Suite 556
Buffalo, NY 14214

August 30, 2021	LOUIS F PORTO, Designated Agent of NLRB
Date	Name
	/s/ LOUIS F PORTO
	Signature

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

DESCRIPTION OF REPRESENTATION CASE PROCEDURES IN CERTIFICATION AND DECERTIFICATION CASES

The National Labor Relations Act grants employees the right to bargain collectively through representatives of their own choosing and to refrain from such activity. A party may file an RC, RD or RM petition with the National Labor Relations Board (NLRB) to conduct a secret ballot election to determine whether a representative will represent, or continue to represent, a unit of employees. An **RC** petition is generally filed by a union that desires to be certified as the bargaining representative. An **RD** petition is filed by employees who seek to remove the currently recognized union as the bargaining representative. An **RM** petition is filed by an employer who seeks an election because one or more individuals or unions have sought recognition as the bargaining representative, or based on a reasonable belief supported by objective considerations that the currently recognized union has lost its majority status. This form generally describes representation case procedures in RC, RD and RM cases, also referred to as certification and decertification cases.

Right to be Represented – Any party to a case with the NLRB has the right to be represented by an attorney or other representative in any proceeding before the NLRB. A party wishing to have a representative appear on its behalf should have the representative complete a Notice of Appearance (Form NLRB-4701), and E-File it at www.nlrb.gov or forward it to the NLRB Regional Office handling the petition as soon as possible.

Filing and Service of Petition – A party filing an RC, RD or RM petition is required to serve a copy of its petition on the parties named in the petition along with this form and the Statement of Position form. The petitioner files the petition with the NLRB, together with (1) a certificate showing service of these documents on the other parties named in the petition, and (2) a showing of interest to support the petition. The showing of interest is not served on the other parties.

Notice of Hearing – After a petition in a certification or decertification case is filed with the NLRB, the NLRB reviews the petition, certificate of service, and the required showing of interest for sufficiency, assigns the petition a case number, and promptly sends letters to the parties notifying them of the Board agent who will be handling the case. In most cases, the letters include a Notice of Representation Hearing. Except in cases presenting unusually complex issues, this pre-election hearing is set for a date 14 business days (excluding weekends and federal holidays) from the date of service of the notice of hearing. Once the hearing begins, it will continue day to day until completed absent extraordinary circumstances. The Notice of Representation Hearing also sets the due date for filing and serving the Statement(s) of Position and the Responsive Statement of Position(s). Included with the Notice of Representation Hearing are the following: (1) copy of the petition, (2) this form, (3) Statement of Position for non-petitioning parties, (4) petitioner's Responsive Statement of Position, (5) Notice of Petition for Election, and (6) letter advising how to contact the Board agent who will be handling the case and discussing those documents.

Hearing Postponement: Requests to postpone the hearing are not routinely granted, but the regional director may postpone the hearing for good cause. A party wishing to request a postponement should make the request in writing and set forth in detail the grounds for the request. The request should include the positions of the other parties regarding the postponement. The request must be filed electronically ("E-Filed") on the Agency's website (www.nlrb.gov) by following the instructions on the website. A copy of the request must be served simultaneously on all the other parties, and that fact must be noted in the request.

Statement of Position Form and List(s) of Employees – The Statement of Position form solicits commerce and other information that will facilitate entry into election agreements or streamline the pre-election hearing if the parties are unable to enter into an election agreement. In an **RC** or **RD** case, as part of its Statement of Position form, the employer also provides a list of the full names, work locations, shifts, and job classifications of all individuals in the proposed unit. If the employer contends that the proposed unit is not appropriate, the employer must separately list the same information for all individuals that the employer contends must be added to the proposed unit to make it an appropriate unit, and must further indicate those individuals, if any, whom it believes must be excluded from the proposed unit to make it an appropriate unit. These lists must be alphabetized (overall or by department). Unless the employer certifies that it does not possess the capacity to produce the lists in the required form, the lists must be in a table in a Microsoft Word file (.doc or .docx) or a file that is compatible with Microsoft Word, the first column of the table must begin with each employee's last name, and the font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional

form for the list is provided on the NLRB website at www.nlrb.gov/sites/default/files/attachments/basic-page/node-4559/Optional Forms for Voter List.docx

Ordinarily the Statement of Position must be filed with the Regional Office and served on the other parties such that it is received by them by noon 8 business days from the issuance of the Notice of Hearing. The regional director may postpone the due date for filing and serving the Statement of Position for good cause. The Statement of Position form must be E-Filed but, unlike other E-Filed documents, will not be timely if filed on the due date but after noon in the time zone of the Region where the petition is filed. Consequences for failing to satisfy the Statement of Position requirement are discussed on the following page under the heading "Preclusion." A request to postpone the hearing will not automatically be treated as a request for an extension of the Statement of Position due date. If a party wishes to request both a postponement of the hearing and a postponement of the Statement of Position due date, the request must make that clear and must specify the reasons that postponements of both are sought.

Responsive Statement of Position – Petitioner's Responsive Statement(s) of Position solicits a response to the Statement(s) of Position filed by the other parties and further facilitates entry into election agreements or streamlines the preelection hearing. A petitioner must file a Responsive Statement of Position in response to each party's Statement of Position addressing each issue in each Statement of Position(s), if desired. In the case of an RM petition, the employer-petitioner must also provide commerce information and file and serve a list of the full names, work locations, shifts, and job classifications of all individuals in the proposed unit. Ordinarily, the Responsive Statement of Position must be electronically filed with the Regional Office and served on the other parties such that it is received by noon 3 business days prior to the hearing. The regional director may postpone the due date for filing and serving the Responsive Statement of Position for good cause. The Responsive Statement of Position form must be E-Filed but, unlike other E-Filed documents, will not be timely if filed on the due date but after noon in the time zone of the Region where the petition is filed. Consequences for failing to satisfy the Responsive Statement of Position requirement are discussed on the following page under the heading "Preclusion." A request to postpone the hearing will not automatically be treated as a request for an extension of the Responsive Statement of Position due date. If a party wishes to request both a postponement of the hearing and a Postponement of the Responsive Statement of Position due date, the request must make that clear and must specify the reasons that postponements of both are sought.

Posting and Distribution of Notice of Petition for Election – Within 5 business days after service of the notice of hearing, the employer must post the Notice of Petition for Election in conspicuous places, including all places where notices to employees are customarily posted, and must also distribute it electronically to the employees in the petitioned-for unit if the employer customarily communicates with these employees electronically. The employer must maintain the posting until the petition is dismissed or withdrawn, or the Notice of Petition for Election is replaced by the Notice of Election. The employer's failure properly to post or distribute the Notice of Petition for Election may be grounds for setting aside the election if proper and timely objections are filed.

Election Agreements – Elections can occur either by agreement of the parties or by direction of the regional director or the Board. Three types of agreements are available: (1) a Consent Election Agreement (Form NLRB-651); (2) a Stipulated Election Agreement (Form NLRB-652); and (3) a Full Consent Agreement (Form NLRB-5509). In the Consent Election Agreement and the Stipulated Election Agreement, the parties agree on an appropriate unit and the method, date, time, and place of a secret ballot election that will be conducted by an NLRB agent. In the Consent Agreement, the parties also agree that post-election matters (election objections or determinative challenged ballots) will be resolved with finality by the regional director; whereas in the Stipulated Election Agreement, the parties agree that they may request Board review of the regional director's post-election determinations. A Full Consent Agreement provides that the regional director will make final determinations regarding all pre-election and post-election issues.

Hearing Cancellation Based on Agreement of the Parties – The issuance of the Notice of Representation Hearing does not mean that the matter cannot be resolved by agreement of the parties. On the contrary, the NLRB encourages prompt voluntary adjustments and the Board agent assigned to the case will work with the parties to enter into an election agreement, so the parties can avoid the time and expense of participating in a hearing.

Hearing – A hearing will be held unless the parties enter into an election agreement approved by the regional director or the petition is dismissed or withdrawn.

***Purpose of Hearing*:** The primary purpose of a pre-election hearing is to determine if a question of representation exists. A question of representation exists if a proper petition has been filed concerning a unit

appropriate for the purpose of collective bargaining or, in the case of a decertification petition, concerning a unit in which a labor organization has been certified or is being currently recognized by the employer as the bargaining representative.

***Issues at Hearing*:** Issues that might be litigated at the pre-election hearing include: jurisdiction; labor organization status; bars to elections; unit appropriateness; expanding and contracting unit issues; inclusion of professional employees with nonprofessional employees; seasonal operation; potential mixed guard/non-guard unit; and eligibility formulas. At the hearing, the timely filed Statement of Position and Responsive Statement of Position(s) will be received into evidence. The hearing officer will not receive evidence concerning any issue as to which the parties have not taken adverse positions, except for evidence regarding the Board's jurisdiction over the employer and evidence concerning any issue, such as the appropriateness of the proposed unit, as to which the regional director determines that record evidence is necessary.

***Preclusion*:** At the hearing, a party will be precluded from raising any issue, presenting any evidence relating to any issue, cross-examining any witness concerning any issue, and presenting argument concerning any issue that the party failed to raise in its timely Statement of Position or Responsive Statement of Position(s) or to place in dispute in timely response to another party's Statement of Position or response, except that no party will be precluded from contesting or presenting evidence relevant to the Board's statutory jurisdiction to process the petition. Nor shall any party be precluded, on the grounds that a voter's eligibility or inclusion was not contested at the pre-election hearing, from challenging the eligibility of any voter during the election. If a party contends that the proposed unit is not appropriate in its Statement of Position but fails to specify the classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit, the party shall also be precluded from raising any issue as to the appropriateness of the unit, presenting any evidence relating to the appropriateness of the unit, cross examining any witness concerning the appropriateness of the unit, and presenting argument concerning the appropriateness of the unit. As set forth in §102.66(d) of the Board's rules, if the employer fails to timely furnish the lists of employees, the employer will be precluded from contesting the appropriateness of the proposed unit at any time and from contesting the eligibility or inclusion of any individuals at the pre-election hearing, including by presenting evidence or argument, or by cross-examination of witnesses.

***Conduct of Hearing*:** If held, the hearing is usually open to the public and will be conducted by a hearing officer of the NLRB. Any party has the right to appear at any hearing in person, by counsel, or by other representative, to call, examine, and cross-examine witnesses, and to introduce into the record evidence of the significant facts that support the party's contentions and are relevant to the existence of a question of representation. The hearing officer also has the power to call, examine, and cross-examine witnesses and to introduce into the record documentary and other evidence. Witnesses will be examined orally under oath. The rules of evidence prevailing in courts of law or equity shall not be controlling. Parties appearing at any hearing who have or whose witnesses have disabilities falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.503, and who in order to participate in this hearing need appropriate auxiliary aids, as defined in 29 C.F.R. 100.503, should notify the regional director as soon as possible and request the necessary assistance.

***Official Record*:** An official reporter will make the only official transcript of the proceedings and all citations in briefs or arguments must refer to the official record. (Copies of exhibits should be supplied to the hearing officer and other parties at the time the exhibit is offered in evidence.) All statements made at the hearing will be recorded by the official reporter while the hearing is on the record. If a party wishes to make off-the-record remarks, requests to make such remarks should be directed to the hearing officer and not to the official reporter. After the close of the hearing, any request for corrections to the record, either by stipulation or motion, should be forwarded to the regional director.

***Motions and Objections*:** All motions must be in writing unless stated orally on the record at the hearing and must briefly state the relief sought and the grounds for the motion. A copy of any motion must be served immediately on the other parties to the proceeding. Motions made during the hearing are filed with the hearing officer. All other motions are filed with the regional director, except that motions made after the transfer of the record to the Board are filed with the Board. If not E-Filed, an original and two copies of written motions shall be filed. Statements of reasons in support of motions or objections should be as concise as possible. Objections shall not be deemed waived by further participation in the hearing. On appropriate request, objections may be permitted to stand to an entire line of questioning. Automatic exceptions will be allowed to all adverse rulings.

***Election Details*:** Prior to the close of the hearing the hearing officer will: (1) solicit the parties' positions (but will not permit litigation) on the type, date(s), time(s), and location(s) of the election and the eligibility period; (2) solicit the name, address, email address, facsimile number, and phone number of the employer's on-site representative to whom the regional director should transmit the Notice of Election if an election is directed; (3) inform the parties that the regional director will issue a decision as soon as practicable and will immediately transmit the document to the parties and their designated representatives by email, facsimile, or by overnight mail (if neither an email address nor facsimile number was provided); and (4) inform the parties of their obligations if the director directs an election and of the time for complying with those obligations.

***Oral Argument and Briefs*:** Upon request, any party is entitled to a reasonable period at the close of the hearing for oral argument, which will be included in the official transcript of the hearing. At any time before the close of the hearing, any party may file a memorandum addressing relevant issues or points of law. Post-hearing briefs shall be due within 5 business days of the close of the hearing. The hearing officer may allow up to 10 additional business days for such briefs prior to the close of hearing and for good cause. If filed, copies of the memorandum or brief shall be served on all other parties to the proceeding and a statement of such service shall be filed with the memorandum or brief. No reply brief may be filed except upon special leave of the regional director. Briefs including electronic documents, filed with the Regional Director must be formatted as double-spaced in an 8½ by 11 inch format and must be e-filed through the Board's website, www.nlrb.gov.

Regional Director Decision - After the hearing, the regional director issues a decision directing an election, dismissing the petition or reopening the hearing. A request for review of the regional director's pre-election decision may be filed with the Board at any time after issuance of the decision until 10 business days after a final disposition of the proceeding by the regional director. Accordingly, a party need not file a request for review before the election in order to preserve its right to contest that decision after the election. Instead, a party can wait to see whether the election results have mooted the basis of an appeal. The Board will grant a request for review only where compelling reasons exist therefor.

Voter List – The employer must provide to the regional director and the parties named in the election agreement or direction of election a list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available home and personal cellular (''cell'') telephone numbers) of all eligible voters. (In construction industry elections, unless the parties stipulate to the contrary, also eligible to vote are all employees in the unit who either (1) were employed a total of 30 working days or more within the 12 months preceding the election eligibility date or (2) had some employment in the 12 months preceding the election eligibility date and were employed 45 working days or more within the 24 months immediately preceding the election eligibility date. However, employees meeting either of those criteria who were terminated for cause or who quit voluntarily prior to the completion of the last job for which they were employed, are not eligible.) The employer must also include in a separate section of the voter list the same information for those individuals whom the parties have agreed should be permitted to vote subject to challenge or those individuals who, according to the direction of election, will be permitted to vote subject to challenge. The list of names must be alphabetized (overall or by department) and be in the same Microsoft Word file (or Microsoft Word compatible file) format as the initial lists provided with the Statement of Position form unless the parties agree to a different format or the employer certifies that it does not possess the capacity to produce the list in the required form. When feasible, the list must be filed electronically with the regional director and served electronically on the other parties named in the agreement or direction. To be timely filed and served, the voter list must be received by the regional director and the parties named in the agreement or direction respectively within 2 business days after the approval of the agreement or issuance of the direction of elections unless a longer time is specified in the agreement or direction. A certificate of service on all parties must be filed with the regional director when the voter list is filed. The employer's failure to file or serve the list within the specified time or in proper format shall be grounds for setting aside the election whenever proper and timely objections are filed. The parties shall not use the list for purposes other than the representation proceeding, Board proceedings arising from it, and related matters.

Waiver of Time to Use Voter List – Under existing NLRB practice, an election is not ordinarily scheduled for a date earlier than 10 calendar days after the date when the employer must file the voter list with the Regional Office. However, the parties entitled to receive the voter list may waive all or part of the 10-day period by executing Form NLRB-4483. A waiver will not be effective unless all parties who are entitled to the list agree to waive the same number of days.

Election – Information about the election, requirements to post and distribute the Notice of Election, and possible proceedings after the election is available from the Regional Office and will be provided to the parties when the Notice of Election is sent to the parties.

Withdrawal or Dismissal – If it is determined that the NLRB does not have jurisdiction or that other criteria for proceeding to an election are not met, the petitioner is offered an opportunity to withdraw the petition. If the petitioner does not withdraw the petition, the regional director will dismiss the petition and advise the petitioner of the reason for the dismissal and of the right to appeal to the Board.

REVIEW THE FOLLOWING IMPORTANT INFORMATION BEFORE FILLING OUT A STATEMENT OF POSITION FORM

Completing and Filing this Form: The Notice of Hearing indicates which parties are responsible for completing the form. If you are required to complete the form, you must have it signed by an authorized representative and file a completed copy (including all attachments) with the RD and serve copies on all parties named in the petition by the date and time established for its submission. If more space is needed for your answers, additional pages may be attached. If you have questions about this form or would like assistance in filling out this form, please contact the Board agent assigned to handle this case. **You must EFile your Statement of Position at www.nlrb.gov, but unlike other e-Filed documents, it will *not* be timely if filed on the due date but after noon in the time zone of the Region where the petition was filed.**

> **Note:** ***Non-employer parties who complete this Statement of Position are NOT required to complete items 8f and 8g of the form, or to provide a commerce questionnaire or the lists described in item 7.***

Required Lists: The employer's Statement of Position must include a list of the full names, work locations, shifts, and job classifications of all individuals in the proposed unit as of the payroll period preceding the filing of the petition who remain employed at the time of filing. If the employer contends that the proposed unit is inappropriate, the employer must separately list the full names, work locations, shifts and job classifications of all individuals that it contends must be added to the proposed unit to make it an appropriate unit. The employer must also indicate those individuals, if any, whom it believes must be excluded from the proposed unit to make it an appropriate unit. These lists must be alphabetized (overall or by department). Unless the employer certifies that it does not possess the capacity to produce the lists in the required form, the lists must be in a table in a Microsoft Word file (.doc or .docx) or a file that is compatible with Microsoft Word, the first column of the table must begin with each employee's last name, and the font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional form for the list is provided on the NLRB website at **www.nlrb.gov/sites/default/files/attachments/basic-page/node-4559/Optional Forms for Voter List.docx**.

Consequences of Failure to Supply Information: Failure to supply the information requested by this form may preclude you from litigating issues under 102.66(d) of the Board's Rules and Regulations. Section 102.66(d) provides as follows:

> A party shall be precluded from raising any issue, presenting any evidence relating to any issue, cross-examining any witness concerning any issue, and presenting argument concerning any issue that the party failed to raise in its timely Statement of Position or to place in dispute in response to another party's Statement of Position or response, except that no party shall be precluded from contesting or presenting evidence relevant to the Board's statutory jurisdiction to process the petition. Nor shall any party be precluded, on the grounds that a voter's eligibility or inclusion was not contested at the pre-election hearing, from challenging the eligibility of any voter during the election. If a party contends that the proposed unit is not appropriate in its Statement of Position but fails to specify the classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit, the party shall also be precluded from raising any issue as to the appropriateness of the unit, presenting any evidence relating to the appropriateness of the unit, cross-examining any witness concerning the appropriateness of the unit, and presenting argument concerning the appropriateness of the unit. If the employer fails to timely furnish the lists of employees described in §§102.63(b)(1)(iii), (b)(2)(iii), or (b)(3)(iii), the employer shall be precluded from contesting the appropriateness of the proposed unit at any time and from contesting the eligibility or inclusion of any individuals at the pre-election hearing, including by presenting evidence or argument, or by cross-examination of witnesses.

FORM NLRB-505
(12-20)

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

STATEMENT OF POSITION

DO NOT WRITE IN THIS SPACE	
Case No.	Date Filed
03-RC-282139	August 30, 2021

INSTRUCTIONS: *Submit this Statement of Position to an NLRB Office in the Region in which the petition was filed and serve it and all attachments on each party named in the petition in this case such that it is received by them by the date and time specified in the notice of hearing.*
Note: *Non-employer parties who complete this form are NOT required to complete items 8f or 8g below or to provide a commerce questionnaire or the lists described in item 7.*

1a. Full name of party filing Statement of Position	1c. Business Phone:	1e. Fax No.:
1b. Address *(Street and number, city, state, and ZIP code)*	1d. Cell No.:	1f. e-Mail Address

2. Do you agree that the NLRB has jurisdiction over the Employer in this case? [ ] Yes [ ] No
(A completed commerce questionnaire (Attachment A) must be submitted by the Employer, regardless of whether jurisdiction is admitted)

3. Do you agree that the proposed unit is appropriate? [ ] Yes [ ] No *(If not, answer 3a and 3b)*

a. State the basis for your contention that the proposed unit is not appropriate. (*If you contend a classification should be excluded or included briefly explain why, such as shares a community of interest or are supervisors or guards)*

b. State any classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit.

Added	Excluded

4. Other than the individuals in classifications listed in 3b, list any individual(s) whose eligibility to vote you intend to contest at the pre-election hearing in this case and the basis for contesting their eligibility.

5. Is there a bar to conducting an election in this case? [ ] Yes [ ] No *If yes, state the basis for your position.*

6. Describe all other issues you intend to raise at the pre-election hearing.

7. The employer must provide the following lists which must be alphabetized (overall or by department) in the format specified at **www.nlrb.gov/sites/default/files/attachments/basic-page/node-4559/Optional Forms for Voter List.docx**.
(a) A list containing the full names, work locations, shifts and job classification of all individuals in the proposed unit as of the payroll period immediately preceding the filing of the petition who remain employed as of the date of the filing of the petition. (Attachment B)
(b) If the employer contends that the proposed unit is inappropriate the employer must provide (1) a separate list containing the full names, work locations, shifts and job classifications of all individuals that it contends must be *added* to the proposed unit, if any to make it an appropriate unit, (Attachment C) and (2) a list containing the full names of any individuals it contends must be *excluded* from the proposed unit to make it an appropriate unit. (Attachment D)

8a. State your position with respect to the details of any elec ion that may be conducted in this matter. Type: [ ] Manual [ ] Mail [ ] Mixed Manual/Mail

8b. Date(s)	8c. Time(s)	8d. Location(s)
8e. Eligibility Period (e.g. special eligibility formula)	8f. Last Payroll Period Ending Date	8g. Length of payroll period [ ] Weekly [ ]Biweekly [ ] Other *(specify length)*

9. Representative who will accept service of all papers for purposes of the representation proceeding

9a. Full name and title of authorized representative	9b. Signature of authorized representative	9c. Date
9d. Address *(Street and number, city, state, and ZIP code)*		9e. e-Mail Address
9f. Business Phone No.:	9g. Fax No.	9h. Cell No.

WILLFUL FALSE STATEMENTS ON THIS PETITION 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 Section 151 et seq The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation proceedings The routine uses for the information are fully set forth in the Federal Register, 71 Fed 74942-43 (December 13, 2006) The NLRB will further explain these uses upon request Failure to supply the information requested by this form may preclude you from litigating issues under 102 66(d) of the Board's Rules and Regulations and may cause the NLRB to refuse to further process a representation case or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court

FORM NLRB-5081
(3-11)

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
	03-RC-282139

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).*

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

8. NUMBER OF PEOPLE PRESENTLY EMPLOYED

A. TOTAL:	B. AT THE ADDRESS INVOLVED IN THIS MATTER:

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

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 representation and/or unfair labor practice proceedings 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 may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

REVIEW THE FOLLOWING IMPORTANT INFORMATION BEFORE FILLING OUT A RESPONSIVE STATEMENT OF POSITION FORM

Completing and Filing this Form: For **RC and RD petitions**, the Petitioner is required to complete this form in response to each timely filed and served Statement of Position filed by another party. For **RM petitions**, the Employer-Petitioner must complete a Responsive Statement of Position form and submit the list described below. In accordance with Section 102.63(b) of the Board's Rules, if you are required to complete the form, you must have it signed by an authorized representative, and file a completed copy with any necessary attachments, with this office and serve it on all parties named in the petition responding to the issues raised in another party's Statement of Position, such that it is received no later than noon three business days before the date of the hearing. A separate form must be completed for each timely filed and properly served Statement of Position you receive. If more space is needed for your answers, additional pages may be attached. If you have questions about this form or would like assistance in filling out this form, please contact the Board agent assigned to handle this case. **You must E-File your Responsive Statement of Position at www.NLRB.gov, but unlike other e-Filed documents, it will *not* be timely if filed on the due date but after noon in the time zone of the Region where the petition was filed. Note that if you are completing this form as a PDF downloaded from www.NLRB.gov, the form will lock upon signature and no further editing may be made.**

Required List: In addition to responding to the issues raised in another party's Statement of Position, if any, the Employer-Petitioner in an RM case is required to file and serve on the parties a list of the full names, work locations, shifts, and job classifications of all individuals in the proposed unit as of the payroll period preceding the filing of the petition who remain employed at the time of filing. This list must be alphabetized (overall or by department). Unless the employer certifies that it does not possess the capacity to produce the list in the required form, the list must be in a table in a Microsoft Word file (.doc or .docx) or a file that is compatible with Microsoft Word, the first column of the table must begin with each employee's last name, and the font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional form for the list is provided on the NLRB website at www.nlrb.gov/sites/default/files/attachments/basic-page/node-4559/Optional Forms for Voter List.docx

Consequences of Failure to Submit a Responsive Statement of Position: Failure to supply the information requested by this form may preclude you from litigating issues under 102.66(d) of the Board's Rules and Regulations. Section 102.66(d) provides as follows:

> A party shall be precluded from raising any issue, presenting any evidence relating to any issue, cross-examining any witness concerning any issue, and presenting argument concerning any issue that the party failed to raise in its timely Statement of Position or to place in dispute in response to another party's Statement of Position or response, except that no party shall be precluded from contesting or presenting evidence relevant to the Board's statutory jurisdiction to process the petition. Nor shall any party be precluded, on the grounds that a voter's eligibility or inclusion was not contested at the pre-election hearing, from challenging the eligibility of any voter during the election. If a party contends that the proposed unit is not appropriate in its Statement of Position but fails to specify the classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit, the party shall also be precluded from raising any issue as to the appropriateness of the unit, presenting any evidence relating to the appropriateness of the unit, cross-examining any witness concerning the appropriateness of the unit, and presenting argument concerning the appropriateness of the unit. If the employer fails to timely furnish the lists of employees described in §§102.63(b)(1)(iii), (b)(2)(iii), or (b)(3)(iii), the employer shall be precluded from contesting the appropriateness of the proposed unit at any time and from contesting the eligibility or inclusion of any individuals at the pre-election hearing, including by presenting evidence or argument, or by cross-examination of witnesses.

FORM NLRB-506
(12-20)

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

RESPONSIVE STATEMENT OF POSITION – RC, RD or RM PETITION

DO NOT WRITE IN THIS SPACE	
Case No.	Date Filed
03-RC-282139	August 30, 2021

INSTRUCTIONS: *If a party has submitted and served on you a timely Statement of Position to an RC, RD or RM petition, the Petitioner must submit this Responsive Statement of Position to an NLRB Office in the Region in which the petition was filed and serve it and any attachments on each party named in the petition in this case such that it is received by noon local time, three business days prior to the hearing date specified in the Notice of Hearing. A separate form must be completed for each timely filed and properly served Statement of Position received by the Petitioner. The Petitioner-Employer in a RM case is required to file this Responsive Statement of Position and include an appropriate employee list without regard to whether another party has filed a Statement of Position.*

This Responsive Statement of Position is filed by he Petitioner in response to a Statement of Position received from the following party:

The Employer	**An Intervenor/Union**

1a. Full Name of Party Filing Responsive Statement of Position

1c. Business Phone	1d. Cell No.	1e. Fax No.	1f. E-Mail Address

1b. Address (Street and Number, City, State, and ZIP Code)

2. Identify all issues raised in the other party's Statement of Position that you dispute and describe the basis of your dispute:

a. EMPLOYER NAME/IDENTITY [Box 1a of Statement of Position Form NLRB-505 and Questionnaire on Commerce Information]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

b. JURISDICTION [Box 2 of Statement of Position Form NLRB-505 and Questionnaire on Commerce Information]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

c. APPROPRIATENESS OF UNIT [Boxes 3, 3a and 3b of Statement of Position Form NLRB-505]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

d. INDIVIDUAL ELIGIBILITY [Box 4 of Statement of Position Form NLRB-505]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

e. BARS TO ELECTION [Box 5 of Statement of Position Form NLRB-505]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

f. ALL OTHER ISSUES [Box 6 of Statement of Position Form NLRB-505]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

g. ELECTION DETAILS [Boxes 8a, 8b, 8c, 8d, 8e, 8f, and 8g of Statement of Position Form NLRB-505]

☐ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

Full Name and Title of Authorized Representative	Signature of Authorized Representative	Date

WILLFUL FALSE STATEMENTS ON THIS PETITION 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. Section 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation proceedings. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. 74942-43 (December 13, 2006). The NLRB will further explain these uses upon request. Failure to supply the information requested by this form may preclude you from litigating issues under 102.66(d) of the Board's Rules and Regulations and may cause the NLRB to refuse to further process a representation case or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

Please fill all necessary fields on the form PRIOR to digitally signing. To make changes after the form has been signed, right-click on the signature field and click "clear signature." Once complete, please sign the form.

FORM NLRB-4701
(9-03)

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Starbucks Corporation

and

CASE 3-RC-282115

☐ X REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____

Starbucks Corporation

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☐ X **REPRESENTATIVE IS AN ATTORNEY**

☐ **IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.**

(REPRESENTATIVE INFORMATION)

NAME: Alan I. Model, Esq.

MAILING ADDRESS: Littler Mendelson, PC, One Newark Center, 8th Floor, Newark, NJ 07102

E-MAIL ADDRESS: amodel@littler.com

OFFICE TELEPHONE NUMBER: 973.848.4700

CELL PHONE NUMBER: _____ ***FAX:*** 973.755.0439

SIGNATURE: Alan I. Model
(Please sign in ink.)

DATE: September 1, 2021

[1] IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

FORM NLRB-4701
(9-03)

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Starbucks Corporation

and

CASE 3-RC-282115

☐ X REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

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(REPRESENTATIVE INFORMATION)

NAME: Erik Hult, Esq.

MAILING ADDRESS: Littler Mendelson, PC, 41 South High Street, Suite 3250, Columbus, OH 43215

E-MAIL ADDRESS: ehult@littler.com

OFFICE TELEPHONE NUMBER: 614.463.4231

CELL PHONE NUMBER: 708.280.0749 *FAX:* 614.455.9586

SIGNATURE: Erik Hult
(Please sign in ink.)

DATE: September 1, 2021

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FORM NLRB-4701
(9-03)

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Starbucks Corporation

and

CASE 3-RC-282127

☐ X REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

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Starbucks Corporation

IN THE ABOVE-CAPTIONED MATTER.

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FORM NLRB-4701
(9-03)

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Starbucks Corporation

and

CASE 3-RC-282127

☐ X REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

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FORM NLRB-4701
(9-03)

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Starbucks Corporation

and

CASE 3-RC-282139

☐ X REGIONAL DIRECTOR ☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

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FORM NLRB-4701
(9-03)

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Starbucks Corporation

and

CASE 3-RC-282139

☐ X REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
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UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 3

STARBUCKS CORPORATION

Employer

and

WORKERS UNITED

Petitioner

Cases 03-RC-282115
03-RC-282127
03-RC-282139

ORDER CONSOLIDATING CASES

AND

RESCHEDULING HEARINGS

On August 30, 2021, Notices of Representation Hearing issued with respect to Cases 03-RC-282115, 03-RC-282127, and 03-RC-282139. Under careful consideration, noting particularly that these matters involve the same parties and that these hearing will address identical and/or overlapping issues of fact and law, and deeming it necessary in order to effectuate the purposes of the Act, and to avoid unnecessary cost or delay,

IT IS HEREBY ORDERED, pursuant to Section 102.82 of the National Labor Relations Board Rules and Regulations, Series 8, as amended that Cases 03-RC-282115, 03-RC-282127, and 03-RC-282139 are consolidated.

IT IS HEREBY ORDERED that the hearing in Cases 03-RC-282115, 03-RC-282127, and 03-RC-282139 is rescheduled from September 20, 2021 at 10:00 a.m. to **Wednesday, September 22, 2021 at 10:00 a.m.,** via video conference. The hearing will continue on consecutive days until concluded. The Hearing Officer will email the parties the information necessary to participate in the videoconference hearing.

A postponement of the Statements of Position in these cases is hereby approved. The Statements of Position in Cases 03-RC-282115, 03-RC-282127, and 03-RC-282139 must be filed with the Regional Director and served on the parties listed on the petition by no later than **noon Eastern time on September 14, 2021**.

The Responsive Statements of Position in Cases 03-RC-282115, 03-RC-282127, and 03-RC-282139 must be filed with the Regional Director and served on the parties listed on the petition by no later than **noon Eastern time on September 17, 2021.**

The Statements of Position and Responsive Statements of Position may be e-Filed but, unlike other e-Filed documents, **must be filed by noon Eastern time on the due date** in order to be timely. If an election agreement is signed by all parties and returned to the Regional Office before the due date of the Statements of Position and Responsive Statements of Position, the Statements of Position and Responsive Statements of Position are not required to be filed.

Dated: September 10, 2021

/s/Linda M. Leslie

LINDA M. LESLIE
ACTING REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 03
130 S Elmwood Ave Ste 630
Buffalo, NY 14202-2465

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 3

STARBUCKS CORPORATION

Employer

and

WORKERS UNITED

Petitioner

Cases 03-RC-282115
03-RC-282127
03-RC-282139

AFFIDAVIT OF SERVICE OF: Order Consolidating Cases and Rescheduling Hearings, dated September 10, 2021.

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on **September 10, 2021** I served the above-entitled document(s) by **electronic mail** upon the following persons, addressed to them at the following addresses:

Kevin Johnson
Starbucks Corporation
933 Elmwood Ave
Buffalo, NY 14222

David Lefrois , District Manager
Starbucks Corporation
933 Elmwood Ave
Buffalo, NY 14222

Alan I. Model , ESQ.
Littler Mendelson, P.C.
One Newark Center
8th Floor
Newark, NJ 07102-5235

Erik Hult , ESQ.
Littler Mendelson P.C.
41 South High Street, Suite 3250
Columbus, OH 43215

Ian Hayes , ESQ.
Creighton, Johnsen & Giroux
1103 Delaware Avenue
Buffalo, NY 14209

Workers United
2954 Main Street, Suite 556
Buffalo, NY 14214

September 10, 2021	Andrea Seyfried, Designated Agent of NLRB
Date	Name
	/s/Andrea Seyfried
	Signature

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 3

STARBUCKS CORPORATION,	:	
	:	
Employer,	:	
	:	Case Nos.: **03-RC-282115**
v.	:	**03-RC-282127**
	:	**03-RC-282139**
WORKERS UNITED,	:	
	:	
Petitioner.	:	

RESPONDENT STARBUCKS CORPORATION'S
PETITION TO REVOKE SUBPOENA *DUCES TECUM* NO. B-1-1DOAD6J

On Saturday, September 18, 2021, at 12:52 p.m., Counsel for Petitioner Workers United ("Union"), dated and caused to be served on Starbucks Corporation ("Starbucks" or "Employer") Subpoena *Duces Tecum* No. B-1-1DOAD6J, a copy of which is attached as Exhibit A.

Pursuant to Section 11 of the National Labor Relations Act and Section 102.66(f) of the Rules and Regulations of the National Labor Relations Board ("NLRB" or "Board"), Starbucks hereby petitions for an order revoking the Subpoena ("Subpoena").

STANDARD OF REVIEW

Section 102.66(f) of the Board's Rules and Regulations provides in relevant part:

> Any person served with a subpoena, whether ad testificandum or duces tecum, if he or she does not intend to comply with the subpoena, shall, **within 5 days after the date of service of the subpoena,** petition in writing to revoke the subpoena….
>
> The regional director or the hearing officer, as the case may be, shall revoke the subpoena if, in his opinion, the evidence whose production is required does not relate to any matter under investigation or in question in the proceedings or the subpoena does not describe with sufficient particularity the evidence whose production is required, or if for any other reason sufficient in law the subpoena is otherwise invalid.

See id. (emphasis added).

Here, the Subpoena was served less than four days prior to the start of the hearing, which is scheduled to commence on September 22, 2021 at 10:00 a.m. Although in some cases, the subpoenaed party may be required to file its petition to revoke in less than five days after service, the circumstances described herein fit into the exclusion for cases where a showing of prejudice is made.[1] *See* NLRB Case Handling Manual, §11782.4.

Further, the Rules mandate that documents sought by a subpoena must be relevant to the issues raised in the instant matter. *See NLRB v. Interstate Dress Carriers*, 610 F.2d 99, 111 (3rd Cir. 1979), ULP Casehandling Manual Sec. 11792.1 (noting that the requested information must "relate[ ] to any matter under investigation or in question"); *id.* at 11794 (citing federal authorities for the proposition that the requested material must "touch[ ] a matter under investigation"). The party requesting the documents has the affirmative burden of establishing their relevancy. *See NLRB v. Pinkerton, Inc*., 621 F.2d 1322, 1326 (6th Cir. 1980); Casehandling Manual ("CHM") §11794 ("The testimony or documentary evidence sought by enforcement of a subpoena must be relevant to the matter under investigation or in question before the Board.") If the requesting party fails to establish relevancy, then the disputed requests shall be revoked. Rules and Regulations §102.31(b).

A petition to revoke a subpoena *duces tecum* must be granted if the subpoena is invalid for "any … reason sufficient in law." Rules and Regulations §102.66(c). This phrase has been interpreted to include the reasons provided by the Federal Rules of Civil Procedure for limiting the

---

[1] Significantly, in the cases cited in the Manual for the proposition that a subpoenaed party may be required to file and argue its petition to revoke, and, possibly, to produce the subpoenaed evidence at hearing in less than five days after service, the evidence at issue was testimony rather than the production of documents. *See NLRB v. Strickland*, 220 F. Supp. 661 (D.C.W. Tenn. 1962), aff'd 321 F.3d 811 (6th Cir. 1963); *Packing Techniques*, 317 NLRB 1252 (1995). Specifically, in *Packing Techniques*, the hearing was in its final day when the subpoena *ad testificandum* was served, and permitting the subpoenaed party "the full five days" to respond would have caused unreasonable delay. *Id*. at 1253-54 ("As the production of documents was not an

scope of discovery in litigation. The Board looks specifically to Rule 26(b) for guidance on the proper scope of subpoenas. *Brinks Inc.*, 281 NLRB at 468. Rule 26(b) prohibits discovery into matters "unreasonably cumulative or duplicative, or … obtainable from some other source that is more convenient, less burdensome, or less expensive." Fed. R. Civ. P. 26(b). Rule 26(c) provides that, for good cause, a court may:

> issue an order to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including one or more of the following: (A) forbidding the disclosure or discovery; (B) specifying terms, including time and place or the allocation of expenses, for the disclosure or discovery; … [or] (D) forbidding inquiry into certain matters, or limiting the scope of disclosure or discovery to certain matters ….

Fed. R. Civ. P. 26(c). Discovery must not be "unreasonable nor unduly burdensome or expensive, considering the needs of the case. Fed. R. Civ. P. 26(g)(1)(B)(iii).

Moreover, Rule 26(c) provides that:

> for good cause shown…[a court] may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including one or more of the following: (1) that the disclosure or discovery not be had; (2) that the disclosure or discovery may be had only on specified terms and conditions… (4) that certain matters not be inquired into . . .

Any request that is vague and ambiguous, overbroad, or irrelevant should be revoked. Subpoenas must be carefully drafted; the Board does not allow a "fishing expedition." *See e.g.*, *Spartan Department Stores*, 140 NLRB 608 n. 2 (1963); *Hispanics United of Buffalo, Inc.*, 359 NLRB 368 n. 2 (2012); *see also* Casehandling Manual at §11796.

Further, "a *subpoena duces tecum* … should be drafted as narrowly and specifically as is practicable." *See* CHM § 11776. It "should describe all documents sought with respect to content and time period," and "describe with sufficient particularity the evidence whose production is

---

issue, the matter was very straightforward.").

required," evidence that must be relevant to an issue in the case, and tailored to the individuals, time period, and action at issue. Rules and Regulations §§102.66(c), 102.31(b); *see also*, Casehandling Manual §§ 11776, 11782, 11796; *Oklahoma Press Pub. Co. v. Walling*, 327 U.S. 186 (1946); *NLRB v. Carolina Food Processing*, 81 F.3d 507 (4th Cir. 1996); *NLRB v. Trades Council*, 131 LRRM 3132, 3133-34 (3d Cir. 1989); *Brinks*, 281 NLRB 468, 468-469 (1986). "[T]he use of the word 'all' in the description of records should be avoided wherever possible." *Id*.

Consistent with Rule 26(c), a subpoena must be revoked if it:

- Seeks information that is not reasonably relevant to the proceeding (see above);
- Is overbroad on its face or otherwise seeks protected information (NLRB Bench Book ("NBB") § 8-320 (citing *Brink's, Inc.*, 281 NLRB at 469 (granting petitions to revoke the challenged portions of the employer's subpoenas in their entirety where most of the challenged portions "generally were drafted without regard for the usual standards applicable to subpoenas or discovery" set forth in the Board's Rules and FRCP 26 and 45);
- Seeks confidential or proprietary information. *See, e.g.*, *NLRB (ex rel. Int'l. Union of Electrical, Radio and Machine Workers) v. Dutch Boy, Inc.*, 98 LRRM (BNA) 2396, 2398-99 (W.D. Okla. 1978), *aff'd*, 606 F.2d. 929 (10th Cir. 1979) (acknowledging that a showing that documents should be withheld on the basis of confidentiality or likely harm to business interests provides a legitimate basis to deny enforcement of a subpoena); or
- Constitutes an impermissible fishing expedition (NBB § 8-320 (citing, *CNN America, Inc.*, 353 NLRB 891 (2009), final decision and order issued 361 NLRB No. 47 (2014)), *see also* Casehandling Manual at §11796; *United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry*, 325 NLRB 1235, 1236 (1999).

To enforce a subpoena *duces tecum*, an administrative agency must establish that: (1) the inquiry is within its authority; (2) the demand for production is not too indefinite; and (3) the information sought is reasonably relevant to the agency's authorized inquiry. *United States v. Westinghouse Electric Corp.*, 638 F.2d 570, 574 (3d Cir. 1980) (citing *United States v. Morton Salt Co.*, 338 U.S. 632, 652 (1950)). The standard also has been stated as follows: the agency must

demonstrate that the demand is for a legitimate purpose, relevant to that purpose, and not unreasonably broad or burdensome. *EEOC v. Kronos, Inc.*, 620 F.3d 287, 298 n.4 (3d Cir. 2010); *see also United States v. Powell*, 379 U.S. 48, 57-58 (1964); *NLRB v. Champagne Drywall, Inc.*, 502 F. Supp. 2d 179 (D. Mass. 2007) (applying standard to NLRB subpoena). For a subpoena request to be relevant, it must reasonably relate to or "touch" a matter under investigation or in question. *NLRB v. Rohlen*, 385 F.2d 52, 55-56 (7th Cir. 1965). Section 102.66(c) of the NLRB's Rules and Regulations provides that a hearing officer "shall revoke the subpoena if in its opinion the evidence whose production is required does not relate to any matter … in question in the proceedings or the subpoena does not describe with sufficient particularity the evidence whose production is required, or if for any other reason sufficient in law the subpoena is otherwise invalid."

As described more fully below, in addition to being untimely served, providing Starbucks with fewer than five days to seek to revoke the Subpoena, the Subpoena here is legally invalid in several respects, and, for all of the reasons set forth below, must be revoked or modified.

Starbucks states that to the extent it has not responded to any specific request enumerated below, or part thereof, such may not be taken as an admission that it accepts or admits the existence of any fact(s) set forth or assumed by the Subpoena, that any such response or objection enumerated below constitutes admissible evidence, or that the documents requested are properly required to be produced. Nothing contained herein shall be construed as an admission of the relevance of or the existence or nonexistence of any document. No actual or implied admissions whatsoever are intended by this Petition.

PROCEDURAL BACKGROUND

The Union has petitioned for three separate units at three Starbucks stores located in Buffalo NY, Hamburg, NY, and Cheektowaga, NY, which are all in the greater Buffalo market. The Union seeks units in each store of: "All full-time and regular part-time Baristas, Shift Supervisors, Asst.

Store Managers." Starbucks has taken the petition that a Buffalo market-wide unit is the only appropriate unit, and seeks to protect the voting rights of all full-time and regular part-time baristas and shift supervisors employed at the Employer's 20 stores located in the Buffalo market. No Assistant Store Managers are employed in the petitioned-for stores.

GENERAL OBJECTIONS

A. OBJECT AS OVERBROAD

Starbucks objects to requests which are not sufficiently restricted to a specific subject or purpose.

B. OBJECT AS VAGUE

Starbucks objects to requests which do not describe in sufficient particularity the documents sought.

C. OBJECT AS IRRELEVANT BASED ON SUBJECT MATTER

Starbucks objects to requests for irrelevant data or information and/or requests not reasonably calculated to uncover admissible evidence. Indeed, consistent with well-settled NLRB precedent and standards, information sought by the Union must be legitimately related to the underlying matter(s) before the NLRB.

D. OBJECT AS IRRELEVANT BASED ON TIME PERIOD SOUGHT

Starbucks objects to requests for irrelevant data or information and/or requests not reasonably calculated to uncover admissible evidence. Indeed, consistent with well-settled NLRB precedent and standards, information sought by the Union must be legitimately related to the underlying matter(s) before the NLRB.

E. OBJECT AS AN INTRUSION ON PRIVACY RIGHTS

Starbucks objects to requests for personal and confidential information, the disclosure of which would result in an intrusion on the privacy rights of its Section 2(3) employees, which Starbucks refers to as its hourly partners ("partners").

F. OBJECT AS UNDULY BURDENSOME

Starbucks objects to requests with respect to which compliance is unduly burdensome.

G. OBJECT AS SEEKING CONFIDENTIAL, PRIVILEGED INFORMATION

Starbucks objects to requests that seek to procure confidential and/or privileged information. In addition, Starbucks objects to any and all requests for documents/information relating to documents/information covered by the attorney-client privilege and the work product doctrine. *See, e.g., Brink's Inc.*, 281 NLRB 468, 469-470 (1986).

SPECIFIC RESPONSES AND OBJECTIONS

Starbucks responds and objects to the 17 items listed in the Subpoena, as follows:

1. "All records relating to the hiring of any Barista, Shift Supervisor, or Assistant Store Manager during the period for the twenty-four (24) months preceding the date on which the subpoena is returnable, including all documents given to employees at the time of hire."

Response: *See* General Objections A, B, C, D, E and G. This request is overbroad as it does not define "records relating to the hiring". This request also implicates employee privacy issues, as the request for "all records related to the hiring. . ." could include applications, background checks, offer letters, I-9 forms, etc., which contain personal and confidential information of employees. To the extent this request seeks documents related to applicants who were not ultimately hired by Starbucks, Starbucks objects to the request for such records as irrelevant. Furthermore, the Request is overbroad in regard to the 24-month time period sought, when records for the lesser period of 12-months or the calendar year of 2021 would suffice. Compliance with this Request is unduly burdensome as drafted given its overbreadth and time period sought. In addition, this Request is overbroad in subject matter as it seeks records related to Assistant Store Managers, when there are no individuals holding that title within the petitioned-for stores.[2] Notwithstanding and without waiving these objections, Starbucks will stipulate that all documents related to the hiring process are standardized for new hires across the Buffalo market stores.

[2] Starbucks maintains an objection to the 24-month time period for each Request with this time limitation, and also maintains an objection to each Request that seeks records related to Assistant Store Managers.

2. "All documentation of notes from job interviews of prospective Baristas, Shift Supervisors, or Assistant Store Managers taken during the twenty-four (24) months preceding the date on which the subpoena is returnable."

Response: *See* General Objections A, C, D and G. *See* response to Request No. 1 as to irrelevance based on time period sought and subject matter. This request seeks information regarding applicants, including individuals who were not ultimately hired and accordingly are outside of the petitioned-for unit. Furthermore, the fact that individuals were ultimately hired or not hired is not relevant to the issues to be litigated at the pre-election hearing.

3. "All records related to the onboarding, training or orientation of Baristas, Shift Supervisors, or Assistant Store Managers taken during the twenty-four (24) months preceding the date on which the subpoena is returnable."

Response: *See* General Objections A, B, C, D, F and G. *See generally* response to Request No. 1. This request is overbroad as it does not define "records related to . . . onboarding, training or orientation." Further it is unclear as to whether this request seeks training attendance records or copies of the actual trainings. Moreover, this Request is overbroad and irrelevant based on subject matter as the Request appears to seek all training records including such records as harassment training, which have no relevance to the issues to be litigated at the pre-election hearing. Notwithstanding and without waiving these objections, Starbucks will stipulate that all hourly partners in the petitioned-for stores received the same onboarding, training or orientation as do all other hourly partners across the Buffalo market stores.

4. "All daily or weekly work schedules pertaining to the period of the twenty-four (24) months preceding the date on which the subpoena is returnable."

Response: *See* General Objections A, D, F and G. The Request is unduly burdensome and overbroad in regard to the time period sought, as the Request seeks records for each day and week for a period of 24 months, when records for the lesser period of 12 months or the calendar year of 2021 would suffice. In addition, this Request is overbroad in subject matter as it seeks records related to Assistant Store Managers, when there are no individuals holding that title within the petitioned-for stores.

5. "All records relating to the permanent or temporary transfer of Baristas, Shift Supervisors, or Assistant Store Managers during the twenty-four (24) months preceding the date on which the subpoena is returnable."

Response: *See* General Objections A, B, C, D and G. This Request is vague as to "transfers" as it is unclear if the Request refers to transfers between positions or between stores.

6. "All records relating to the permanent or temporary layoff of Baristas, Shift Supervisors, or Assistant Store Managers during the twenty-four (24) months preceding the date on which the subpoena is returnable."

Response: *See* General Objections A, B, C, D and G. This Request seeks irrelevant information as the layoff of employees, whether permanent or temporary, is not relevant to the issues to be litigated at the pre-election hearing. Notwithstanding and without waiving these objections, no employees in the petitioned-for unit have been permanently or temporarily laid off.

7. "All records relating to the recall of Baristas, Shift Supervisors, or Assistant Store Managers during the twenty-four (24) months preceding the date on which the subpoena is returnable."

Response: *See* General Objections A, B, C, D and G. *See generally* response to Request No. 6. This Request seeks irrelevant information as the recall of employees, whether from permanent or temporary layoff, is not relevant to the issues to be litigated at the pre-election hearing. Notwithstanding and without waiving these objections, no employees in the petitioned-for unit have been recalled.

8. "All records relating to the training, career development and promotion of Baristas, Shift Supervisors, or Assistant Store Managers during the twenty-four (24) months preceding the date on which the subpoena is returnable."

Response: *See* General Objections A, B, C, D and G. *See generally* response to Request No. 3 as to the Union's request for training records. Further, the request for documents related to "career development" is vague, as is "promotions." It is unclear as to whether this request seeks information regarding promotions from Barista to Shift Supervisor within the store, or some other records.

9. "All records relating to employee complaints by Baristas, Shift Supervisors, or Assistant Store Managers during the twenty-four (24) months preceding the date on which the subpoena is returnable."

Response: *See* General Objections A, B, C, D, E, F and G. This Request seeks documents that are not relevant to the issues to be litigated at the pre-election hearing. Notwithstanding and without waiving these objections, Starbucks will stipulate that all hourly partners in the petitioned-for stores have the same ability to lodge complaints and have such complaints timely investigated as do all other hourly partners across the Buffalo market stores.

10. "All disciplinary notices issued for the twenty-four (24) months preceding the date on which this subpoena is returnable, including but not limited to documentation of coachings and write-ups."

Response: *See* General Objections A, C, D, E, F and G. This Request is overbroad in that it does not limit the group to whom the disciplinary notices were issued. Store Managers are not included in the petitioned-for unit, and there are no Assistant Store Managers working in the petitioned-for unit.

Further, this Request seeks documents that are not relevant to the issues to be litigated at the pre-election hearing. Notwithstanding and without waiving these objections, Starbucks will stipulate that all hourly partners in the petitioned-for stores are subject to the same policies and same disciplinary protocols as all other hourly partners across the Buffalo market stores.

11. "All records relating to the termination of any Barista, Shift Supervisor, or Assistant Store Manager's employment during the period for the twenty-four (24) months preceding the date on which the subpoena is returnable."

Response: *See* General Objections A, C, D, E, F and G. This Request seeks documents that are not relevant to the issues to the litigated at the pre-election hearing. The only potentially relevant information is the identities of those management and human relations personnel who may have been involved in termination decisions. The grounds for all terminations, whether voluntary or involuntary, are not relevant. Notwithstanding and without waiving these objections, Starbucks will stipulate that all hourly partners in the petitioned-for stores are subject to the same policies and same disciplinary protocols as all other hourly partners across the Buffalo market stores.

12. "All employee evaluations covering the period for the twenty-four (24) months preceding the date on which the subpoena is returnable."

Response: *See* General Objections A, B, D and G. This Request is vague as the term "employee" is not defined. Notwithstanding and without waiving these objections, to the extent "employee" refers to the petitioned-for unit, no records exist responsive to this Request.

13. "All records or documents disclosing the job descriptions of any employees employed during the twenty-four (24) months preceding the date on which the subpoena is returnable."

Response: *See* General Objections A, B, C, D, G. This Request is vague as the term "records and documents" as well as the term "employee" are not defined. The Request is overbroad as it seeks "all" documents related to the performance of job duties, rather than being limited to the written job descriptions for these positions. The Request is also overbroad to the extent it seeks job descriptions for positions outside of the petitioned-for unit or for job titles that are not held by any individuals in the petitioned-for unit. Notwithstanding and without waiving these objections, Starbucks will produce job descriptions for the roles of Barista and Shift Supervisor.

14. "All documents which describe the corporate, supervisory and managerial structure of the employer."

Response: *See* General Objections A, B, C, D and G. This request is vague as the term "employer" is not defined. The Request is overbroad as it seeks "all" documents which describe the corporate, supervisory or managerial structure, when a single document could provide all relevant information. It is also overbroad and irrelevant as it does not contain a limitation as to the time period for which

such records are sought. The only relevant time period is the present. Notwithstanding and without waiving these objections, Starbucks will produce organizational chart(s) that show the present supervisory or managerial structure for the three petitioned-for stores.

15. "Any employee manuals, handbooks, work rules, benefit booklets, letters, policy statements or other document which sets forth benefits, rules and regulations or other terms and conditions of employment of any Barista, Shift Supervisor, or Assistant Store Manager effective at any time after January 1, 2021."

Response: *See* General Objections A, B, D, F and G. Notwithstanding and without waiving these objections, Starbucks will produce policies, handbooks, and documents describing the policies sand benefits provided to partners at the petitioned-for unit, as such policies and benefits are the same for all other hourly partners across the Buffalo market stores.

16. "All documents, including job descriptions, that describe the duties of District Managers and Store Managers effective at any time after January 1, 2021."

Response: *See* General Objections A, B, C, D, F and G. This request is overbroad because it requests *all* documents (which are undefined) that may relate to the job duties of positions outside of the petitioned-for unit. Therefore, compliance therewith is unduly burdensome. Notwithstanding and without waiving these objections, Starbucks will produce the job descriptions for the District Manager and Store Manager positions.

17. "In lieu of production of any records described or referred to in any of the above items, those items or portions thereof may be satisfied by mutually agreeable stipulations entered into the record of these proceedings by and between counsel for the Union and representatives of the Employer."

Response: Starbucks reiterates its objections to the Subpoena.

For all the above reasons, the *Subpoena Duces Tecum* should be revoked.

Respectfully submitted,

LITTLER MENDELSON, P.C.

/s/ Alan Model

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Attorneys for Starbucks Corporation

September 22, 2021

CERTIFICATE OF SERVICE

I certify that the foregoing *Respondent Starbucks Corporation's Petition to Revoke Subpoena Duces Tecum No. B-1-1DOAD69* was electronically filed at the NLRB's website on September 22, 2021 and emailed to Petitioner's counsel and the Hearing Officer.

/s/ Alan Model

FORM NLRB-31

EXHIBIT A

SUBPOENA DUCES TECUM

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

To Starbucks Corporation c/o Alan Model, Esq.

As requested by Ian Hayes, Attorney for Workers United

whose address is 1103 Delaware Ave, Buffalo, NY 14209
(Street) (City) (State) (ZIP)

YOU ARE HEREBY REQUIRED AND DIRECTED TO APPEAR BEFORE a hearing officer

of the National Labor Relations Board

at a teleconference hearing

in the City of Buffalo

on September 22, 2021 at 10:00am or any adjourned

or rescheduled date to testify in Starbucks Corporation
03-RC-282115
(Case Name and Number)
Starbucks Corporation
03-RC-282127
Starbucks Corporation
03-RC-282139

And you are hereby required to bring with you and produce at said time and place the following books, records, correspondence, and documents:

SEE ATTACHMENT

If you do not intend to comply with the subpoena, within 5 days (excluding intermediate Saturdays, Sundays, and holidays) after the date the subpoena is received, you must petition in writing to revoke the subpoena. Unless filed through the Board's E-Filing system, the petition to revoke must be received on or before the official closing time of the receiving office on the last day for filing. If filed through the Board's E-Filing system, it may be filed up to 11:59 pm in the local time zone of the receiving office on the last day for filing. Prior to a hearing, the petition to revoke should be filed with the Regional Director; during a hearing, it should be filed with the Hearing Officer or Administrative Law Judge conducting the hearing. See Board's Rules and Regulations, 29 C.F.R Section 102.31(b) (unfair labor practice proceedings) and/or 29 C.F.R. Section 102.66(c) (representation proceedings) and 29 C.F.R Section 102.111(a)(1) and 102.111(b)(3) (time computation). Failure to follow these rules may result in the loss of any ability to raise objections to the subpoena in court.

B-1-1DOAD6J

Under the seal of the National Labor Relations Board, and by direction of the Board, this Subpoena is

Issued at Buffalo, NY

Dated: September 13, 2021

Lauren McFerran

Lauren McFerran, Chairman

NOTICE TO WITNESS. Witness fees for attendance, subsistence, and mileage under this subpoena are payable by the party at whose request the witness is subpoenaed. A witness appearing at the request of the General Counsel of the National Labor Relations Board shall submit this subpoena with the voucher when claiming reimbursement.

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 representation and/or unfair labor practice proceedings 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 mandatory in that failure to supply the information may cause the NLRB to seek enforcement of the subpoena in federal court.

EXHIBIT A

ATTACHMENT TO SUBPOENA DUCES TECUM
Subpoena No. B-1-1DOAD6J

With respect to the Starbucks Corporation stores located at: 933 Elmwood Avenue, Buffalo, NY 14222; 5120 Camp Rd., Hamburg, NY 14075; and 4225 Genesee St., Cheektowaga, NY 14225 (hereinafter "the three stores"):

1. All records relating to the hiring of any Barista, Shift Supervisor, or Assistant Store Manager during the period for the twenty-four (24) months preceding the date on which the subpoena is returnable, including all documents given to employees at the time of hire.

2. All documentation of notes from job interviews of prospective Baristas, Shift Supervisors, or Assistant Store Managers taken during the twenty-four (24) months preceding the date on which the subpoena is returnable.

3. All records related to the onboarding, training or orientation of Baristas, Shift Supervisors, or Assistant Store Managers taken during the twenty-four (24) months preceding the date on which the subpoena is returnable.

4. All daily or weekly work schedules pertaining to the period of the twenty-four (24) months preceding the date on which the subpoena is returnable

5. All records relating to the permanent or temporary transfer of Baristas, Shift Supervisors, or Assistant Store Managers during the twenty-four (24) months preceding the date on which the subpoena is returnable.

6. All records relating to the permanent or temporary layoff of Baristas, Shift Supervisors, or Assistant Store Managers during the twenty-four (24) months preceding the date on which the subpoena is returnable.

7. All records relating to the recall of Baristas, Shift Supervisors, or Assistant Store Managers during the twenty-four (24) months preceding the date on which the subpoena is returnable.

8. All records relating to the training, career development and promotion of Baristas, Shift Supervisors, or Assistant Store Managers during the twenty-four (24) months preceding the date on which the subpoena is returnable.

9. All records relating to employee complaints by Baristas, Shift Supervisors, or Assistant Store Managers during the twenty-four (24) months preceding the date on which the subpoena is returnable.

10. All disciplinary notices issued for the twenty-four (24) months preceding the date on which this subpoena is returnable, including but not limited to documentation of coachings and write-ups.

11. All records relating to the termination of any Barista, Shift Supervisor, or Assistant Store Manager's employment during the period for the twenty-four (24) months preceding the date on which the subpoena is returnable.

12. All employee evaluations covering the period for the twenty-four (24) months preceding the date on which the subpoena is returnable.

13. All records or documents disclosing the job descriptions of any employees employed during the twenty-four (24) months preceding the date on which the subpoena is returnable.

14. All documents which describe the corporate, supervisory and managerial structure of the employer.

15. Any employee manuals, handbooks, work rules, benefit booklets, letters, policy statements or other document which sets forth benefits, rules and regulations or other terms and conditions of employment of any Barista, Shift Supervisor, or Assistant Store Manager effective at any time after January 1, 2021.

16. All documents, including job descriptions, that describe the duties of District Managers and Store Managers effective at any time after January 1, 2021.

17. In lieu of production of any records described or referred to in any of the above items, those items or portions thereof may be satisfied by mutually agreeable stipulations entered into the record of these proceedings by and between counsel for the Union and representatives of the Employer.

FORM NLRB 505
(4 15)

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

STATEMENT OF POSITION

DO NOT WRITE IN THIS SPACE	
Case No.	Date Filed
03-RC-282115	9/14/2021

INSTRUCTIONS: *Submit this Statement of Position to an NLRB Office in the Region in which the petition was filed and serve it and all attachments on each party named in the petition in this case such that it is received by them by the date and time specified in the notice of hearing.*
Note: *Non employer parties who complete this form are NOT required to complete items 8f or 8g below or to provide a commerce questionnaire or the lists described in item 7. In RM cases, the employer is NOT required to respond to items 3, 5, 6, and 8a 8e below.*

1a. Full name of party filing Statement of Position	1c. Business Phone:	1e. Fax No.:
Starbucks Corporation	973 477 4002	
1b. Address *(Street and number, city, state, and ZIP code)*	1d. Cell No.:	1f. e Mail Address
933 Elmwood Avenue, Buffalo, NY 14222	973 477 4002	amodel@littler.com

2. Do you agree that the NLRB has jurisdiction over the Employer in this case? [X] Yes [ ] No
(A completed commerce questionnaire (Attachment A) must be submitted by the Employer, regardless of whether jurisdiction is admitted)

3. Do you agree that the proposed unit is appropriate? [ ] Yes [X] No *(If not, answer 3a and 3b.)* N/A Decertification

a. State the basis for your contention that the proposed unit is not appropriate. (*If you contend a classification should be excluded or included briefly explain why, such as shares a community of interest or are supervisors or guards.)*

See Attachment A.

b. State any classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit.

Added	Excluded
See Attachment A.	N/A

4. Other than the individuals in classifications listed in 3b, list any individual(s) whose eligibility to vote you intend to contest at the pre election hearing in this case and the basis for contesting their eligibility.

N/A

5. Is there a bar to conducting an election in this case? [ ] Yes [X] No *If yes, state the basis for your position.*

6. Describe all other issues you intend to raise at the pre election hearing.

See Attachment A.

The employer must provide the following lists which must be alphabetized (overall or by department) in the format specified at **www.nlrb.gov/what-we-do/conduct-elections/representation-case-rules-effective-april-14-2015**.
A list containing the full names, work locations, shifts and job classification of all individuals in the proposed unit as of the payroll period immediately preceding the filing of the petition who remain employed as of the date of the filing of the petition. (Attachment B)
If the employer contends that the proposed unit is inappropriate the employer must provide (1) a separate list containing the full names, work locations, shifts and job classifications of all individuals that it contends must be *added* to the proposed unit, if any to make it an appropriate unit, (Attachment C) and (2) a list containing the full names of any individuals it contends must be *excluded* from the proposed unit to make it an appropriate unit. (Attachment D)

State your position with respect to the details of any election that may be conducted in this matter. 8a. Type: [X] Manual [ ] Mail [ ] Mixed Manual/Mail

8b. Date(s)	8c. Time(s)	8d. Location(s)
11/3/2021	8:00 a.m. 6:00 p.m.	Off site location
8e. Eligibility Period (e.g. special eligibility formula)	8f. Last Payroll Period Ending Date	8g. Length of payroll period
Davison Paxson / Standard	9/3/2021	[X] Weekly [ ]Biweekly [ ] Other *(specify length)*

9. Representative who will accept service of all papers for purposes of the representation proceeding

9a. Full name and title of authorized representative	9b. Signature of authorized representative	9c. Date
Alan I. Model	/s Alan I. Model	September 14, 2021
9d. Address *(Street and number, city, state, and ZIP code)*		9e. e Mail Address
Littler Mendelson, P.C. One Newark Center, 1085 Raymond Blvd, 8th Floor, Newark, NJ 07102		amodel@littler.com
9f. Business Phone No.:	9g. Fax No.	9h. Cell No.
973 848 4740	973 755 0439	973 477 4002

WILLFUL FALSE STATEMENTS ON THIS STATEMENT OF POSITION 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. Section 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation proceedings. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (December 13, 2006). The NLRB will further explain these uses upon request. Failure to supply the information requested by this form may preclude you from litigating issues under 102.66(d) of the Board's Rules and Regulations and may cause the NLRB to refuse to further process a representation case or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

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
Starbucks Corporation	03-RC-282115

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

Starbucks Corporation

2. TYPE OF ENTITY

[X] 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
Washington	

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

N/A

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

N/A

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

Coffeehouses

7. A. PRINCIPAL LOCATION:	B. BRANCH LOCATIONS:
Seattle, WA	Multiple

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 [X] 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. $	X	
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. $	X	
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 [X] $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 [X] 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
Alan Model	Counsel	amodel@littler.com	973 477 4002

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE *(Type or Print)*	SIGNATURE	E MAIL ADDRESS	DATE
Alan I. Model	/s Alan I. Model	amodel@littler.com	9/14/2021

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 representation and/or unfair labor practice proceedings 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 may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

STARBUCKS STATEMENT OF POSITION

03-RC-282115
03-RC-282127
03-RC-282139

ATTACHMENT A

Introduction

In 1971, Starbucks Coffee Company opened its first store in Seattle's historic Pike Place Market. Since then, Starbucks has expanded into tens of thousands of neighborhoods around the world. Starbucks employees whom the Company calls partners are the heart of the Starbucks experience.

Pursuant to Section 102.63(b) of the Board's Rules and Regulations, this Statement of Position is filed in response to all three representation petitions filed against Starbucks in Region 3 on August 30, 2021:

- 03-RC-282115 - 933 Elmwood Ave., Buffalo, NY 14222
- 03-RC-282127 - 5120 Camp Rd., Hamburg, NY 14075
- 03-RC-282139 - 4255 Genessee St., Cheektowaga, NY 14225

For the last 50 years, Starbucks has been a company rooted in the belief that success is best when it is shared with one another, always with its Mission and Value at its core. This is why employees at Starbucks are referred to as partners - not just because they share ownership in the company - but because by working together, and honoring one another, they create a different kind of company. This is the heritage and culture that has built Starbucks, rooted in a promise partners have made to one another to create the very best experience for all who connect in its stores and within the neighborhoods it serves.

Starbucks firmly believes that by continuing to work together its partners are best equipped to listen, engage and address issues where needed. Starbucks respects its partners' rights to make this important decision for themselves. For that reason, Starbucks will work with the NLRB to ensure that a fair, secret ballot election is held, in which partners are able to exercise their rights to decide for themselves if union representation is in the best interest of themselves and their families.

Questions 3.a. and 3.b.

The proposed unit is not appropriate for two reasons.

1. Inclusion of the "Assistant Store Manager" Classification is Not Appropriate

The Union's petitioned-for unit includes the "Assistant Store Manager" classification. This job classification does not exist at the three stores involved in the petitions. As such, it should not be included in the unit.

To the extent the Union argues and establishes that such a separate classification does exist,[1] individuals in the Assistant Store Manager position would be supervisors under Section 2(11) of the Act. To the extent such a classification exists, Assistant Store Managers exercise one or more indicia of supervisory status under the Act including the authority 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 with the use of independent judgment.

2. *The Union's Three Simultaneously-Filed Petitions Represent Piecemeal Union Organizing Violative of Section 9(c)(5) of the Act*

Section 9(a) of the Act permits employees to form an "appropriate" bargaining unit for collective bargaining purposes. 29 U.S.C. § 159(a). The Act grants the Board discretion to determine whether a petitioned-for unit is appropriate. *Id.* at § 159(b). Nonetheless, Congress limited the Board's power in 1947 through enactment of Section 9(c)(5). *NLRB v. Metro. Life Ins. Co.*, 380 U.S. 438, 441 42 (1965). Section 9(c)(5) provides that, "In determining whether a unit is appropriate for the purposes specified in subsection (b) [of this section] the extent to which the employees have organized shall not be controlling." 29 U.S.C. § 159(c)(5).

As noted above, the Union filed petitions for three stores in the Buffalo market (Buffalo 03-RC-282115; Cheektowaga 03-RC-282139; Hamburg 03-RC-282127). Ostensibly, the Union seeks to represent partners at these three stores because it is unable to generate sufficient organizing interest for a broader multi-location unit of Buffalo market stores. In fact, the Union's subsequent filing of petitions for two more standalone stores in Cases 03-RC-282640 (East Amherst) and 03-RC-282641 (Cheektowaga) underscores that its petitioning is based solely on extent of organizing in violation of Section 9(c)(5). As a result, the Union's three simultaneously filed petitions violate Section 9(c)(5) because processing the petitions as filed would give controlling weight based upon the extent of union organizing.

3. *A Buffalo Market-Wide Unit Is The Only Appropriate Unit*

The appropriate unit is one comprised of all Buffalo market stores. The Buffalo market is comprised of approximately 20 stores. The grouping of the stores is within a defined geographic area, and Starbucks' proposed unit best ensures that all partners in the market are afforded voting rights and a voice in this process.

When, as here, a petitioner seeks a single location unit, the "single-facility" presumption can be rebutted by a showing that the petitioned-for unit has been so effectively merged into a more comprehensive unit, or is so functionally integrated, that it has lost its separate identity. *Hilander*

[1] The Assistant Store Manager classification does exist at Employer locations in Blasdell, Buffalo (one store), and Amherst (one store). To the extent that the Regional Director finds a district-wide unit appropriate, the Assistant Store Manager classification is subject to exclusion under Section 2(11). Assistant Store Managers are statutory supervisors.

Foods, 348 NLRB 1200 (2006). To determine whether the single-facility presumption has been rebutted, the Board examines several factors including: (1) employees' skills and duties; (2) terms and conditions of employment; (3) employee contact and interchange; (4) functional integration; (5) geographic proximity; (6) centralized control of management and supervision; and (7) bargaining history, if any exists. *Audio Visual Services Group, LLC*, 370 NLRB No. 39, slip op. at 3 (Oct. 26, 2020), *citing Laboratory Corp. of America Holdings*, 341 NLRB 1079, 1081 1082 (2004).

Here, Starbucks has rebutted the single-facility presumption and a market-wide unit is the appropriate unit. The partners in the Buffalo market perform the same jobs, occupy the same classifications, receive the same training, and possess similar job skills. Partners in the Buffalo market wear the same uniforms, sell the same products at the same prices, and utilize the same equipment. Partners in the Buffalo market are subject to the same policies, operating procedures, and working conditions. Because all stores in the Buffalo market share geographic proximity, there is also a high degree of employee interchange among stores. Partners frequently work at more than one Starbucks location within the Buffalo market and seamlessly perform the same functions at different stores. In addition, partners in the Buffalo market share common supervision. Store Managers conduct business under standardized policies and procedures subject to close centralized control on a market-wide basis. Store Managers are vested with minimal discretion with respect to labor relations matters and the methods of operation, and their decisions are subject to approval from higher level management who ensure consistency in the market. Additionally, Petitioner recognizes the relevant employee interchange, common control of operations, and identical working conditions when Petitioner references the "Buffalo Region" in its communications with the Employer, including its letters dated August 23, 2021. Accordingly, the appropriate unit must include all Starbucks stores located within the Buffalo market.

The Petitioner's filing of petitions for two more standalone stores in Cases 03-RC-282640 (East Amherst) and 03-RC-282641 (Cheektowaga) prove that a Buffalo market unit is appropriate. Despite the Union's gamesmanship in withdrawing these two petitions when Starbucks sought a consolidation of cases, the fact remains that the Union seeks to represent partners at two more standalone stores in the Buffalo market.

To the extent the Petitioner claims that the Buffalo market is too broad, the facts as analyzed under Board precedent negate such claim. Regardless, there is no basis whatsoever for the Petitioner's scatter-shot approach of petitioning for three random stores, other than its extent of organizing which is prohibited under Section 9(c)(5) of the Act. In the event the Region's investigation before the hearing and its assessment of the record evidence after the hearing leads the Region to believe another appropriate unit may exist, the smallest appropriate unit must be on a district-wide basis.

The Buffalo market consists of two administrative districts, however, in reality the two districts are merged into the one Buffalo market. There is extensive commonality and integration among the Buffalo stores and partners regardless of the administrative district to which the store is assigned. Partners regularly work in multiple stores regardless of the store's administrative district.

More specifically to the instant matter, the Union seeks to represent partners working at the 4255 Genessee St., Cheektowaga, NY store in pending Case 03-RC-282139, which is in District #362. In Case 03-RC-282641, the Union petitioned to represent partners working at the 1775 Walden Ave., Cheektowaga, NY store which is in District #159. Although formally in separate districts, these two stores are only 3.6 miles apart and merged into the Buffalo market. It does not make logical sense for the partners in these two stores, for example, to vote in two separate elections.

4. The Appropriate Unit

Based on the above, Starbucks proposes the following unit description:

> Employees Included
> All full-time and regular part-time baristas and shift supervisors employed at the Employer's stores located in the Buffalo, New York market.
>
> Employees Excluded
> All store managers, assistant store managers, office clerical employees, professional employees, guards and supervisors as defined by the Act, and all other employees.

Questions 6 and 8

1. A Manual Election is Appropriate and Warranted

The Union has requested a "Manual" election in all three of the representation petitions filed on August 30, 2021. Starbucks agrees with the Union's position here a manual election is appropriate and warranted for all Buffalo market partners.

Board precedent is clear: manual elections are favored and should be conducted unless "infeasible." *San Diego Gas and Electric,* 325 NLRB 1143, 1150 (1998) ("In short, the manual election is the Board's 'crown jewel,' and we would not abandon it unless there is a showing that such an election is infeasible.").

Nearly one year ago, the Board issued a decision in *Aspirus Keweenaw*, 370 NLRB No. 45 (Nov. 9, 2020), in which it provided guidance regarding when a manual election is appropriate given the COVID-19 pandemic. In this decision, the Board noted that, based on the Board's internal statistics, although participation in mail-ballot elections has risen during the pandemic, it continues to lag significantly behind the manual election participation rate. Knowing that mail ballot elections are not preferable when manual elections can be held, the Board set forth more specific and defined parameters under which Regional Directors should exercise their discretion in

determining the type of election to direct due to the pandemic. The Board listed the following considerations:

1. The Agency office tasked with conducting the election is operating under "mandatory telework" status.
2. Either the 14-day trend in the number of new confirmed cases of COVID-19 in the county where the facility is located is increasing, or the 14-day testing positivity rate in the county where the facility is located is 5 percent or higher.
3. The proposed manual election site cannot be established in a way that avoids violating mandatory state or local health orders relating to maximum gathering size.
4. The Employer fails or refuses to commit to abide by the GC Memo 20-10 protocols.
5. There is a current COVID-19 outbreak at the facility or the Employer refuses to disclose and certify its current status.
6. Other similarly compelling considerations.

The Board held that if any of the five specific situations, or other similarly compelling considerations are present, Regional Directors should *consider* directing a mail-ballot election but noted that Regional Directors should continue to exercise their discretion in this area. The Board also held that this decision will be applied retroactively.

2. The Current State of the Pandemic Warrants a Return to San Diego Gas and Electric

The guidance provided in *Aspirus Keweenaw* is now outdated and no longer reasonably controlling. The timing of the *Aspirus Keweenaw* decision in the midst of the pandemic, without any viable approved vaccine, represented the most conservative guidance on the conduct of manual versus mail ballot elections. Since the Board's decision in *Aspirus Keweenaw*, the majority of the adult population has been vaccinated and insulated from the most serious health outcomes from COVID-19. In Erie County, New York, 72.5% of the adult population has received at least one dose of the vaccine and everyone has equal access to the vaccine at any time.[2] This number continues to grow although, as the number of Americans and supply of vaccine has increased, the demand for the vaccine has dropped. This creates a situation where those that wish to get vaccinated, have now had an opportunity to actually get vaccinated. For those that have not chosen to be vaccinated, their participation in society assumes the risk of illness from COVID-19. The approved COVID-19 vaccines are a remarkably effective tool in preventing serious disease and death from COVID-19, bringing the level of adverse outcomes from COVID-19 far below baseline rates for serious disease and death for other forms of contagious illness such as influenza. About four weeks ago, the New York State Department of Public Health released the results of its first-in-the nation study on COVID-19 vaccine effectiveness and breakthrough illnesses. In that study, the New York State Department of Health concluded the vaccine remained 92% to 95% effective

[2] https://www2.erie.gov/health/sites/www2.erie.gov.health/files/uploads/pdfs/ECDOH-data-vis-08282021.pdf

at preventing hospitalizations.[3] As further evidence of the progress provided by the vaccine, despite sustained cases, Erie County, New York has only attributed twelve COVID-19 deaths to individuals under 60 years old in the last three months (since June 1, 2021).[4] As a reference point, the 2020 Census assessed the Erie County, New York population at 954,236.[5]

The current state of the pandemic and vaccine access renders the *Aspirus Keweenaw* factors moot and/or outdated. For example, the 14-day test positivity rate is now a completely skewed statistic. At the time of *Aspirus Keweenaw*, several subsets of individuals asymptomatic and symptomatic were subject to testing protocols. This resulted in lower test positivity rates because among the asymptomatic subset of the population, it was expected that large numbers would test negative (e.g. travelers departing and/or returning home testing in lieu of quarantine), thus driving the positivity rate lower. This results in an inapt comparison in positivity rates between the pre- and post-vaccine time periods. Similarly, general trends in case counts simply do not justify imposition of a mail ballot election when the case counts are low and there is a widely available vaccine treatment. At this point, for the vaccinated population, COVID represents a baseline risk to society which is not significantly different in degree from the baseline risks of disease that existed prior to the pandemic. Not only that, but the current CDC guidance permits indoor activities provided that the parties are able to (1) maintain social distance; (2) the room is well ventilated; and (3) individuals wear a mask.[6] The Employer is willing to conduct a manual election that respects all three conditions.

The *Aspirus Keweenaw* decision never mandated the ordering of mail ballot elections. Instead, "Regional Directors must continue to exercise their discretion in this area; the [*Aspirus* factors] do not require a mail-ballot election." *Id.* at 8. Based upon the current state of the pandemic and wide availability of vaccines, a return to *San Diego Gas and Electric* is appropriate. The Regional Director should order a manual election. At all times prior to the pandemic, the Board was willing to accept societal risks from endemic illnesses (such as influenza) to voters and its Board Agents similar to risks posed by breakthrough COVID cases. Given this, there is no ongoing justification for the Region to deny manual elections based upon the extraordinary circumstances initially created by the pandemic.

Manual ballot elections are the Board's "crown jewel" for a reason. Manual ballot elections best preserve and effectuate the Section 7 rights of employees under the National Labor Relations Act in choosing or not choosing a labor representative. The difference between mail and manual elections in this regard is not theoretical. Since the cancellation of manual ballot elections in April

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[3] https://health.ny.gov/press/releases/2021/2021-08-18_mmwr_vaccine_study.htm
[4] *Supra* at 1.
[5] https://www.census.gov/quickfacts/eriecountynewyork
[6] https://www.cdc.gov/coronavirus/2019-ncov/daily-life-coping/outdoor-activities.html. *See also* https://www.cdc.gov/coronavirus/2019-ncov/your-health/gatherings.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fdaily-life-coping%2Fholidays%2Fsmall-gatherings.html (the "small gathering" rules should apply here, where the employees regularly interact with one another).

2020, the National Labor Relations Board's track record in mail ballot elections is less than stellar Regions have ordered numerous mail ballot elections rerun over known problems with the conduct and structure of mail ballot elections. Both the Union and Starbucks seeks a manual election. By ordering a manual ballot election, the Region will best protect the Section 7 rights of employees and can significantly decrease the likelihood of a procedural error requiring a re-run election.

3. Even if the Regional Director Applies Aspirus Keweenaw, a Manual Election is Appropriate

Applying *Aspirus Keweenaw*, none of the factors justify a mail ballot election. The Region is not subject to a mandatory telework order. Despite a slight case rate increase, "Regional Directors must continue to exercise their discretion in this area . . ." *Id.* at 8, as the effect of vaccination rate and comprehensive access to vaccination mitigates the outdated analysis of *Aspirus Keweenaw*.

Here, a manual ballot election is warranted for multiple reasons. First, both parties have requested a manual election. Second, the data trends indicate that if a manual election was held, the COVID-19 data incident to the proliferation of vaccinations, very likely would be within "acceptable" range indicating that it is safe enough to hold a manual election. The sole factor that is not currently in line with the *Aspirus* factors is the case trend. COVID-19 cases are increasing in Erie County, New York.[7] However, as discussed above, the fact that cases are increasing does not warrant a manual election because the existence of the vaccine mitigates societal risk. Additionally, the overall positivity rate remains low and steady with a 3.9% average positivity rate over the last 14 days.[8] Third, a manual ballot election in this matter will not pose any greater risk than those risks encountered by the Employer's employees or members of the public on a daily basis. Fourth, the Regional Director should also consider the vaccination status of the petitioned-for employees and President Biden's July 29, 2021, announced new requirements for federal employees regarding vaccination status, masking, and social distancing. While a formal executive order has not yet been published, guidance was issued. And, of course, to protect its employees and the Board Agent, the Employer will comply with the suggested manual election protocols in the General Counsel's recent Memorandum to the extent they differ from and/or exceed the Employer's current safety protocols. The Employer will present evidence as to how an election can be safely conducted at the hearing.

The presumption that a manual election should occur should not be abandoned here and, accordingly, the Regional Director should order a manual ballot election. *See San Diego Gas*, 325 NLRB at 1150; *Willamette Indus.*, 322 NLRB at 856. There are no government orders which would prohibit or restrict holding a manual election. The Employer agrees to abide by GC 20-10. There is no current outbreak in Buffalo Market stores. Thus, even under *Aspirus Keweenaw*, a manual

[7] *Supra* at 1.
[8] https://forward.ny.gov/percentage-positive-results-county-dashboard

election is appropriate, and a manual election remains the best process for a fair and accurate election.

4. The Employer Proposes a Neutral Site Election

The choice of the election site is within the sound discretion of the Regional Director. *Austal USA, LLC*, 357 NLRB 329, 330–31 (2011). Given the layout of the Starbucks locations at issue, and GC 20-10, onsite voting at the store locations is not possible. As a result, the Employer proposes off-site voting at neutral locations.

Question 7

The list containing the full names, work locations, shifts and job classifications of all individuals in the proposed unit as of the payroll period immediately preceding the filing of the petition is attached as **ATTACHMENT B.**

The list of names, work locations, shifts and job classifications of all individuals the Employer contends must be added to the proposed unit to make it appropriate is attached as **ATTACHMENT C.**

While the Employer contends that the Assistant Store Manager position is a supervisory position that does not belong in the bargaining unit, there is no Assistant Store Manager at the petitioned-for stores, so there is no separate Attachment D.

	FIRST)		LOCATION	
1.	(b) (6), (b) (7)(C) [redacted]	shift supervisor	Elmwood	regular
2.	[redacted]	barista	Elmwood	regular
3.	[redacted]	barista	Elmwood	regular
4.	[redacted]	barista	Elmwood	regular
5.	[redacted]	barista	Elmwood	regular
6.	[redacted]	barista	Elmwood	regular
7.	[redacted]	barista	Elmwood	regular
8.	[redacted]	barista	Elmwood	regular
9.	[redacted]	barista	Elmwood	regular
10.	[redacted]	barista	Elmwood	regular
11.	[redacted]	barista	Elmwood	regular
12.	[redacted]	shift supervisor	Elmwood	regular
13.	[redacted]	barista	Elmwood	regular
14.	[redacted]	barista	Elmwood	regular
15.	[redacted]	barista	Elmwood	regular
16.	[redacted]	barista	Elmwood	regular
17.	[redacted]	barista	Elmwood	regular
18.	[redacted]	barista	Elmwood	regular
19.	[redacted]	shift supervisor	Elmwood	regular
20.	[redacted]	shift supervisor	Elmwood	regular
21.	[redacted]	barista	Elmwood	regular
22.	[redacted]	barista	Elmwood	regular

"Elmwood" Store Address (Store #7381): 933 Elmwood, Buffalo, NY, 14222

Starbucks Coffee Company
NLRB Case No.: 03-RC-282115
Voter List for Position Statement
ATTACHMENT C

	FULL EMPLOYEE NAME (LAST, FIRST)	JOB CLASSIFICATION	WORK LOCATION	SHIFT
1.	(b) (6), (b) (7)(C) [redacted]	shift supervisor	235 Delaware Avenue	regular
2.	[redacted]	barista	235 Delaware Avenue	regular
3.	[redacted]	barista	235 Delaware Avenue	regular
4.	[redacted]	barista	235 Delaware Avenue	regular
5.	[redacted]	shift supervisor	235 Delaware Avenue	regular
6.	[redacted]	barista	235 Delaware Avenue	regular
7.	[redacted]	barista	235 Delaware Avenue	regular
8.	[redacted]	barista	235 Delaware Avenue	regular
9.	[redacted]	barista	235 Delaware Avenue	regular
10.	[redacted]	barista	235 Delaware Avenue	regular
11.	[redacted]	shift supervisor	235 Delaware Avenue	regular
12.	[redacted]	barista	235 Delaware Avenue	regular
13.	[redacted]	shift supervisor	235 Delaware Avenue	regular
14.	[redacted]	barista	235 Delaware Avenue	regular
15.	[redacted]	barista	235 Delaware Avenue	regular
16.	[redacted]	barista	235 Delaware Avenue	regular
17.	[redacted]	barista	235 Delaware Avenue	regular
18.	[redacted]	barista	235 Delaware Avenue	regular
19.	[redacted]	barista	235 Delaware Avenue	regular
20.	[redacted]	shift supervisor	235 Delaware Avenue	regular
21.	[redacted]	shift supervisor	235 Delaware Avenue	regular
22.	[redacted]	barista	235 Delaware Avenue	regular
23.	[redacted]	barista	235 Delaware Avenue	regular
24.	[redacted]	barista	235 Delaware Avenue	regular
25.	[redacted]	barista	235 Delaware Avenue	regular
26.	[redacted]	barista	Amherst, Niagara Falls Blvd	regular

The information contained herein is only to be used for the above-noted petition, pursuant to §102.62(d).
Inclusion on the voter list does not constitute any admission of eligibility and the Company reserves the right to challenge anyone included on this Voter List.

Starbucks Coffee Company
NLRB Case No.: 03-RC-282115
Voter List for Position Statement
ATTACHMENT C

27.	(b) (6), (b) (7)(C) [redacted]	barista	Amherst, Niagara Falls Blvd	regular
28.	[redacted]	barista	Amherst, Niagara Falls Blvd	regular
29.	[redacted]	barista	Amherst, Niagara Falls Blvd	regular
30.	[redacted]	barista	Amherst, Niagara Falls Blvd	regular
31.	[redacted]	shift supervisor	Amherst, Niagara Falls Blvd	regular
32.	[redacted]	barista	Amherst, Niagara Falls Blvd	regular
33.	[redacted]	shift supervisor	Amherst, Niagara Falls Blvd	regular
34.	[redacted]	barista	Amherst, Niagara Falls Blvd	regular
35.	[redacted]	barista	Amherst, Niagara Falls Blvd	regular
36.	[redacted]	shift supervisor	Amherst, Niagara Falls Blvd	regular
37.	[redacted]	barista	Amherst, Niagara Falls Blvd	regular
38.	[redacted]	shift supervisor	Amherst, Niagara Falls Blvd	regular
39.	[redacted]	barista	Amherst, Niagara Falls Blvd	regular
40.	[redacted]	barista	Amherst, Niagara Falls Blvd	regular
41.	[redacted]	barista	Amherst, Niagara Falls Blvd	regular
42.	[redacted]	shift supervisor	Amherst, Niagara Falls Blvd	regular
43.	[redacted]	barista	Amherst, Niagara Falls Blvd	regular
44.	[redacted]	barista	Amherst, Niagara Falls Blvd	regular
45.	[redacted]	barista	Amherst, Niagara Falls Blvd	regular
46.	[redacted]	barista	Amherst, Niagara Falls Blvd	regular
47.	[redacted]	barista	Amherst, Niagara Falls Blvd	regular
48.	[redacted]	shift supervisor	Amherst, Niagara Falls Blvd	regular
49.	[redacted]	barista	Amherst, Niagara Falls Blvd	regular
50.	[redacted]	barista	Amherst, Niagara Falls Blvd	regular
51.	[redacted]	shift supervisor	Amherst, Niagara Falls Blvd	regular
52.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
53.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
54.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular

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Starbucks Coffee Company
NLRB Case No.: 03-RC-282115
Voter List for Position Statement
ATTACHMENT C

55.	(b) (6), (b) (7)(C) [redacted]	barista	Amherst, Niagara Falls Blvd.	regular
56.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
57.	[redacted]	shift supervisor	Amherst, Niagara Falls Blvd.	regular
58.	[redacted]	shift supervisor	Amherst, Niagara Falls Blvd.	regular
59.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
60.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
61.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
62.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
63.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
64.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
65.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
66.	[redacted]	shift supervisor	Amherst, Niagara Falls Blvd.	regular
67.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
68.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
69.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
70.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
71.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
72.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
73.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
74.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
75.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
76.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
77.	[redacted]	shift supervisor	Amherst, Niagara Falls Blvd.	regular
78.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
79.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
80.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
81.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
82.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular

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Starbucks Coffee Company
NLRB Case No.: 03-RC-282115
Voter List for Position Statement
ATTACHMENT C

83.	(b) (6), (b) (7)(C) [redacted]	shift supervisor	Amherst, Niagara Falls Blvd.	regular
84.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
85.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
86.	[redacted]	shift supervisor	Amherst, Niagara Falls Blvd.	regular
87.	[redacted]	barista	Cheektowaga-Buffalo Airport	regular
88.	[redacted]	barista	Cheektowaga-Buffalo Airport	regular
89.	[redacted]	barista	Cheektowaga-Buffalo Airport	regular
90.	[redacted]	shift supervisor	Cheektowaga-Buffalo Airport	regular
91.	[redacted]	barista	Cheektowaga-Buffalo Airport	regular
92.	[redacted]	barista	Cheektowaga-Buffalo Airport	regular
93.	[redacted]	barista	Cheektowaga-Buffalo Airport	regular
94.	[redacted]	barista	Cheektowaga-Buffalo Airport	regular
95.	[redacted]	barista	Cheektowaga-Buffalo Airport	regular
96.	[redacted]	barista	Cheektowaga-Buffalo Airport	regular
97.	[redacted]	barista	Cheektowaga-Buffalo Airport	regular
98.	[redacted]	barista	Cheektowaga-Buffalo Airport	regular
99.	[redacted]	barista	Cheektowaga-Buffalo Airport	regular
100.	[redacted]	shift supervisor	Cheektowaga-Buffalo Airport	regular
101.	[redacted]	barista	Cheektowaga-Buffalo Airport	regular
102.	[redacted]	barista	Cheektowaga-Buffalo Airport	regular
103.	[redacted]	shift supervisor	Cheektowaga-Buffalo Airport	regular
104.	[redacted]	barista	Cheektowaga-Buffalo Airport	regular
105.	[redacted]	barista	Cheektowaga-Buffalo Airport	regular
106.	[redacted]	shift supervisor	Cheektowaga-Buffalo Airport	regular
107.	[redacted]	shift supervisor	Cheektowaga-Buffalo Airport	regular
108.	[redacted]	barista	Cheektowaga-Buffalo Airport	regular
109.	[redacted]	shift supervisor	Cheektowaga-Buffalo Airport	regular
110.	[redacted]	barista	Cheektowaga-Buffalo Airport	regular

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Starbucks Coffee Company
NLRB Case No.: 03-RC-282115
Voter List for Position Statement
ATTACHMENT C

111.	(b) (6), (b) (7)(C) [redacted]	barista	Cheektowaga-Buffalo Airport	regular
112.	[redacted]	barista	Cheektowaga-Buffalo Airport	regular
113.	[redacted]	barista	Cheektowaga-Buffalo Airport	regular
114.	[redacted]	barista	Delaware & Kenmore	regular
115.	[redacted]	barista	Delaware & Kenmore	regular
116.	[redacted]	barista	Delaware & Kenmore	regular
117.	[redacted]	barista	Delaware & Kenmore	regular
118.	[redacted]	barista	Delaware & Kenmore	regular
119.	[redacted]	barista	Delaware & Kenmore	regular
120.	[redacted]	barista	Delaware & Kenmore	regular
121.	[redacted]	barista	Delaware & Kenmore	regular
122.	[redacted]	barista	Delaware & Kenmore	regular
123.	[redacted]	barista	Delaware & Kenmore	regular
124.	[redacted]	barista	Delaware & Kenmore	regular
125.	[redacted]	shift supervisor	Delaware & Kenmore	regular
126.	[redacted]	shift supervisor	Delaware & Kenmore	regular
127.	[redacted]	barista	Delaware & Kenmore	regular
128.	[redacted]	barista	Delaware & Kenmore	regular
129.	[redacted]	barista	Delaware & Kenmore	regular
130.	[redacted]	barista	Delaware & Kenmore	regular
131.	[redacted]	barista	Delaware & Kenmore	regular
132.	[redacted]	barista	Delaware & Kenmore	regular
133.	[redacted]	barista	Delaware & Kenmore	regular
134.	[redacted]	barista	Delaware & Kenmore	regular
135.	[redacted]	barista	Delaware & Kenmore	regular
136.	[redacted]	barista	Delaware & Kenmore	regular
137.	[redacted]	barista	Delaware & Kenmore	regular
138.	[redacted]	shift supervisor	Delaware & Kenmore	regular

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Starbucks Coffee Company
NLRB Case No.: 03-RC-282115
Voter List for Position Statement
ATTACHMENT C

139.	(b) (6), (b) (7)(C) [redacted]	barista	Delaware & Kenmore	regular
140.	[redacted]	barista	Delaware & Kenmore	regular
141.	[redacted]	barista	Delaware & Kenmore	regular
142.	[redacted]	barista	Delaware & Kenmore	regular
143.	[redacted]	barista	Delaware & Kenmore	regular
144.	[redacted]	shift supervisor	Delaware & Kenmore	regular
145.	[redacted]	barista	Delaware & Kenmore	regular
146.	[redacted]	shift supervisor	Delaware & Kenmore	regular
147.	[redacted]	barista	Hamburg	regular
148.	[redacted]	barista	Hamburg	regular
149.	[redacted]	barista	Hamburg	regular
150.	[redacted]	barista	Hamburg	regular
151.	[redacted]	shift supervisor	Hamburg	regular
152.	[redacted]	barista	Hamburg	regular
153.	[redacted]	shift supervisor	Hamburg	regular
154.	[redacted]	barista	Hamburg	regular
155.	[redacted]	barista	Hamburg	regular
156.	[redacted]	shift supervisor	Hamburg	regular
157.	[redacted]	barista	Hamburg	regular
158.	[redacted]	shift supervisor	Hamburg	regular
159.	[redacted]	barista	Hamburg	regular
160.	[redacted]	barista	Hamburg	regular
161.	[redacted]	shift supervisor	Hamburg	regular
162.	[redacted]	shift supervisor	Hamburg	regular
163.	[redacted]	barista	Hamburg	regular
164.	[redacted]	barista	Hamburg	regular
165.	[redacted]	barista	Hamburg	regular
166.	[redacted]	barista	Hamburg	regular

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Starbucks Coffee Company
NLRB Case No.: 03-RC-282115
Voter List for Position Statement
ATTACHMENT C

167.	(b) (6), (b) (7)(C) [redacted]	barista	Hamburg	regular
168.	[redacted]	barista	Hamburg	regular
169.	[redacted]	barista	Hamburg	regular
170.	[redacted]	barista	Hamburg	regular
171.	[redacted]	barista	Hamburg	regular
172.	[redacted]	barista	Hamburg	regular
173.	[redacted]	barista	Hamburg	regular
174.	[redacted]	barista	Hamburg, Camp Road	regular
175.	[redacted]	barista	Hamburg, Camp Road	regular
176.	[redacted]	barista	Hamburg, Camp Road	regular
177.	[redacted]	barista	Hamburg, Camp Road	regular
178.	[redacted]	barista	Hamburg, Camp Road	regular
179.	[redacted]	barista	Hamburg, Camp Road	regular
180.	[redacted]	barista	Hamburg, Camp Road	regular
181.	[redacted]	barista	Hamburg, Camp Road	regular
182.	[redacted]	barista	Hamburg, Camp Road	regular
183.	[redacted]	barista	Hamburg, Camp Road	regular
184.	[redacted]	barista	Hamburg, Camp Road	regular
185.	[redacted]	shift supervisor	Hamburg, Camp Road	regular
186.	[redacted]	barista	Hamburg, Camp Road	regular
187.	[redacted]	barista	Hamburg, Camp Road	regular
188.	[redacted]	barista	Hamburg, Camp Road	regular
189.	[redacted]	barista	Hamburg, Camp Road	regular
190.	[redacted]	barista	Hamburg, Camp Road	regular
191.	[redacted]	shift supervisor	Hamburg, Camp Road	regular
192.	[redacted]	shift supervisor	Hamburg, Camp Road	regular
193.	[redacted]	shift supervisor	Hamburg, Camp Road	regular
194.	[redacted]	barista	Hamburg, Camp Road	regular

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Starbucks Coffee Company
NLRB Case No.: 03-RC-282115
Voter List for Position Statement
ATTACHMENT C

195.	(b) (6), (b) (7)(C) [redacted]	shift supervisor	Hamburg, Camp Road	regular
196.	[redacted]	shift supervisor	Hamburg, Camp Road	regular
197.	[redacted]	barista	Hamburg, Camp Road	regular
198.	[redacted]	barista	Hamburg, Camp Road	regular
199.	[redacted]	barista	Hamburg, Camp Road	regular
200.	[redacted]	barista	Lancaster - Regal Center	regular
201.	[redacted]	shift supervisor	Lancaster - Regal Center	regular
202.	[redacted]	barista	Lancaster - Regal Center	regular
203.	[redacted]	barista	Lancaster - Regal Center	regular
204.	[redacted]	barista	Lancaster - Regal Center	regular
205.	[redacted]	shift supervisor	Lancaster - Regal Center	regular
206.	[redacted]	barista	Lancaster - Regal Center	regular
207.	[redacted]	barista	Lancaster - Regal Center	regular
208.	[redacted]	barista	Lancaster - Regal Center	regular
209.	[redacted]	barista	Lancaster - Regal Center	regular
210.	[redacted]	shift supervisor	Lancaster - Regal Center	regular
211.	[redacted]	barista	Lancaster - Regal Center	regular
212.	[redacted]	shift supervisor	Lancaster - Regal Center	regular
213.	[redacted]	barista	Lancaster - Regal Center	regular
214.	[redacted]	barista	Lancaster - Regal Center	regular
215.	[redacted]	barista	Lancaster - Regal Center	regular
216.	[redacted]	shift supervisor	Lancaster - Regal Center	regular
217.	[redacted]	barista	Lancaster - Regal Center	regular
218.	[redacted]	barista	Lancaster - Regal Center	regular
219.	[redacted]	barista	Lancaster - Regal Center	regular
220.	[redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular
221.	[redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular
222.	[redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular

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Starbucks Coffee Company
NLRB Case No.: 03-RC-282115
Voter List for Position Statement
ATTACHMENT C

223.	(b) (6), (b) (7)(C) [redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular
224.	[redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular
225.	[redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular
226.	[redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular
227.	[redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular
228.	[redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular
229.	[redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular
230.	[redacted]	shift supervisor	Niagara Falls, Niagara Falls Blvd	regular
231.	[redacted]	shift supervisor	Niagara Falls, Niagara Falls Blvd	regular
232.	[redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular
233.	[redacted]	shift supervisor	Niagara Falls, Niagara Falls Blvd	regular
234.	[redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular
235.	[redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular
236.	[redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular
237.	[redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular
238.	[redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular
239.	[redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular
240.	[redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular
241.	[redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular
242.	[redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular
243.	[redacted]	shift supervisor	Niagara Falls, Niagara Falls Blvd	regular
244.	[redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular
245.	[redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular
246.	[redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular
247.	[redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular
248.	[redacted]	shift supervisor	Niagara Falls, Niagara Falls Blvd	regular
249.	[redacted]	shift supervisor	Niagara Falls, Niagara Falls Blvd	regular
250.	[redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular

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Starbucks Coffee Company
NLRB Case No.: 03-RC-282115
Voter List for Position Statement
ATTACHMENT C

251.	(b) (6), (b) (7)(C) [redacted]	barista	Orchard Park, Hwy 20	regular
252.	[redacted]	barista	Orchard Park, Hwy 20	regular
253.	[redacted]	shift supervisor	Orchard Park, Hwy 20	regular
254.	[redacted]	barista	Orchard Park, Hwy 20	regular
255.	[redacted]	barista	Orchard Park, Hwy 20	regular
256.	[redacted]	barista	Orchard Park, Hwy 20	regular
257.	[redacted]	shift supervisor	Orchard Park, Hwy 20	regular
258.	[redacted]	shift supervisor	Orchard Park, Hwy 20	regular
259.	[redacted]	shift supervisor	Orchard Park, Hwy 20	regular
260.	[redacted]	barista	Orchard Park, Hwy 20	regular
261.	[redacted]	barista	Orchard Park, Hwy 20	regular
262.	[redacted]	barista	Orchard Park, Hwy 20	regular
263.	[redacted]	barista	Orchard Park, Hwy 20	regular
264.	[redacted]	barista	Orchard Park, Hwy 20	regular
265.	[redacted]	barista	Orchard Park, Hwy 20	regular
266.	[redacted]	barista	Orchard Park, Hwy 20	regular
267.	[redacted]	barista	Orchard Park, Hwy 20	regular
268.	[redacted]	shift supervisor	Orchard Park, Hwy 20	regular
269.	[redacted]	barista	Orchard Park, Hwy 20	regular
270.	[redacted]	barista	Orchard Park, Hwy 20	regular
271.	[redacted]	barista	Orchard Park, Hwy 20	regular
272.	[redacted]	barista	Orchard Park, Hwy 20	regular
273.	[redacted]	shift supervisor	Orchard Park, Hwy 20	regular
274.	[redacted]	barista	Orchard Park, Hwy 20	regular
275.	[redacted]	shift supervisor	Orchard Park, Hwy 20	regular
276.	[redacted]	barista	Orchard Park, Hwy 20	regular
277.	[redacted]	barista	Orchard Park, Hwy 20	regular
278.	[redacted]	barista	Sheridan and N. Bailey, Amherst	regular

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Starbucks Coffee Company
NLRB Case No.: 03-RC-282115
Voter List for Position Statement
ATTACHMENT C

279.	(b) (6), (b) (7)(C) [redacted]	shift supervisor	Sheridan and N. Bailey, Amherst	regular
280.	[redacted]	barista	Sheridan and N. Bailey, Amherst	regular
281.	[redacted]	barista	Sheridan and N. Bailey, Amherst	regular
282.	[redacted]	shift supervisor	Sheridan and N. Bailey, Amherst	regular
283.	[redacted]	barista	Sheridan and N. Bailey, Amherst	regular
284.	[redacted]	shift supervisor	Sheridan and N. Bailey, Amherst	regular
285.	[redacted]	barista	Sheridan and N. Bailey, Amherst	regular
286.	[redacted]	barista	Sheridan and N. Bailey, Amherst	regular
287.	[redacted]	barista	Sheridan and N. Bailey, Amherst	regular
288.	[redacted]	barista	Sheridan and N. Bailey, Amherst	regular
289.	[redacted]	barista	Sheridan and N. Bailey, Amherst	regular
290.	[redacted]	shift supervisor	Sheridan and N. Bailey, Amherst	regular
291.	[redacted]	barista	Sheridan and N. Bailey, Amherst	regular
292.	[redacted]	barista	Sheridan and N. Bailey, Amherst	regular
293.	[redacted]	shift supervisor	Sheridan and N. Bailey, Amherst	regular
294.	[redacted]	barista	Sheridan and N. Bailey, Amherst	regular
295.	[redacted]	barista	Sheridan and N. Bailey, Amherst	regular
296.	[redacted]	shift supervisor	Sheridan and N. Bailey, Amherst	regular
297.	[redacted]	barista	Sheridan and N. Bailey, Amherst	regular
298.	[redacted]	barista	Sheridan and N. Bailey, Amherst	regular
299.	[redacted]	barista	Sheridan and N. Bailey, Amherst	regular
300.	[redacted]	barista	Sheridan and N. Bailey, Amherst	regular
301.	[redacted]	barista	Sheridan and N. Bailey, Amherst	regular
302.	[redacted]	barista	Sheridan and N. Bailey, Amherst	regular
303.	[redacted]	barista	Sheridan and N. Bailey, Amherst	regular
304.	[redacted]	barista	Sheridan and N. Bailey, Amherst	regular
305.	[redacted]	barista	Sheridan and N. Bailey, Amherst	regular
306.	[redacted]	shift supervisor	Sheridan and N. Bailey, Amherst	regular

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Starbucks Coffee Company
NLRB Case No.: 03-RC-282115
Voter List for Position Statement
ATTACHMENT C

307.	(b) (6), (b) (7)(C) [redacted]	barista	Sheridan and N. Bailey, Amherst	regular
308.	[redacted]	barista	Sheridan and N. Bailey, Amherst	regular
309.	[redacted]	barista	Sheridan and N. Bailey, Amherst	regular
310.	[redacted]	shift supervisor	Sheridan and N. Bailey, Amherst	regular
311.	[redacted]	barista	The Commons - Buffalo University	regular
312.	[redacted]	barista	The Commons - Buffalo University	regular
313.	[redacted]	shift supervisor	The Commons - Buffalo University	regular
314.	[redacted]	barista	The Commons - Buffalo University	regular
315.	[redacted]	barista	The Commons - Buffalo University	regular
316.	[redacted]	barista	The Commons - Buffalo University	regular
317.	[redacted]	shift supervisor	The Commons - Buffalo University	regular
318.	[redacted]	barista	The Commons - Buffalo University	regular
319.	[redacted]	barista	The Commons - Buffalo University	regular
320.	[redacted]	barista	The Commons - Buffalo University	regular
321.	[redacted]	barista	The Commons - Buffalo University	regular
322.	[redacted]	barista	The Commons - Buffalo University	regular
323.	[redacted]	barista	The Commons - Buffalo University	regular
324.	[redacted]	barista	The Commons - Buffalo University	regular
325.	[redacted]	barista	The Commons - Buffalo University	regular
326.	[redacted]	barista	The Commons - Buffalo University	regular
327.	[redacted]	barista	The Commons - Buffalo University	regular
328.	[redacted]	shift supervisor	The Commons - Buffalo University	regular
329.	[redacted]	barista	The Commons - Buffalo University	regular
330.	[redacted]	barista	The Commons - Buffalo University	regular
331.	[redacted]	barista	The Commons - Buffalo University	regular
332.	[redacted]	barista	The Commons - Buffalo University	regular
333.	[redacted]	barista	The Commons - Buffalo University	regular
334.	[redacted]	barista	The Commons - Buffalo University	regular

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Starbucks Coffee Company
NLRB Case No.: 03-RC-282115
Voter List for Position Statement
ATTACHMENT C

335.	(b) (6), (b) (7)(C) [redacted]	shift supervisor	The Commons - Buffalo University	regular
336.	[redacted]	barista	The Commons - Buffalo University	regular
337.	[redacted]	barista	The Commons - Buffalo University	regular
338.	[redacted]	barista	The Commons - Buffalo University	regular
339.	[redacted]	barista	The Commons - Buffalo University	regular
340.	[redacted]	shift supervisor	The Commons - Buffalo University	regular
341.	[redacted]	barista	The Commons - Buffalo University	regular
342.	[redacted]	barista	The Commons - Buffalo University	regular
343.	[redacted]	barista	The Commons - Buffalo University	regular
344.	[redacted]	barista	The Commons - Buffalo University	regular
345.	[redacted]	shift supervisor	The Commons - Buffalo University	regular
346.	[redacted]	shift supervisor	The Commons - Buffalo University	regular
347.	[redacted]	barista	The Commons - Buffalo University	regular
348.	[redacted]	shift supervisor	The Commons - Buffalo University	regular
349.	[redacted]	barista	The Commons - Buffalo University	regular
350.	[redacted]	barista	The Commons - Buffalo University	regular
351.	[redacted]	barista	The Commons - Buffalo University	regular
352.	[redacted]	barista	Transit & French	regular
353.	[redacted]	shift supervisor	Transit & French	regular
354.	[redacted]	barista	Transit & French	regular
355.	[redacted]	barista	Transit & French	regular
356.	[redacted]	barista	Transit & French	regular
357.	[redacted]	barista	Transit & French	regular
358.	[redacted]	barista	Transit & French	regular
359.	[redacted]	barista	Transit & French	regular
360.	[redacted]	barista	Transit & French	regular
361.	[redacted]	barista	Transit & French	regular
362.	[redacted]	barista	Transit & French	regular

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Starbucks Coffee Company
NLRB Case No.: 03-RC-282115
Voter List for Position Statement
ATTACHMENT C

363.	(b) (6), (b) (7)(C) [redacted]	barista	Transit & French	regular
364.	[redacted]	barista	Transit & French	regular
365.	[redacted]	shift supervisor	Transit & French	regular
366.	[redacted]	barista	Transit & French	regular
367.	[redacted]	barista	Transit & French	regular
368.	[redacted]	barista	Transit & French	regular
369.	[redacted]	shift supervisor	Transit & French	regular
370.	[redacted]	barista	Transit & French	regular
371.	[redacted]	barista	Transit & French	regular
372.	[redacted]	barista	Transit & French	regular
373.	[redacted]	barista	Transit & French	regular
374.	[redacted]	barista	Transit & French	regular
375.	[redacted]	shift supervisor	Transit & French	regular
376.	[redacted]	barista	Transit & French	regular
377.	[redacted]	barista	Transit & French	regular
378.	[redacted]	shift supervisor	Transit & French	regular
379.	[redacted]	barista	Transit & French	regular
380.	[redacted]	barista	Transit & French	regular
381.	[redacted]	barista	Transit & French	regular
382.	[redacted]	barista	Transit & French	regular
383.	[redacted]	barista	Transit & French	regular
384.	[redacted]	barista	Transit & French	regular
385.	[redacted]	barista	Transit & French	regular
386.	[redacted]	barista	Transit & French	regular
387.	[redacted]	barista	Transit and Maple Roads	regular
388.	[redacted]	barista	Transit and Maple Roads	regular
389.	[redacted]	shift supervisor	Transit and Maple Roads	regular
390.	[redacted]	barista	Transit and Maple Roads	regular

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Starbucks Coffee Company
NLRB Case No.: 03-RC-282115
Voter List for Position Statement
ATTACHMENT C

391.	(b) (6), (b) (7)(C) [redacted]	shift supervisor	Transit and Maple Roads	regular
392.	[redacted]	shift supervisor	Transit and Maple Roads	regular
393.	[redacted]	barista	Transit and Maple Roads	regular
394.	[redacted]	shift supervisor	Transit and Maple Roads	regular
395.	[redacted]	barista	Transit and Maple Roads	regular
396.	[redacted]	barista	Transit and Maple Roads	regular
397.	[redacted]	barista	Transit and Maple Roads	regular
398.	[redacted]	barista	Transit and Maple Roads	regular
399.	[redacted]	barista	Transit and Maple Roads	regular
400.	[redacted]	barista	Transit and Maple Roads	regular
401.	[redacted]	barista	Transit and Maple Roads	regular
402.	[redacted]	barista	Transit and Maple Roads	regular
403.	[redacted]	barista	Transit and Maple Roads	regular
404.	[redacted]	shift supervisor	Transit and Maple Roads	regular
405.	[redacted]	barista	Transit and Maple Roads	regular
406.	[redacted]	barista	Transit and Maple Roads	regular
407.	[redacted]	shift supervisor	Transit and Maple Roads	regular
408.	[redacted]	barista	Transit and Maple Roads	regular
409.	[redacted]	barista	Transit and Maple Roads	regular
410.	[redacted]	barista	Transit and Maple Roads	regular
411.	[redacted]	shift supervisor	Transit and Maple Roads	regular
412.	[redacted]	barista	Transit and Maple Roads	regular
413.	[redacted]	barista	Transit Commons	regular
414.	[redacted]	barista	Transit Commons	regular
415.	[redacted]	barista	Transit Commons	regular
416.	[redacted]	barista	Transit Commons	regular
417.	[redacted]	barista	Transit Commons	regular
418.	[redacted]	shift supervisor	Transit Commons	regular

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Starbucks Coffee Company
NLRB Case No.: 03-RC-282115
Voter List for Position Statement
ATTACHMENT C

419.	(b) (6), (b) (7)(C) [redacted]	barista	Transit Commons	regular
420.	[redacted]	shift supervisor	Transit Commons	regular
421.	[redacted]	barista	Transit Commons	regular
422.	[redacted]	barista	Transit Commons	regular
423.	[redacted]	shift supervisor	Transit Commons	regular
424.	[redacted]	barista	Transit Commons	regular
425.	[redacted]	barista	Transit Commons	regular
426.	[redacted]	barista	Transit Commons	regular
427.	[redacted]	shift supervisor	Transit Commons	regular
428.	[redacted]	barista	Transit Commons	regular
429.	[redacted]	barista	Transit Commons	regular
430.	[redacted]	barista	Transit Commons	regular
431.	[redacted]	barista	Transit Commons	regular
432.	[redacted]	barista	Transit Commons	regular
433.	[redacted]	barista	Transit Commons	regular
434.	[redacted]	shift supervisor	Transit Commons	regular
435.	[redacted]	barista	Transit Commons	regular
436.	[redacted]	shift supervisor	Transit Commons	regular
437.	[redacted]	shift supervisor	Transit Commons	regular
438.	[redacted]	barista	Transit Commons	regular
439.	[redacted]	barista	Transit Commons	regular
440.	[redacted]	barista	Transit Commons	regular
441.	[redacted]	barista	Transit Commons	regular
442.	[redacted]	barista	Transit Commons	regular
443.	[redacted]	barista	Walden & Anderson	regular
444.	[redacted]	barista	Walden & Anderson	regular
445.	[redacted]	barista	Walden & Anderson	regular
446.	[redacted]	barista	Walden & Anderson	regular

The information contained herein is only to be used for the above-noted petition, pursuant to §102.62(d).
Inclusion on the voter list does not constitute any admission of eligibility and the Company reserves the right to challenge anyone included on this Voter List.

Starbucks Coffee Company
NLRB Case No.: 03-RC-282115
Voter List for Position Statement
ATTACHMENT C

447.	(b) (6), (b) (7)(C) [redacted]	barista	Walden & Anderson	regular
448.	[redacted]	barista	Walden & Anderson	regular
449.	[redacted]	barista	Walden & Anderson	regular
450.	[redacted]	barista	Walden & Anderson	regular
451.	[redacted]	shift supervisor	Walden & Anderson	regular
452.	[redacted]	barista	Walden & Anderson	regular
453.	[redacted]	barista	Walden & Anderson	regular
454.	[redacted]	shift supervisor	Walden & Anderson	regular
455.	[redacted]	barista	Walden & Anderson	regular
456.	[redacted]	barista	Walden & Anderson	regular
457.	[redacted]	barista	Walden & Anderson	regular
458.	[redacted]	barista	Walden & Anderson	regular
459.	[redacted]	barista	Walden & Anderson	regular
460.	[redacted]	barista	Walden & Anderson	regular
461.	[redacted]	shift supervisor	Walden & Anderson	regular
462.	[redacted]	shift supervisor	Walden & Anderson	regular
463.	[redacted]	shift supervisor	Walden & Anderson	regular
464.	[redacted]	shift supervisor	Walden & Anderson	regular
465.	[redacted]	barista	Walden & Anderson	regular
466.	[redacted]	barista	Walden & Anderson	regular
467.	[redacted]	shift supervisor	Walden Galleria	regular
468.	[redacted]	shift supervisor	Walden Galleria	regular
469.	[redacted]	barista	Walden Galleria	regular
470.	[redacted]	barista	Walden Galleria	regular
471.	[redacted]	barista	Walden Galleria	regular
472.	[redacted]	barista	Walden Galleria	regular
473.	[redacted]	shift supervisor	Walden Galleria	regular
474.	[redacted]	barista	Walden Galleria	regular

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Starbucks Coffee Company
NLRB Case No.: 03-RC-282115
Voter List for Position Statement
ATTACHMENT C

475.	(b) (6), (b) (7)(C) [redacted]	barista	Walden Galleria	regular
476.	[redacted]	shift supervisor	Walden Galleria	regular
477.	[redacted]	shift supervisor	Walden Galleria	regular
478.	[redacted]	barista	Walden Galleria	regular
479.	[redacted]	barista	Walden Galleria	regular
480.	[redacted]	barista	Walden Galleria	regular
481.	[redacted]	barista	Williamsville Place	regular
482.	[redacted]	barista	Williamsville Place	regular
483.	[redacted]	barista	Williamsville Place	regular
484.	[redacted]	barista	Williamsville Place	regular
485.	[redacted]	barista	Williamsville Place	regular
486.	[redacted]	shift supervisor	Williamsville Place	regular
487.	[redacted]	barista	Williamsville Place	regular
488.	[redacted]	shift supervisor	Williamsville Place	regular
489.	[redacted]	shift supervisor	Williamsville Place	regular
490.	[redacted]	barista	Williamsville Place	regular
491.	[redacted]	shift supervisor	Williamsville Place	regular
492.	[redacted]	barista	Williamsville Place	regular
493.	[redacted]	barista	Williamsville Place	regular
494.	[redacted]	barista	Williamsville Place	regular
495.	[redacted]	barista	Williamsville Place	regular
496.	[redacted]	barista	Williamsville Place	regular
497.	[redacted]	barista	Williamsville Place	regular
498.	[redacted]	barista	Williamsville Place	regular
499.	[redacted]	barista	Williamsville Place	regular
500.	[redacted]	barista	Williamsville Place	regular
501.	[redacted]	barista	Williamsville Place	regular
502.	[redacted]	barista	Williamsville, Main St.	regular

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Starbucks Coffee Company
NLRB Case No.: 03-RC-282115
Voter List for Position Statement
ATTACHMENT C

503.	(b) (6), (b) (7)(C) [redacted]	barista	Williamsville, Main St.	regular
504.	[redacted]	barista	Williamsville, Main St.	regular
505.	[redacted]	barista	Williamsville, Main St.	regular
506.	[redacted]	barista	Williamsville, Main St.	regular
507.	[redacted]	barista	Williamsville, Main St.	regular
508.	[redacted]	barista	Williamsville, Main St.	regular
509.	[redacted]	barista	Williamsville, Main St.	regular
510.	[redacted]	barista	Williamsville, Main St.	regular
511.	[redacted]	barista	Williamsville, Main St.	regular
512.	[redacted]	barista	Williamsville, Main St.	regular
513.	[redacted]	barista	Williamsville, Main St.	regular
514.	[redacted]	barista	Williamsville, Main St.	regular
515.	[redacted]	barista	Williamsville, Main St.	regular
516.	[redacted]	barista	Williamsville, Main St.	regular
517.	[redacted]	barista	Williamsville, Main St.	regular
518.	[redacted]	barista	Williamsville, Main St.	regular
519.	[redacted]	barista	Williamsville, Main St.	regular
520.	[redacted]	barista	Williamsville, Main St.	regular
521.	[redacted]	barista	Williamsville, Main St.	regular
522.	[redacted]	barista	Williamsville, Main St.	regular
523.	[redacted]	shift supervisor	Williamsville, Main St.	regular
524.	[redacted]	shift supervisor	Williamsville, Main St.	regular
525.	[redacted]	shift supervisor	Williamsville, Main St.	regular
526.	[redacted]	barista	Williamsville, Main St.	regular
527.	[redacted]	barista	Williamsville, Main St.	regular
528.	[redacted]	barista	Williamsville, Main St.	regular
529.	[redacted]	shift supervisor	Williamsville, Main St.	regular
530.	[redacted]	shift supervisor	Williamsville, Main St.	regular

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Starbucks Coffee Company
NLRB Case No.: 03-RC-282115
Voter List for Position Statement
ATTACHMENT C

531.	(b) (6), (b) (7)(C) [redacted]	barista	Williamsville, Main St.	regular
532.	[redacted]	barista	Williamsville, Main St.	regular
533.	[redacted]	shift supervisor	Williamsville, Main St.	regular
534.	[redacted]	barista	Williamsville, Main St.	regular
535.	[redacted]	barista	Williamsville, Main St.	regular

Store Addresses:

- Store #7318 - The Commons - Buffalo University 520 Lee Entrance, Buffalo, NY 14228
- Store #7327 - Amherst, Niagara Falls Blvd. - 1703 Niagara Falls Blvd., Buffalo, NY 14228
- Store #7337 - Transit and Maple Road - 8100 Transit Road, Suite 100 Williamsville, NY 14221
- Store # 7381 - Elmwood - 933 Elmwood, Buffalo, NY 14222
- Store # 7448 - 235 Delaware Avenue - 235 Delaware Avenue, Buffalo, NY 14202
- Store # 7486 – Hamburg -3540 McKinley Parkway, Buffalo, NY 14219
- Store # 7665 - Transit & French - 4770 Transit Rd., Depew, NY 14043
- Store #7799 - Delaware & Kenmore - 2730 Delaware Avenue, Buffalo, NY 14216
- Store #7938 - Williamsville Place - 5395 Sheridan Dr., Buffalo, NY 14221
- Store # 10750 -Transit Commons - 9660 Transit Rd., Suite 101, East Amherst, NY 14051
- Store # 23917 - Cheektowaga - Buffalo Airport - 4255 Genesee St., Suite 100, Cheektowaga, NY 14225
- Store #63771 - Orchard Park Hwy 20 - 3235 Southwestern Blvd., Orchard Park, NY 14127
- Store # 59087 -Hamburg, Camp Road - 5120 Camp Rd., Hamburg, NY 14075
- Store # 7340 - Main St. Williamsville – 5265 Main St., Williamsville, NY, 14221
- Store # 7879 - Galleria Mall kiosk - 1 Walden Galleria K-04, Cheektowaga, NY 14225
- Store # 7949 - Walden Anderson -1775 Walden Ave, Cheektowaga, NY 14225
- Store # 19901 - Niagara falls, Niagara fall Blvd. - 6690 Niagara Falls Blvd, Niagara Falls, NY 14304
- Store # 22882 - Lancaster Regal - 6707 Transit Rd #100, Buffalo, NY 14221
- Store #47843 - Sheridan Drive and North Bailey - 3186 Sheridan Drive 100. Buffalo 14226

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Starbucks Coffee Company
NLRB Case No.: 03-RC-282115
Voter List for Position Statement
ATTACHMENT C

- Store #50060 - East Robinson/ Niagara falls Blvd. - 3015 Niagara Falls Blvd, Amherst, NY 14228

STATEMENT OF POSITION
CERTIFICATE OF SERVICE

I certify that, on this September 14, 2021, the foregoing Statements of Position and Attachments in NLRB Case Nos. 03-RC-282115, 03-RC-282127, 03-RC-282139 were electronically filed through the Board's website before 12:00 noon eastern, are available for viewing and downloading from the Board's website, and will be sent via e-mail to the following before 12:00 noon eastern.

Linda M. Leslie, Regional Director
Michael Dahlheimer, Field Examiner
Linda.leslie@nlrb.gov
Michael.Dahlheimer@nlrb.gov

Ian Hayes, Esq.
Creighton, Johnsen & Giroux
ihayes@cpjglaborlaw.com

/s/ Erik Hult
An Attorney for The Employer
Littler Mendelson, P.C.
41 South High Street, Suite 3250
Columbus, Ohio, 43215
708.280.0749
ehult@littler.com

FORM NLRB-505
(4-15)

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

STATEMENT OF POSITION

DO NOT WRITE IN THIS SPACE	
Case No.	Date Filed
03-RC-282127	9/14/21

INSTRUCTIONS: *Submit this Statement of Position to an NLRB Office in the Region in which the petition was filed and serve it and all attachments on each party named in the petition in this case such that it is received by them by the date and time specified in the notice of hearing.*
Note: *Non-employer parties who complete this form are NOT required to complete items 8f or 8g below or to provide a commerce questionnaire or the lists described in item 7. In RM cases, the employer is NOT required to respond to items 3, 5, 6, and 8a-8e below.*

1a. Full name of party filing Statement of Position	1c. Business Phone:	1e. Fax No.:
Starbucks Corporation	973-477-4002	
1b. Address *(Street and number, city, state, and ZIP code)*	1d. Cell No.:	1f. e-Mail Address
5120 Camp Rd. Hamburg, NY 14075	973-477-4002	amodel@littler.com

2. Do you agree that the NLRB has jurisdic ion over the Employer in this case? [X] Yes [ ] No
(A completed commerce questionnaire (Attachment A) must be submitted by the Employer, regardless of whether jurisdiction is admitted)

3. Do you agree that the proposed unit is appropriate? [ ] Yes [X] No *(If not, answer 3a and 3b)* N/A - Decertification

a. State the basis for your contention that the proposed unit is not appropriate. (*If you contend a classification should be excluded or included briefly explain why, such as shares a community of interest or are supervisors or guards)*

See Attachment A.

b. State any classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit.

Added	Excluded
See Attachment A.	N/A

4. Other than the individuals in classifications listed in 3b, list any individual(s) whose eligibility to vote you intend to contest at the pre-election hearing in this case and the basis for contesting their eligibility.

N/A

5. Is there a bar to conducting an election in this case? [ ] Yes [X] No *If yes, state the basis for your position.*

6. Describe all other issues you intend to raise at the pre-election hearing.

See Attachment A.

The employer must provide the following lists which must be alphabetized (overall or by department) in the format specified at **www.nlrb.gov/what-we-do/conduct-elections/representation-case-rules-effective-april-14-2015**.
A list containing the full names, work locations, shifts and job classification of all individuals in the proposed unit as of the payroll period immediately preceding the filing of the petition who remain employed as of the date of the filing of the petition. (Attachment B)
If the employer contends that the proposed unit is inappropriate the employer must provide (1) a separate list containing the full names, work locations, shifts and job classifications of all individuals that it contends must be *added* to the proposed unit, if any to make it an appropriate unit, (Attachment C) and (2) a list containing the full names of any individuals it contends must be *excluded* from the proposed unit to make it an appropriate unit. (Attachment D)

State your position with respect to the details of any election hat may be conducted in this matter. 8a. Type: [X] Manual [ ] Mail [ ] Mixed Manual/Mail

8b. Date(s)	8c. Time(s)	8d. Location(s)
11/3/2021	8:00 a m – 6:00 p m	Off-site location
8e. Eligibility Period (e.g. special eligibility formula)	8f. Last Payroll Period Ending Date	8g. Length of payroll period
Davison-Paxson / Standard	9/3/2021	[X] Weekly [ ]Biweekly [ ] Other *(specify length)*

9. Representative who will accept service of all papers for purposes of the representation proceeding

9a. Full name and title of authorized representative	9b. Signature of au horized representative	9c. Date
Alan I. Model	/s Alan I. Model	September 14, 2021
9d. Address *(Street and number, city, state, and ZIP code)*		9e. e-Mail Address
Littler Mendelson, One Newark Center, 1085 Raymond Blvd, 8th Floor, Newark, NJ 07102		amodel@littler.com
9f. Business Phone No.:	9g. Fax No.	9h. Cell No.
973-848-4740	973-755-0439	973-477-4002

WILLFUL FALSE STATEMENTS ON THIS STATEMENT OF POSITION 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 Section 151 et seq The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation proceedings The routine uses for the information are fully set forth in the Federal Register, 71 Fed Reg 74942-43 (December 13, 2006) The NLRB will further explain these uses upon request Failure to supply the information requested by this form may preclude you from litigating issues under 102 66(d) of the Board's Rules and Regulations and may cause the NLRB to refuse to further process a representation case or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court

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
Starbucks Corporation	03-RC-282127

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

Starbucks Corporation

2. TYPE OF ENTITY

[X] 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
Washington	

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

N/A

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

N/A

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

Coffeehouses

7. A. PRINCIPAL LOCATION:	B. BRANCH LOCATIONS:
Seattle, WA	Multiple

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 [X] 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. $	X	
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. $	X	
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 [X] $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 [X] 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
Alan Model	Counsel	amodel@littler.com	973-477-4002

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE *(Type or Print)*	SIGNATURE	E-MAIL ADDRESS	DATE
Alan I. Model	/s Alan I. Model	amodel@littler.com	9/14/2021

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 representation and/or unfair labor practice proceedings 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 may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

STARBUCKS STATEMENT OF POSITION

03-RC-282115
03-RC-282127
03-RC-282139

ATTACHMENT A

Introduction

In 1971, Starbucks Coffee Company opened its first store in Seattle's historic Pike Place Market. Since then, Starbucks has expanded into tens of thousands of neighborhoods around the world. Starbucks employees – whom the Company calls partners – are the heart of the Starbucks experience.

Pursuant to Section 102.63(b) of the Board's Rules and Regulations, this Statement of Position is filed in response to all three representation petitions filed against Starbucks in Region 3 on August 30, 2021:

- 03-RC-282115 - 933 Elmwood Ave., Buffalo, NY 14222
- 03-RC-282127 - 5120 Camp Rd., Hamburg, NY 14075
- 03-RC-282139 - 4255 Genessee St., Cheektowaga, NY 14225

For the last 50 years, Starbucks has been a company rooted in the belief that success is best when it is shared with one another, always with its Mission and Value at its core. This is why employees at Starbucks are referred to as partners - not just because they share ownership in the company - but because by working together, and honoring one another, they create a different kind of company. This is the heritage and culture that has built Starbucks, rooted in a promise partners have made to one another to create the very best experience for all who connect in its stores and within the neighborhoods it serves.

Starbucks firmly believes that by continuing to work together its partners are best equipped to listen, engage and address issues where needed. Starbucks respects its partners' rights to make this important decision for themselves. For that reason, Starbucks will work with the NLRB to ensure that a fair, secret ballot election is held, in which partners are able to exercise their rights to decide for themselves if union representation is in the best interest of themselves and their families.

Questions 3.a. and 3.b.

The proposed unit is not appropriate for two reasons.

1. Inclusion of the "Assistant Store Manager" Classification is Not Appropriate

The Union's petitioned-for unit includes the "Assistant Store Manager" classification. This job classification does not exist at the three stores involved in the petitions. As such, it should not be included in the unit.

To the extent the Union argues and establishes that such a separate classification does exist,[1] individuals in the Assistant Store Manager position would be supervisors under Section 2(11) of the Act. To the extent such a classification exists, Assistant Store Managers exercise one or more indicia of supervisory status under the Act including the authority 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 with the use of independent judgment.

2. The Union's Three Simultaneously-Filed Petitions Represent Piecemeal Union Organizing Violative of Section 9(c)(5) of the Act

Section 9(a) of the Act permits employees to form an "appropriate" bargaining unit for collective bargaining purposes. 29 U.S.C. § 159(a). The Act grants the Board discretion to determine whether a petitioned-for unit is appropriate. *Id.* at § 159(b). Nonetheless, Congress limited the Board's power in 1947 through enactment of Section 9(c)(5). *NLRB v. Metro. Life Ins. Co.*, 380 U.S. 438, 441–42 (1965). Section 9(c)(5) provides that, "In determining whether a unit is appropriate for the purposes specified in subsection (b) [of this section] the extent to which the employees have organized shall not be controlling." 29 U.S.C. § 159(c)(5).

As noted above, the Union filed petitions for three stores in the Buffalo market (Buffalo 03-RC-282115; Cheektowaga 03-RC-282139; Hamburg 03-RC-282127). Ostensibly, the Union seeks to represent partners at these three stores because it is unable to generate sufficient organizing interest for a broader multi-location unit of Buffalo market stores. In fact, the Union's subsequent filing of petitions for two more standalone stores in Cases 03-RC-282640 (East Amherst) and 03-RC-282641 (Cheektowaga) underscores that its petitioning is based solely on extent of organizing in violation of Section 9(c)(5). As a result, the Union's three simultaneously filed petitions violate Section 9(c)(5) because processing the petitions as filed would give controlling weight based upon the extent of union organizing.

3. *A Buffalo Market-Wide Unit Is The Only Appropriate Unit*

The appropriate unit is one comprised of all Buffalo market stores. The Buffalo market is comprised of approximately 20 stores. The grouping of the stores is within a defined geographic area, and Starbucks' proposed unit best ensures that all partners in the market are afforded voting rights and a voice in this process.

When, as here, a petitioner seeks a single location unit, the "single-facility" presumption can be rebutted by a showing that the petitioned-for unit has been so effectively merged into a more comprehensive unit, or is so functionally integrated, that it has lost its separate identity. *Hilander*

[1] The Assistant Store Manager classification does exist at Employer locations in Blasdell, Buffalo (one store), and Amherst (one store). To the extent that the Regional Director finds a district-wide unit appropriate, the Assistant Store Manager classification is subject to exclusion under Section 2(11). Assistant Store Managers are statutory supervisors.

Foods, 348 NLRB 1200 (2006). To determine whether the single-facility presumption has been rebutted, the Board examines several factors including: (1) employees' skills and duties; (2) terms and conditions of employment; (3) employee contact and interchange; (4) functional integration; (5) geographic proximity; (6) centralized control of management and supervision; and (7) bargaining history, if any exists. *Audio Visual Services Group, LLC*, 370 NLRB No. 39, slip op. at 3 (Oct. 26, 2020), *citing Laboratory Corp. of America Holdings*, 341 NLRB 1079, 1081–1082 (2004).

Here, Starbucks has rebutted the single-facility presumption and a market-wide unit is the appropriate unit. The partners in the Buffalo market perform the same jobs, occupy the same classifications, receive the same training, and possess similar job skills. Partners in the Buffalo market wear the same uniforms, sell the same products at the same prices, and utilize the same equipment. Partners in the Buffalo market are subject to the same policies, operating procedures, and working conditions. Because all stores in the Buffalo market share geographic proximity, there is also a high degree of employee interchange among stores. Partners frequently work at more than one Starbucks location within the Buffalo market and seamlessly perform the same functions at different stores. In addition, partners in the Buffalo market share common supervision. Store Managers conduct business under standardized policies and procedures subject to close centralized control on a market-wide basis. Store Managers are vested with minimal discretion with respect to labor relations matters and the methods of operation, and their decisions are subject to approval from higher level management who ensure consistency in the market. Additionally, Petitioner recognizes the relevant employee interchange, common control of operations, and identical working conditions when Petitioner references the "Buffalo Region" in its communications with the Employer, including its letters dated August 23, 2021. Accordingly, the appropriate unit must include all Starbucks stores located within the Buffalo market.

The Petitioner's filing of petitions for two more standalone stores in Cases 03-RC-282640 (East Amherst) and 03-RC-282641 (Cheektowaga) prove that a Buffalo market unit is appropriate. Despite the Union's gamesmanship in withdrawing these two petitions when Starbucks sought a consolidation of cases, the fact remains that the Union seeks to represent partners at two more standalone stores in the Buffalo market.

To the extent the Petitioner claims that the Buffalo market is too broad, the facts as analyzed under Board precedent negate such claim. Regardless, there is no basis whatsoever for the Petitioner's scatter-shot approach of petitioning for three random stores, other than its extent of organizing which is prohibited under Section 9(c)(5) of the Act. In the event the Region's investigation before the hearing and its assessment of the record evidence after the hearing leads the Region to believe another appropriate unit may exist, the smallest appropriate unit must be on a district-wide basis.

The Buffalo market consists of two administrative districts, however, in reality the two districts are merged into the one Buffalo market. There is extensive commonality and integration among the Buffalo stores and partners regardless of the administrative district to which the store is assigned. Partners regularly work in multiple stores regardless of the store's administrative district.

More specifically to the instant matter, the Union seeks to represent partners working at the 4255 Genessee St., Cheektowaga, NY store in pending Case 03-RC-282139, which is in District #362. In Case 03-RC-282641, the Union petitioned to represent partners working at the 1775 Walden Ave., Cheektowaga, NY store which is in District #159. Although formally in separate districts, these two stores are only 3.6 miles apart and merged into the Buffalo market. It does not make logical sense for the partners in these two stores, for example, to vote in two separate elections.

4. The Appropriate Unit

Based on the above, Starbucks proposes the following unit description:

> Employees Included
> All full-time and regular part-time baristas and shift supervisors employed at the Employer's stores located in the Buffalo, New York market.
>
> Employees Excluded
> All store managers, assistant store managers, office clerical employees, professional employees, guards and supervisors as defined by the Act, and all other employees.

Questions 6 and 8

1. A Manual Election is Appropriate and Warranted

The Union has requested a "Manual" election in all three of the representation petitions filed on August 30, 2021. Starbucks agrees with the Union's position here – a manual election is appropriate and warranted for all Buffalo market partners.

Board precedent is clear: manual elections are favored and should be conducted unless "infeasible." *San Diego Gas and Electric*, 325 NLRB 1143, 1150 (1998) ("In short, the manual election is the Board's 'crown jewel,' and we would not abandon it unless there is a showing that such an election is infeasible.").

Nearly one year ago, the Board issued a decision in *Aspirus Keweenaw*, 370 NLRB No. 45 (Nov. 9, 2020), in which it provided guidance regarding when a manual election is appropriate given the COVID-19 pandemic. In this decision, the Board noted that, based on the Board's internal statistics, although participation in mail-ballot elections has risen during the pandemic, it continues to lag significantly behind the manual election participation rate. Knowing that mail ballot elections are not preferable when manual elections can be held, the Board set forth more specific and defined parameters under which Regional Directors should exercise their discretion in

determining the type of election to direct due to the pandemic. The Board listed the following considerations:

1. The Agency office tasked with conducting the election is operating under "mandatory telework" status.
2. Either the 14-day trend in the number of new confirmed cases of COVID-19 in the county where the facility is located is increasing, or the 14-day testing positivity rate in the county where the facility is located is 5 percent or higher.
3. The proposed manual election site cannot be established in a way that avoids violating mandatory state or local health orders relating to maximum gathering size.
4. The Employer fails or refuses to commit to abide by the GC Memo 20-10 protocols.
5. There is a current COVID-19 outbreak at the facility or the Employer refuses to disclose and certify its current status.
6. Other similarly compelling considerations.

The Board held that if any of the five specific situations, or other similarly compelling considerations are present, Regional Directors should *consider* directing a mail-ballot election but noted that Regional Directors should continue to exercise their discretion in this area. The Board also held that this decision will be applied retroactively.

2. The Current State of the Pandemic Warrants a Return to San Diego Gas and Electric

The guidance provided in *Aspirus Keweenaw* is now outdated and no longer reasonably controlling. The timing of the *Aspirus Keweenaw* decision in the midst of the pandemic, without any viable approved vaccine, represented the most conservative guidance on the conduct of manual versus mail ballot elections. Since the Board's decision in *Aspirus Keweenaw*, the majority of the adult population has been vaccinated and insulated from the most serious health outcomes from COVID-19. In Erie County, New York, 72.5% of the adult population has received at least one dose of the vaccine and everyone has equal access to the vaccine at any time.[2] This number continues to grow although, as the number of Americans and supply of vaccine has increased, the demand for the vaccine has dropped. This creates a situation where those that wish to get vaccinated, have now had an opportunity to actually get vaccinated. For those that have not chosen to be vaccinated, their participation in society assumes the risk of illness from COVID-19. The approved COVID-19 vaccines are a remarkably effective tool in preventing serious disease and death from COVID-19, bringing the level of adverse outcomes from COVID-19 far below baseline rates for serious disease and death for other forms of contagious illness such as influenza. About four weeks ago, the New York State Department of Public Health released the results of its first-in-the nation study on COVID-19 vaccine effectiveness and breakthrough illnesses. In that study, the New York State Department of Health concluded the vaccine remained 92% to 95% effective

[2] https://www2.erie.gov/health/sites/www2.erie.gov.health/files/uploads/pdfs/ECDOH-data-vis-08282021.pdf

at preventing hospitalizations.[3] As further evidence of the progress provided by the vaccine, despite sustained cases, Erie County, New York has only attributed twelve COVID-19 deaths to individuals under 60 years old in the last three months (since June 1, 2021).[4] As a reference point, the 2020 Census assessed the Erie County, New York population at 954,236.[5]

The current state of the pandemic and vaccine access renders the *Aspirus Keweenaw* factors moot and/or outdated. For example, the 14-day test positivity rate is now a completely skewed statistic. At the time of *Aspirus Keweenaw*, several subsets of individuals—asymptomatic and symptomatic—were subject to testing protocols. This resulted in lower test positivity rates because among the asymptomatic subset of the population, it was expected that large numbers would test negative (e.g. travelers departing and/or returning home testing in lieu of quarantine), thus driving the positivity rate lower. This results in an inapt comparison in positivity rates between the pre- and post-vaccine time periods. Similarly, general trends in case counts simply do not justify imposition of a mail ballot election when the case counts are low and there is a widely available vaccine treatment. At this point, for the vaccinated population, COVID represents a baseline risk to society which is not significantly different in degree from the baseline risks of disease that existed prior to the pandemic. Not only that, but the current CDC guidance permits indoor activities provided that the parties are able to (1) maintain social distance; (2) the room is well ventilated; and (3) individuals wear a mask.[6] The Employer is willing to conduct a manual election that respects all three conditions.

The *Aspirus Keweenaw* decision never mandated the ordering of mail ballot elections. Instead, "Regional Directors must continue to exercise their discretion in this area; the [*Aspirus* factors] do not require a mail-ballot election." *Id.* at 8. Based upon the current state of the pandemic and wide availability of vaccines, a return to *San Diego Gas and Electric* is appropriate. The Regional Director should order a manual election. At all times prior to the pandemic, the Board was willing to accept societal risks from endemic illnesses (such as influenza) to voters and its Board Agents similar to risks posed by breakthrough COVID cases. Given this, there is no ongoing justification for the Region to deny manual elections based upon the extraordinary circumstances initially created by the pandemic.

Manual ballot elections are the Board's "crown jewel" for a reason. Manual ballot elections best preserve and effectuate the Section 7 rights of employees under the National Labor Relations Act in choosing—or not choosing—a labor representative. The difference between mail and manual elections in this regard is not theoretical. Since the cancellation of manual ballot elections in April

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[3] https://health.ny.gov/press/releases/2021/2021-08-18_mmwr_vaccine_study.htm
[4] *Supra* at 1.
[5] https://www.census.gov/quickfacts/eriecountynewyork
[6] https://www.cdc.gov/coronavirus/2019-ncov/daily-life-coping/outdoor-activities html. *See also* https://www.cdc.gov/coronavirus/2019-ncov/your-health/gatherings html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fdaily-life-coping%2Fholidays%2Fsmall-gatherings html (the "small gathering" rules should apply here, where the employees regularly interact with one another).

2020, the National Labor Relations Board's track record in mail ballot elections is less than stellar—Regions have ordered numerous mail ballot elections rerun over known problems with the conduct and structure of mail ballot elections. Both the Union and Starbucks seeks a manual election. By ordering a manual ballot election, the Region will best protect the Section 7 rights of employees and can significantly decrease the likelihood of a procedural error requiring a re-run election.

3. Even if the Regional Director Applies Aspirus Keweenaw, a Manual Election is Appropriate

Applying *Aspirus Keweenaw*, none of the factors justify a mail ballot election. The Region is not subject to a mandatory telework order. Despite a slight case rate increase, "Regional Directors must continue to exercise their discretion in this area . . ." *Id.* at 8, as the effect of vaccination rate and comprehensive access to vaccination mitigates the outdated analysis of *Aspirus Keweenaw*.

Here, a manual ballot election is warranted for multiple reasons. First, both parties have requested a manual election. Second, the data trends indicate that if a manual election was held, the COVID-19 data incident to the proliferation of vaccinations, very likely would be within "acceptable" range indicating that it is safe enough to hold a manual election. The sole factor that is not currently in line with the *Aspirus* factors is the case trend. COVID-19 cases are increasing in Erie County, New York.[7] However, as discussed above, the fact that cases are increasing does not warrant a manual election because the existence of the vaccine mitigates societal risk. Additionally, the overall positivity rate remains low and steady with a 3.9% average positivity rate over the last 14 days.[8] Third, a manual ballot election in this matter will not pose any greater risk than those risks encountered by the Employer's employees or members of the public on a daily basis. Fourth, the Regional Director should also consider the vaccination status of the petitioned-for employees and President Biden's July 29, 2021, announced new requirements for federal employees regarding vaccination status, masking, and social distancing. While a formal executive order has not yet been published, guidance was issued. And, of course, to protect its employees and the Board Agent, the Employer will comply with the suggested manual election protocols in the General Counsel's recent Memorandum to the extent they differ from and/or exceed the Employer's current safety protocols. The Employer will present evidence as to how an election can be safely conducted at the hearing.

The presumption that a manual election should occur should not be abandoned here and, accordingly, the Regional Director should order a manual ballot election. *See San Diego Gas*, 325 NLRB at 1150; *Willamette Indus.*, 322 NLRB at 856. There are no government orders which would prohibit or restrict holding a manual election. The Employer agrees to abide by GC 20-10. There is no current outbreak in Buffalo Market stores. Thus, even under *Aspirus Keweenaw*, a manual

[7] *Supra* at 1.
[8] https://forward.ny.gov/percentage-positive-results-county-dashboard

election is appropriate, and a manual election remains the best process for a fair and accurate election.

4. The Employer Proposes a Neutral Site Election

The choice of the election site is within the sound discretion of the Regional Director. *Austal USA, LLC*, 357 NLRB 329, 330–31 (2011). Given the layout of the Starbucks locations at issue, and GC 20-10, onsite voting at the store locations is not possible. As a result, the Employer proposes off-site voting at neutral locations.

Question 7

The list containing the full names, work locations, shifts and job classifications of all individuals in the proposed unit as of the payroll period immediately preceding the filing of the petition is attached as **ATTACHMENT B.**

The list of names, work locations, shifts and job classifications of all individuals the Employer contends must be added to the proposed unit to make it appropriate is attached as **ATTACHMENT C.**

While the Employer contends that the Assistant Store Manager position is a supervisory position that does not belong in the bargaining unit, there is no Assistant Store Manager at the petitioned-for stores, so there is no separate Attachment D.

	FULL EMPLOYEE NAME (LAST, FIRST)	JOB CLASSIFICATION	WORK LOCATION	SHIFT
1.	(b) (6), (b) (7)(C) [redacted]	barista	Hamburg, Camp Road	regular
2.	[redacted]	barista	Hamburg, Camp Road	regular
3.	[redacted]	barista	Hamburg, Camp Road	regular
4.	[redacted]	barista	Hamburg, Camp Road	regular
5.	[redacted]	barista	Hamburg, Camp Road	regular
6.	[redacted]	barista	Hamburg, Camp Road	regular
7.	[redacted]	barista	Hamburg, Camp Road	regular
8.	[redacted]	barista	Hamburg, Camp Road	regular
9.	[redacted]	barista	Hamburg, Camp Road	regular
10.	[redacted]	barista	Hamburg, Camp Road	regular
11.	[redacted]	barista	Hamburg, Camp Road	regular
12.	[redacted]	shift supervisor	Hamburg, Camp Road	regular
13.	[redacted]	barista	Hamburg, Camp Road	regular
14.	[redacted]	barista	Hamburg, Camp Road	regular
15.	[redacted]	barista	Hamburg, Camp Road	regular
16.	[redacted]	barista	Hamburg, Camp Road	regular
17.	[redacted]	barista	Hamburg, Camp Road	regular
18.	[redacted]	shift supervisor	Hamburg, Camp Road	regular
19.	[redacted]	shift supervisor	Hamburg, Camp Road	regular
20.	[redacted]	shift supervisor	Hamburg, Camp Road	regular
21.	[redacted]	barista	Hamburg, Camp Road	regular
22.	[redacted]	shift supervisor	Hamburg, Camp Road	regular
23.	[redacted]	shift supervisor	Hamburg, Camp Road	regular
24.	[redacted]	barista	Hamburg, Camp Road	regular
25.	[redacted]	barista	Hamburg, Camp Road	regular
26.	[redacted]	barista	Hamburg, Camp Road	regular

Hamburg, Camp Road Store Address (Store #59087): 5120 Camp Road, Hamburg, NY, 14075

Starbucks Coffee Company
NLRB Case No. 03-RC-282127
Voter List for Position Statement
ATTACHMENT C

	Full Employee Name (Last, First)	Job Classification	Work Location	Shift
1.	(b) (6), (b) (7)(C) [redacted]	shift supervisor	235 Delaware Avenue	regular
2.	[redacted]	barista	235 Delaware Avenue	regular
3.	[redacted]	barista	235 Delaware Avenue	regular
4.	[redacted]	barista	235 Delaware Avenue	regular
5.	[redacted]	shift supervisor	235 Delaware Avenue	regular
6.	[redacted]	barista	235 Delaware Avenue	regular
7.	[redacted]	barista	235 Delaware Avenue	regular
8.	[redacted]	barista	235 Delaware Avenue	regular
9.	[redacted]	barista	235 Delaware Avenue	regular
10.	[redacted]	barista	235 Delaware Avenue	regular
11.	[redacted]	shift supervisor	235 Delaware Avenue	regular
12.	[redacted]	barista	235 Delaware Avenue	regular
13.	[redacted]	shift supervisor	235 Delaware Avenue	regular
14.	[redacted]	barista	235 Delaware Avenue	regular
15.	[redacted]	barista	235 Delaware Avenue	regular
16.	[redacted]	barista	235 Delaware Avenue	regular
17.	[redacted]	barista	235 Delaware Avenue	regular
18.	[redacted]	barista	235 Delaware Avenue	regular
19.	[redacted]	barista	235 Delaware Avenue	regular
20.	[redacted]	shift supervisor	235 Delaware Avenue	regular
21.	[redacted]	shift supervisor	235 Delaware Avenue	regular
22.	[redacted]	barista	235 Delaware Avenue	regular
23.	[redacted]	barista	235 Delaware Avenue	regular
24.	[redacted]	barista	235 Delaware Avenue	regular
25.	[redacted]	barista	235 Delaware Avenue	regular
26.	[redacted]	barista	Amherst, Niagara Falls Blvd	regular

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Starbucks Coffee Company
NLRB Case No. 03-RC-282127
Voter List for Position Statement
ATTACHMENT C

27.	(b) (6), (b) (7)(C) [redacted]	barista	Amherst, Niagara Falls Blvd	regular
28.	[redacted]	barista	Amherst, Niagara Falls Blvd	regular
29.	[redacted]	barista	Amherst, Niagara Falls Blvd	regular
30.	[redacted]	barista	Amherst, Niagara Falls Blvd	regular
31.	[redacted]	shift supervisor	Amherst, Niagara Falls Blvd	regular
32.	[redacted]	barista	Amherst, Niagara Falls Blvd	regular
33.	[redacted]	shift supervisor	Amherst, Niagara Falls Blvd	regular
34.	[redacted]	barista	Amherst, Niagara Falls Blvd	regular
35.	[redacted]	barista	Amherst, Niagara Falls Blvd	regular
36.	[redacted]	shift supervisor	Amherst, Niagara Falls Blvd	regular
37.	[redacted]	barista	Amherst, Niagara Falls Blvd	regular
38.	[redacted]	shift supervisor	Amherst, Niagara Falls Blvd	regular
39.	[redacted]	barista	Amherst, Niagara Falls Blvd	regular
40.	[redacted]	barista	Amherst, Niagara Falls Blvd	regular
41.	[redacted]	barista	Amherst, Niagara Falls Blvd	regular
42.	[redacted]	shift supervisor	Amherst, Niagara Falls Blvd	regular
43.	[redacted]	barista	Amherst, Niagara Falls Blvd	regular
44.	[redacted]	barista	Amherst, Niagara Falls Blvd	regular
45.	[redacted]	barista	Amherst, Niagara Falls Blvd	regular
46.	[redacted]	barista	Amherst, Niagara Falls Blvd	regular
47.	[redacted]	barista	Amherst, Niagara Falls Blvd	regular
48.	[redacted]	shift supervisor	Amherst, Niagara Falls Blvd	regular
49.	[redacted]	barista	Amherst, Niagara Falls Blvd	regular
50.	[redacted]	barista	Amherst, Niagara Falls Blvd	regular
51.	[redacted]	shift supervisor	Amherst, Niagara Falls Blvd	regular
52.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
53.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
54.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular

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Starbucks Coffee Company
NLRB Case No. 03-RC-282127
Voter List for Position Statement
ATTACHMENT C

55.	(b) (6), (b) (7)(C) [redacted]	barista	Amherst, Niagara Falls Blvd.	regular
56.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
57.	[redacted]	shift supervisor	Amherst, Niagara Falls Blvd.	regular
58.	[redacted]	shift supervisor	Amherst, Niagara Falls Blvd.	regular
59.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
60.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
61.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
62.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
63.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
64.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
65.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
66.	[redacted]	shift supervisor	Amherst, Niagara Falls Blvd.	regular
67.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
68.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
69.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
70.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
71.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
72.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
73.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
74.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
75.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
76.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
77.	[redacted]	shift supervisor	Amherst, Niagara Falls Blvd.	regular
78.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
79.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
80.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
81.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
82.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular

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Starbucks Coffee Company
NLRB Case No. 03-RC-282127
Voter List for Position Statement
ATTACHMENT C

83.	(b) (6), (b) (7)(C) [redacted]	shift supervisor	Amherst, Niagara Falls Blvd.	regular
84.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
85.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
86.	[redacted]	shift supervisor	Amherst, Niagara Falls Blvd.	regular
87.	[redacted]	barista	Cheektowaga-Buffalo Airport	regular
88.	[redacted]	barista	Cheektowaga-Buffalo Airport	regular
89.	[redacted]	barista	Cheektowaga-Buffalo Airport	regular
90.	[redacted]	shift supervisor	Cheektowaga-Buffalo Airport	regular
91.	[redacted]	barista	Cheektowaga-Buffalo Airport	regular
92.	[redacted]	barista	Cheektowaga-Buffalo Airport	regular
93.	[redacted]	barista	Cheektowaga-Buffalo Airport	regular
94.	[redacted]	barista	Cheektowaga-Buffalo Airport	regular
95.	[redacted]	barista	Cheektowaga-Buffalo Airport	regular
96.	[redacted]	barista	Cheektowaga-Buffalo Airport	regular
97.	[redacted]	barista	Cheektowaga-Buffalo Airport	regular
98.	[redacted]	barista	Cheektowaga-Buffalo Airport	regular
99.	[redacted]	barista	Cheektowaga-Buffalo Airport	regular
100.	[redacted]	shift supervisor	Cheektowaga-Buffalo Airport	regular
101.	[redacted]	barista	Cheektowaga-Buffalo Airport	regular
102.	[redacted]	barista	Cheektowaga-Buffalo Airport	regular
103.	[redacted]	shift supervisor	Cheektowaga-Buffalo Airport	regular
104.	[redacted]	barista	Cheektowaga-Buffalo Airport	regular
105.	[redacted]	barista	Cheektowaga-Buffalo Airport	regular
106.	[redacted]	shift supervisor	Cheektowaga-Buffalo Airport	regular
107.	[redacted]	shift supervisor	Cheektowaga-Buffalo Airport	regular
108.	[redacted]	barista	Cheektowaga-Buffalo Airport	regular
109.	[redacted]	shift supervisor	Cheektowaga-Buffalo Airport	regular
110.	[redacted]	barista	Cheektowaga-Buffalo Airport	regular

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Starbucks Coffee Company
NLRB Case No. 03-RC-282127
Voter List for Position Statement
ATTACHMENT C

111.	(b) (6), (b) (7)(C) [redacted]	barista	Cheektowaga-Buffalo Airport	regular
112.	[redacted]	barista	Cheektowaga-Buffalo Airport	regular
113.	[redacted]	barista	Cheektowaga-Buffalo Airport	regular
114.	[redacted]	barista	Delaware & Kenmore	regular
115.	[redacted]	barista	Delaware & Kenmore	regular
116.	[redacted]	barista	Delaware & Kenmore	regular
117.	[redacted]	barista	Delaware & Kenmore	regular
118.	[redacted]	barista	Delaware & Kenmore	regular
119.	[redacted]	barista	Delaware & Kenmore	regular
120.	[redacted]	barista	Delaware & Kenmore	regular
121.	[redacted]	barista	Delaware & Kenmore	regular
122.	[redacted]	barista	Delaware & Kenmore	regular
123.	[redacted]	barista	Delaware & Kenmore	regular
124.	[redacted]	barista	Delaware & Kenmore	regular
125.	[redacted]	shift supervisor	Delaware & Kenmore	regular
126.	[redacted]	shift supervisor	Delaware & Kenmore	regular
127.	[redacted]	barista	Delaware & Kenmore	regular
128.	[redacted]	barista	Delaware & Kenmore	regular
129.	[redacted]	barista	Delaware & Kenmore	regular
130.	[redacted]	barista	Delaware & Kenmore	regular
131.	[redacted]	barista	Delaware & Kenmore	regular
132.	[redacted]	barista	Delaware & Kenmore	regular
133.	[redacted]	barista	Delaware & Kenmore	regular
134.	[redacted]	barista	Delaware & Kenmore	regular
135.	[redacted]	barista	Delaware & Kenmore	regular
136.	[redacted]	barista	Delaware & Kenmore	regular
137.	[redacted]	barista	Delaware & Kenmore	regular
138.	[redacted]	shift supervisor	Delaware & Kenmore	regular

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Starbucks Coffee Company
NLRB Case No. 03-RC-282127
Voter List for Position Statement
ATTACHMENT C

139.	(b) (6), (b) (7)(C) [redacted]	barista	Delaware & Kenmore	regular
140.	[redacted]	barista	Delaware & Kenmore	regular
141.	[redacted]	barista	Delaware & Kenmore	regular
142.	[redacted]	barista	Delaware & Kenmore	regular
143.	[redacted]	barista	Delaware & Kenmore	regular
144.	[redacted]	shift supervisor	Delaware & Kenmore	regular
145.	[redacted]	barista	Delaware & Kenmore	regular
146.	[redacted]	shift supervisor	Delaware & Kenmore	regular
147.	[redacted]	shift supervisor	Elmwood	regular
148.	[redacted]	barista	Elmwood	regular
149.	[redacted]	barista	Elmwood	regular
150.	[redacted]	barista	Elmwood	regular
151.	[redacted]	barista	Elmwood	regular
152.	[redacted]	barista	Elmwood	regular
153.	[redacted]	barista	Elmwood	regular
154.	[redacted]	barista	Elmwood	regular
155.	[redacted]	barista	Elmwood	regular
156.	[redacted]	barista	Elmwood	regular
157.	[redacted]	barista	Elmwood	regular
158.	[redacted]	shift supervisor	Elmwood	regular
159.	[redacted]	barista	Elmwood	regular
160.	[redacted]	barista	Elmwood	regular
161.	[redacted]	barista	Elmwood	regular
162.	[redacted]	barista	Elmwood	regular
163.	[redacted]	barista	Elmwood	regular
164.	[redacted]	barista	Elmwood	regular
165.	[redacted]	shift supervisor	Elmwood	regular
166.	[redacted]	shift supervisor	Elmwood	regular

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Starbucks Coffee Company
NLRB Case No. 03-RC-282127
Voter List for Position Statement
ATTACHMENT C

167.	(b) (6), (b) (7)(C) [redacted]	barista	Elmwood	regular
168.	[redacted]	barista	Elmwood	regular
169.	[redacted]	barista	Hamburg	regular
170.	[redacted]	barista	Hamburg	regular
171.	[redacted]	barista	Hamburg	regular
172.	[redacted]	barista	Hamburg	regular
173.	[redacted]	shift supervisor	Hamburg	regular
174.	[redacted]	barista	Hamburg	regular
175.	[redacted]	shift supervisor	Hamburg	regular
176.	[redacted]	barista	Hamburg	regular
177.	[redacted]	barista	Hamburg	regular
178.	[redacted]	shift supervisor	Hamburg	regular
179.	[redacted]	barista	Hamburg	regular
180.	[redacted]	shift supervisor	Hamburg	regular
181.	[redacted]	barista	Hamburg	regular
182.	[redacted]	barista	Hamburg	regular
183.	[redacted]	shift supervisor	Hamburg	regular
184.	[redacted]	shift supervisor	Hamburg	regular
185.	[redacted]	barista	Hamburg	regular
186.	[redacted]	barista	Hamburg	regular
187.	[redacted]	barista	Hamburg	regular
188.	[redacted]	barista	Hamburg	regular
189.	[redacted]	barista	Hamburg	regular
190.	[redacted]	barista	Hamburg	regular
191.	[redacted]	barista	Hamburg	regular
192.	[redacted]	barista	Hamburg	regular
193.	[redacted]	barista	Hamburg	regular
194.	[redacted]	barista	Hamburg	regular

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Starbucks Coffee Company
NLRB Case No. 03-RC-282127
Voter List for Position Statement
ATTACHMENT C

195.	(b) (6), (b) (7)(C) [redacted]	barista	Hamburg	regular
196.	[redacted]	barista	Lancaster - Regal Center	regular
197.	[redacted]	shift supervisor	Lancaster - Regal Center	regular
198.	[redacted]	barista	Lancaster - Regal Center	regular
199.	[redacted]	barista	Lancaster - Regal Center	regular
200.	[redacted]	barista	Lancaster - Regal Center	regular
201.	[redacted]	shift supervisor	Lancaster - Regal Center	regular
202.	[redacted]	barista	Lancaster - Regal Center	regular
203.	[redacted]	barista	Lancaster - Regal Center	regular
204.	[redacted]	barista	Lancaster - Regal Center	regular
205.	[redacted]	barista	Lancaster - Regal Center	regular
206.	[redacted]	shift supervisor	Lancaster - Regal Center	regular
207.	[redacted]	barista	Lancaster - Regal Center	regular
208.	[redacted]	shift supervisor	Lancaster - Regal Center	regular
209.	[redacted]	barista	Lancaster - Regal Center	regular
210.	[redacted]	barista	Lancaster - Regal Center	regular
211.	[redacted]	barista	Lancaster - Regal Center	regular
212.	[redacted]	shift supervisor	Lancaster - Regal Center	regular
213.	[redacted]	barista	Lancaster - Regal Center	regular
214.	[redacted]	barista	Lancaster - Regal Center	regular
215.	[redacted]	barista	Lancaster - Regal Center	regular
216.	[redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular
217.	[redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular
218.	[redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular
219.	[redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular
220.	[redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular
221.	[redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular
222.	[redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular

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Starbucks Coffee Company
NLRB Case No. 03-RC-282127
Voter List for Position Statement
ATTACHMENT C

223.	(b) (6), (b) (7)(C) [redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular
224.	[redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular
225.	[redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular
226.	[redacted]	shift supervisor	Niagara Falls, Niagara Falls Blvd	regular
227.	[redacted]	shift supervisor	Niagara Falls, Niagara Falls Blvd	regular
228.	[redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular
229.	[redacted]	shift supervisor	Niagara Falls, Niagara Falls Blvd	regular
230.	[redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular
231.	[redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular
232.	[redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular
233.	[redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular
234.	[redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular
235.	[redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular
236.	[redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular
237.	[redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular
238.	[redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular
239.	[redacted]	shift supervisor	Niagara Falls, Niagara Falls Blvd	regular
240.	[redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular
241.	[redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular
242.	[redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular
243.	[redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular
244.	[redacted]	shift supervisor	Niagara Falls, Niagara Falls Blvd	regular
245.	[redacted]	shift supervisor	Niagara Falls, Niagara Falls Blvd	regular
246.	[redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular
247.	[redacted]	barista	Orchard Park, Hwy 20	regular
248.	[redacted]	barista	Orchard Park, Hwy 20	regular
249.	[redacted]	shift supervisor	Orchard Park, Hwy 20	regular
250.	[redacted]	barista	Orchard Park, Hwy 20	regular

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Starbucks Coffee Company
NLRB Case No. 03-RC-282127
Voter List for Position Statement
ATTACHMENT C

251.	(b) (6), (b) (7)(C) [redacted]	barista	Orchard Park, Hwy 20	regular
252.	[redacted]	barista	Orchard Park, Hwy 20	regular
253.	[redacted]	shift supervisor	Orchard Park, Hwy 20	regular
254.	[redacted]	shift supervisor	Orchard Park, Hwy 20	regular
255.	[redacted]	shift supervisor	Orchard Park, Hwy 20	regular
256.	[redacted]	barista	Orchard Park, Hwy 20	regular
257.	[redacted]	barista	Orchard Park, Hwy 20	regular
258.	[redacted]	barista	Orchard Park, Hwy 20	regular
259.	[redacted]	barista	Orchard Park, Hwy 20	regular
260.	[redacted]	barista	Orchard Park, Hwy 20	regular
261.	[redacted]	barista	Orchard Park, Hwy 20	regular
262.	[redacted]	barista	Orchard Park, Hwy 20	regular
263.	[redacted]	barista	Orchard Park, Hwy 20	regular
264.	[redacted]	shift supervisor	Orchard Park, Hwy 20	regular
265.	[redacted]	barista	Orchard Park, Hwy 20	regular
266.	[redacted]	barista	Orchard Park, Hwy 20	regular
267.	[redacted]	barista	Orchard Park, Hwy 20	regular
268.	[redacted]	barista	Orchard Park, Hwy 20	regular
269.	[redacted]	shift supervisor	Orchard Park, Hwy 20	regular
270.	[redacted]	barista	Orchard Park, Hwy 20	regular
271.	[redacted]	shift supervisor	Orchard Park, Hwy 20	regular
272.	[redacted]	barista	Orchard Park, Hwy 20	regular
273.	[redacted]	barista	Orchard Park, Hwy 20	regular
274.	[redacted]	barista	Sheridan and N. Bailey, Amherst	regular
275.	[redacted]	shift supervisor	Sheridan and N. Bailey, Amherst	regular
276.	[redacted]	barista	Sheridan and N. Bailey, Amherst	regular
277.	[redacted]	barista	Sheridan and N. Bailey, Amherst	regular
278.	[redacted]	shift supervisor	Sheridan and N. Bailey, Amherst	regular

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Starbucks Coffee Company
NLRB Case No. 03-RC-282127
Voter List for Position Statement
ATTACHMENT C

279.	(b) (6), (b) (7)(C) [redacted]	barista	Sheridan and N. Bailey, Amherst	regular
280.	[redacted]	shift supervisor	Sheridan and N. Bailey, Amherst	regular
281.	[redacted]	barista	Sheridan and N. Bailey, Amherst	regular
282.	[redacted]	barista	Sheridan and N. Bailey, Amherst	regular
283.	[redacted]	barista	Sheridan and N. Bailey, Amherst	regular
284.	[redacted]	barista	Sheridan and N. Bailey, Amherst	regular
285.	[redacted]	barista	Sheridan and N. Bailey, Amherst	regular
286.	[redacted]	shift supervisor	Sheridan and N. Bailey, Amherst	regular
287.	[redacted]	barista	Sheridan and N. Bailey, Amherst	regular
288.	[redacted]	barista	Sheridan and N. Bailey, Amherst	regular
289.	[redacted]	shift supervisor	Sheridan and N. Bailey, Amherst	regular
290.	[redacted]	barista	Sheridan and N. Bailey, Amherst	regular
291.	[redacted]	barista	Sheridan and N. Bailey, Amherst	regular
292.	[redacted]	shift supervisor	Sheridan and N. Bailey, Amherst	regular
293.	[redacted]	barista	Sheridan and N. Bailey, Amherst	regular
294.	[redacted]	barista	Sheridan and N. Bailey, Amherst	regular
295.	[redacted]	barista	Sheridan and N. Bailey, Amherst	regular
296.	[redacted]	barista	Sheridan and N. Bailey, Amherst	regular
297.	[redacted]	barista	Sheridan and N. Bailey, Amherst	regular
298.	[redacted]	barista	Sheridan and N. Bailey, Amherst	regular
299.	[redacted]	barista	Sheridan and N. Bailey, Amherst	regular
300.	[redacted]	barista	Sheridan and N. Bailey, Amherst	regular
301.	[redacted]	barista	Sheridan and N. Bailey, Amherst	regular
302.	[redacted]	shift supervisor	Sheridan and N. Bailey, Amherst	regular
303.	[redacted]	barista	Sheridan and N. Bailey, Amherst	regular
304.	[redacted]	barista	Sheridan and N. Bailey, Amherst	regular
305.	[redacted]	barista	Sheridan and N. Bailey, Amherst	regular
306.	[redacted]	shift supervisor	Sheridan and N. Bailey, Amherst	regular

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Starbucks Coffee Company
NLRB Case No. 03-RC-282127
Voter List for Position Statement
ATTACHMENT C

307.	(b) (6), (b) (7)(C) [redacted]	barista	The Commons - Buffalo University	regular
308.	[redacted]	barista	The Commons - Buffalo University	regular
309.	[redacted]	shift supervisor	The Commons - Buffalo University	regular
310.	[redacted]	barista	The Commons - Buffalo University	regular
311.	[redacted]	barista	The Commons - Buffalo University	regular
312.	[redacted]	barista	The Commons - Buffalo University	regular
313.	[redacted]	shift supervisor	The Commons - Buffalo University	regular
314.	[redacted]	barista	The Commons - Buffalo University	regular
315.	[redacted]	barista	The Commons - Buffalo University	regular
316.	[redacted]	barista	The Commons - Buffalo University	regular
317.	[redacted]	barista	The Commons - Buffalo University	regular
318.	[redacted]	barista	The Commons - Buffalo University	regular
319.	[redacted]	barista	The Commons - Buffalo University	regular
320.	[redacted]	barista	The Commons - Buffalo University	regular
321.	[redacted]	barista	The Commons - Buffalo University	regular
322.	[redacted]	barista	The Commons - Buffalo University	regular
323.	[redacted]	barista	The Commons - Buffalo University	regular
324.	[redacted]	shift supervisor	The Commons - Buffalo University	regular
325.	[redacted]	barista	The Commons - Buffalo University	regular
326.	[redacted]	barista	The Commons - Buffalo University	regular
327.	[redacted]	barista	The Commons - Buffalo University	regular
328.	[redacted]	barista	The Commons - Buffalo University	regular
329.	[redacted]	barista	The Commons - Buffalo University	regular
330.	[redacted]	barista	The Commons - Buffalo University	regular
331.	[redacted]	shift supervisor	The Commons - Buffalo University	regular
332.	[redacted]	barista	The Commons - Buffalo University	regular
333.	[redacted]	barista	The Commons - Buffalo University	regular
334.	[redacted]	barista	The Commons - Buffalo University	regular

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Starbucks Coffee Company
NLRB Case No. 03-RC-282127
Voter List for Position Statement
ATTACHMENT C

335.	(b) (6), (b) (7)(C) [redacted]	barista	The Commons - Buffalo University	regular
336.	[redacted]	shift supervisor	The Commons - Buffalo University	regular
337.	[redacted]	barista	The Commons - Buffalo University	regular
338.	[redacted]	barista	The Commons - Buffalo University	regular
339.	[redacted]	barista	The Commons - Buffalo University	regular
340.	[redacted]	barista	The Commons - Buffalo University	regular
341.	[redacted]	shift supervisor	The Commons - Buffalo University	regular
342.	[redacted]	shift supervisor	The Commons - Buffalo University	regular
343.	[redacted]	barista	The Commons - Buffalo University	regular
344.	[redacted]	shift supervisor	The Commons - Buffalo University	regular
345.	[redacted]	barista	The Commons - Buffalo University	regular
346.	[redacted]	barista	The Commons - Buffalo University	regular
347.	[redacted]	barista	The Commons - Buffalo University	regular
348.	[redacted]	barista	Transit & French	regular
349.	[redacted]	shift supervisor	Transit & French	regular
350.	[redacted]	barista	Transit & French	regular
351.	[redacted]	barista	Transit & French	regular
352.	[redacted]	barista	Transit & French	regular
353.	[redacted]	barista	Transit & French	regular
354.	[redacted]	barista	Transit & French	regular
355.	[redacted]	barista	Transit & French	regular
356.	[redacted]	barista	Transit & French	regular
357.	[redacted]	barista	Transit & French	regular
358.	[redacted]	barista	Transit & French	regular
359.	[redacted]	barista	Transit & French	regular
360.	[redacted]	barista	Transit & French	regular
361.	[redacted]	shift supervisor	Transit & French	regular
362.	[redacted]	barista	Transit & French	regular

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Starbucks Coffee Company
NLRB Case No. 03-RC-282127
Voter List for Position Statement
ATTACHMENT C

363.	(b) (6), (b) (7)(C) [redacted]	barista	Transit & French	regular
364.	[redacted]	barista	Transit & French	regular
365.	[redacted]	shift supervisor	Transit & French	regular
366.	[redacted]	barista	Transit & French	regular
367.	[redacted]	barista	Transit & French	regular
368.	[redacted]	barista	Transit & French	regular
369.	[redacted]	barista	Transit & French	regular
370.	[redacted]	barista	Transit & French	regular
371.	[redacted]	shift supervisor	Transit & French	regular
372.	[redacted]	barista	Transit & French	regular
373.	[redacted]	barista	Transit & French	regular
374.	[redacted]	shift supervisor	Transit & French	regular
375.	[redacted]	barista	Transit & French	regular
376.	[redacted]	barista	Transit & French	regular
377.	[redacted]	barista	Transit & French	regular
378.	[redacted]	barista	Transit & French	regular
379.	[redacted]	barista	Transit & French	regular
380.	[redacted]	barista	Transit & French	regular
381.	[redacted]	barista	Transit & French	regular
382.	[redacted]	barista	Transit & French	regular
383.	[redacted]	barista	Transit and Maple Roads	regular
384.	[redacted]	barista	Transit and Maple Roads	regular
385.	[redacted]	shift supervisor	Transit and Maple Roads	regular
386.	[redacted]	barista	Transit and Maple Roads	regular
387.	[redacted]	shift supervisor	Transit and Maple Roads	regular
388.	[redacted]	shift supervisor	Transit and Maple Roads	regular
389.	[redacted]	barista	Transit and Maple Roads	regular
390.	[redacted]	shift supervisor	Transit and Maple Roads	regular

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Starbucks Coffee Company
NLRB Case No. 03-RC-282127
Voter List for Position Statement
ATTACHMENT C

391.	(b) (6), (b) (7)(C) [redacted]	barista	Transit and Maple Roads	regular
392.	[redacted]	barista	Transit and Maple Roads	regular
393.	[redacted]	barista	Transit and Maple Roads	regular
394.	[redacted]	barista	Transit and Maple Roads	regular
395.	[redacted]	barista	Transit and Maple Roads	regular
396.	[redacted]	barista	Transit and Maple Roads	regular
397.	[redacted]	barista	Transit and Maple Roads	regular
398.	[redacted]	barista	Transit and Maple Roads	regular
399.	[redacted]	barista	Transit and Maple Roads	regular
400.	[redacted]	shift supervisor	Transit and Maple Roads	regular
401.	[redacted]	barista	Transit and Maple Roads	regular
402.	[redacted]	barista	Transit and Maple Roads	regular
403.	[redacted]	shift supervisor	Transit and Maple Roads	regular
404.	[redacted]	barista	Transit and Maple Roads	regular
405.	[redacted]	barista	Transit and Maple Roads	regular
406.	[redacted]	barista	Transit and Maple Roads	regular
407.	[redacted]	shift supervisor	Transit and Maple Roads	regular
408.	[redacted]	barista	Transit and Maple Roads	regular
409.	[redacted]	barista	Transit Commons	regular
410.	[redacted]	barista	Transit Commons	regular
411.	[redacted]	barista	Transit Commons	regular
412.	[redacted]	barista	Transit Commons	regular
413.	[redacted]	barista	Transit Commons	regular
414.	[redacted]	shift supervisor	Transit Commons	regular
415.	[redacted]	barista	Transit Commons	regular
416.	[redacted]	shift supervisor	Transit Commons	regular
417.	[redacted]	barista	Transit Commons	regular
418.	[redacted]	barista	Transit Commons	regular

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Starbucks Coffee Company
NLRB Case No. 03-RC-282127
Voter List for Position Statement
ATTACHMENT C

419.	(b) (6), (b) (7)(C) [redacted]	shift supervisor	Transit Commons	regular
420.	[redacted]	barista	Transit Commons	regular
421.	[redacted]	barista	Transit Commons	regular
422.	[redacted]	barista	Transit Commons	regular
423.	[redacted]	shift supervisor	Transit Commons	regular
424.	[redacted]	barista	Transit Commons	regular
425.	[redacted]	barista	Transit Commons	regular
426.	[redacted]	barista	Transit Commons	regular
427.	[redacted]	barista	Transit Commons	regular
428.	[redacted]	barista	Transit Commons	regular
429.	[redacted]	barista	Transit Commons	regular
430.	[redacted]	shift supervisor	Transit Commons	regular
431.	[redacted]	barista	Transit Commons	regular
432.	[redacted]	shift supervisor	Transit Commons	regular
433.	[redacted]	shift supervisor	Transit Commons	regular
434.	[redacted]	barista	Transit Commons	regular
435.	[redacted]	barista	Transit Commons	regular
436.	[redacted]	barista	Transit Commons	regular
437.	[redacted]	barista	Transit Commons	regular
438.	[redacted]	barista	Transit Commons	regular
439.	[redacted]	barista	Walden & Anderson	regular
440.	[redacted]	barista	Walden & Anderson	regular
441.	[redacted]	barista	Walden & Anderson	regular
442.	[redacted]	barista	Walden & Anderson	regular
443.	[redacted]	barista	Walden & Anderson	regular
444.	[redacted]	barista	Walden & Anderson	regular
445.	[redacted]	barista	Walden & Anderson	regular
446.	[redacted]	barista	Walden & Anderson	regular

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Starbucks Coffee Company
NLRB Case No. 03-RC-282127
Voter List for Position Statement
ATTACHMENT C

447.	(b) (6), (b) (7)(C) [redacted]	shift supervisor	Walden & Anderson	regular
448.	[redacted]	barista	Walden & Anderson	regular
449.	[redacted]	barista	Walden & Anderson	regular
450.	[redacted]	shift supervisor	Walden & Anderson	regular
451.	[redacted]	barista	Walden & Anderson	regular
452.	[redacted]	barista	Walden & Anderson	regular
453.	[redacted]	barista	Walden & Anderson	regular
454.	[redacted]	barista	Walden & Anderson	regular
455.	[redacted]	barista	Walden & Anderson	regular
456.	[redacted]	barista	Walden & Anderson	regular
457.	[redacted]	shift supervisor	Walden & Anderson	regular
458.	[redacted]	shift supervisor	Walden & Anderson	regular
459.	[redacted]	shift supervisor	Walden & Anderson	regular
460.	[redacted]	shift supervisor	Walden & Anderson	regular
461.	[redacted]	barista	Walden & Anderson	regular
462.	[redacted]	barista	Walden & Anderson	regular
463.	[redacted]	shift supervisor	Walden Galleria	regular
464.	[redacted]	shift supervisor	Walden Galleria	regular
465.	[redacted]	barista	Walden Galleria	regular
466.	[redacted]	barista	Walden Galleria	regular
467.	[redacted]	barista	Walden Galleria	regular
468.	[redacted]	barista	Walden Galleria	regular
469.	[redacted]	shift supervisor	Walden Galleria	regular
470.	[redacted]	barista	Walden Galleria	regular
471.	[redacted]	barista	Walden Galleria	regular
472.	[redacted]	shift supervisor	Walden Galleria	regular
473.	[redacted]	shift supervisor	Walden Galleria	regular
474.	[redacted]	barista	Walden Galleria	regular

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Starbucks Coffee Company
NLRB Case No. 03-RC-282127
Voter List for Position Statement
ATTACHMENT C

475.	(b) (6), (b) (7)(C) [redacted]	barista	Walden Galleria	regular
476.	[redacted]	barista	Walden Galleria	regular
477.	[redacted]	barista	Williamsville Place	regular
478.	[redacted]	barista	Williamsville Place	regular
479.	[redacted]	barista	Williamsville Place	regular
480.	[redacted]	barista	Williamsville Place	regular
481.	[redacted]	barista	Williamsville Place	regular
482.	[redacted]	shift supervisor	Williamsville Place	regular
483.	[redacted]	barista	Williamsville Place	regular
484.	[redacted]	shift supervisor	Williamsville Place	regular
485.	[redacted]	shift supervisor	Williamsville Place	regular
486.	[redacted]	barista	Williamsville Place	regular
487.	[redacted]	shift supervisor	Williamsville Place	regular
488.	[redacted]	barista	Williamsville Place	regular
489.	[redacted]	barista	Williamsville Place	regular
490.	[redacted]	barista	Williamsville Place	regular
491.	[redacted]	barista	Williamsville Place	regular
492.	[redacted]	barista	Williamsville Place	regular
493.	[redacted]	barista	Williamsville Place	regular
494.	[redacted]	barista	Williamsville Place	regular
495.	[redacted]	barista	Williamsville Place	regular
496.	[redacted]	barista	Williamsville Place	regular
497.	[redacted]	barista	Williamsville Place	regular
498.	[redacted]	barista	Williamsville, Main St.	regular
499.	[redacted]	barista	Williamsville, Main St.	regular
500.	[redacted]	barista	Williamsville, Main St.	regular
501.	[redacted]	barista	Williamsville, Main St.	regular
502.	[redacted]	barista	Williamsville, Main St.	regular

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Starbucks Coffee Company
NLRB Case No. 03-RC-282127
Voter List for Position Statement
ATTACHMENT C

503.	(b) (6), (b) (7)(C) [redacted]	barista	Williamsville, Main St.	regular
504.	[redacted]	barista	Williamsville, Main St.	regular
505.	[redacted]	barista	Williamsville, Main St.	regular
506.	[redacted]	barista	Williamsville, Main St.	regular
507.	[redacted]	barista	Williamsville, Main St.	regular
508.	[redacted]	barista	Williamsville, Main St.	regular
509.	[redacted]	barista	Williamsville, Main St.	regular
510.	[redacted]	barista	Williamsville, Main St.	regular
511.	[redacted]	barista	Williamsville, Main St.	regular
512.	[redacted]	barista	Williamsville, Main St.	regular
513.	[redacted]	barista	Williamsville, Main St.	regular
514.	[redacted]	barista	Williamsville, Main St.	regular
515.	[redacted]	barista	Williamsville, Main St.	regular
516.	[redacted]	barista	Williamsville, Main St.	regular
517.	[redacted]	barista	Williamsville, Main St.	regular
518.	[redacted]	barista	Williamsville, Main St.	regular
519.	[redacted]	shift supervisor	Williamsville, Main St.	regular
520.	[redacted]	shift supervisor	Williamsville, Main St.	regular
521.	[redacted]	shift supervisor	Williamsville, Main St.	regular
522.	[redacted]	barista	Williamsville, Main St.	regular
523.	[redacted]	barista	Williamsville, Main St.	regular
524.	[redacted]	barista	Williamsville, Main St.	regular
525.	[redacted]	shift supervisor	Williamsville, Main St.	regular
526.	[redacted]	shift supervisor	Williamsville, Main St.	regular
527.	[redacted]	barista	Williamsville, Main St.	regular
528.	[redacted]	barista	Williamsville, Main St.	regular
529.	[redacted]	shift supervisor	Williamsville, Main St.	regular
530.	[redacted]	barista	Williamsville, Main St.	regular

The information contained herein is only to be used for the above-noted petition, pursuant to §102.62(d).
Inclusion on the voter list does not constitute any admission of eligibility and the Company reserves the right to challenge anyone included on this Voter List.

Starbucks Coffee Company
NLRB Case No. 03-RC-282127
Voter List for Position Statement
ATTACHMENT C

531.	(b) (6), (b) (7)(C)	barista	Williamsville, Main St.	regular

Store Addresses:

- Store #7318 - The Commons - Buffalo University 520 Lee Entrance, Buffalo, NY 14228
- Store #7327 - Amherst, Niagara Falls Blvd. - 1703 Niagara Falls Blvd., Buffalo, NY 14228
- Store #7337 - Transit and Maple Road - 8100 Transit Road, Suite 100 Williamsville, NY 14221
- Store # 7381 - Elmwood - 933 Elmwood, Buffalo, NY 14222
- Store # 7448 - 235 Delaware Avenue - 235 Delaware Avenue, Buffalo, NY 14202
- Store # 7486 – Hamburg -3540 McKinley Parkway, Buffalo, NY 14219
- Store # 7665 - Transit & French - 4770 Transit Rd., Depew, NY 14043
- Store #7799 - Delaware & Kenmore - 2730 Delaware Avenue, Buffalo, NY 14216
- Store #7938 - Williamsville Place - 5395 Sheridan Dr., Buffalo, NY 14221
- Store # 10750 -Transit Commons - 9660 Transit Rd., Suite 101, East Amherst, NY 14051
- Store # 23917 - Cheektowaga - Buffalo Airport - 4255 Genesee St., Suite 100, Cheektowaga, NY 14225
- Store #63771 - Orchard Park Hwy 20 - 3235 Southwestern Blvd., Orchard Park, NY 14127
- Store # 59087 -Hamburg, Camp Road - 5120 Camp Rd., Hamburg, NY 14075
- Store # 7340 - Main St. Williamsville – 5265 Main St., Williamsville, NY, 14221
- Store # 7879 - Galleria Mall kiosk - 1 Walden Galleria K-04, Cheektowaga, NY 14225
- Store # 7949 - Walden Anderson -1775 Walden Ave, Cheektowaga, NY 14225
- Store # 19901 - Niagara falls, Niagara fall Blvd. - 6690 Niagara Falls Blvd, Niagara Falls, NY 14304
- Store # 22882 - Lancaster Regal - 6707 Transit Rd #100, Buffalo, NY 14221
- Store #47843 - Sheridan Drive and North Bailey - 3186 Sheridan Drive 100. Buffalo 14226
- Store #50060 - East Robinson/ Niagara falls Blvd. - 3015 Niagara Falls Blvd, Amherst, NY 14228

The information contained herein is only to be used for the above-noted petition, pursuant to §102.62(d).
Inclusion on the voter list does not constitute any admission of eligibility and the Company reserves the right to challenge anyone included on this Voter List.

STATEMENT OF POSITION
CERTIFICATE OF SERVICE

I certify that, on this September 14, 2021, the foregoing Statements of Position and Attachments in NLRB Case Nos. 03-RC-282115, 03-RC-282127, 03-RC-282139 were electronically filed through the Board's website before 12:00 noon eastern, are available for viewing and downloading from the Board's website, and will be sent via e-mail to the following before 12:00 noon eastern.

Linda M. Leslie, Regional Director
Michael Dahlheimer, Field Examiner
Linda.leslie@nlrb.gov
Michael.Dahlheimer@nlrb.gov

Ian Hayes, Esq.
Creighton, Johnsen & Giroux
ihayes@cpjglaborlaw.com

/s/ Erik Hult
An Attorney for The Employer
Littler Mendelson, P.C.
41 South High Street, Suite 3250
Columbus, Ohio, 43215
708.280.0749
ehult@littler.com

FORM NLRB-505
(4-15)

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

STATEMENT OF POSITION

DO NOT WRITE IN THIS SPACE	
Case No. 03-RC-282139	Date Filed 9/14/2021

INSTRUCTIONS: *Submit this Statement of Position to an NLRB Office in the Region in which the petition was filed and serve it and all attachments on each party named in the petition in this case such that it is received by them by the date and time specified in the notice of hearing.*
Note: *Non-employer parties who complete this form are NOT required to complete items 8f or 8g below or to provide a commerce questionnaire or the lists described in item 7. In RM cases, the employer is NOT required to respond to items 3, 5, 6, and 8a-8e below.*

1a. Full name of party filing Statement of Position	1c. Business Phone:	1e. Fax No.:
Starbucks Corporation	973-477-4002	
1b. Address *(Street and number, city, state, and ZIP code)*	1d. Cell No.:	1f. e-Mail Address
4255 Genessee St. Cheektowaga, NY 14225	973-477-4002	amodel@littler.com

2. Do you agree that the NLRB has jurisdic ion over the Employer in this case? [X] Yes [ ] No
(A completed commerce questionnaire (Attachment A) must be submitted by the Employer, regardless of whether jurisdiction is admitted)

3. Do you agree that the proposed unit is appropriate? [ ] Yes [X] No *(If not, answer 3a and 3b)* N/A - Decertification

a. State the basis for your contention that the proposed unit is not appropriate. (*If you contend a classification should be excluded or included briefly explain why, such as shares a community of interest or are supervisors or guards)*

See Attachment A.

b. State any classifications, locations, or other employee groupings that must be added to or excluded from the proposed unit to make it an appropriate unit.

Added	Excluded
See Attachment A.	N/A

4. Other than the individuals in classifications listed in 3b, list any individual(s) whose eligibility to vote you intend to contest at the pre-election hearing in this case and the basis for contesting their eligibility.

N/A

5. Is there a bar to conducting an election in this case? [ ] Yes [X] No *If yes, state the basis for your position.*

6. Describe all other issues you intend to raise at the pre-election hearing.

See Attachment A.

The employer must provide the following lists which must be alphabetized (overall or by department) in the format specified at **www.nlrb.gov/what-we-do/conduct-elections/representation-case-rules-effective-april-14-2015**.
A list containing the full names, work locations, shifts and job classification of all individuals in the proposed unit as of the payroll period immediately preceding the filing of the petition who remain employed as of the date of the filing of the petition. (Attachment B)
If the employer contends that the proposed unit is inappropriate the employer must provide (1) a separate list containing the full names, work locations, shifts and job classifications of all individuals that it contends must be *added* to the proposed unit, if any to make it an appropriate unit, (Attachment C) and (2) a list containing the full names of any individuals it contends must be *excluded* from the proposed unit to make it an appropriate unit. (Attachment D)

State your position with respect to the details of any election hat may be conducted in this matter. 8a. Type: [X] Manual [ ] Mail [ ] Mixed Manual/Mail

8b. Date(s)	8c. Time(s)	8d. Location(s)
11/3/2021	8:00 a m – 6:00 p m	Off-site location
8e. Eligibility Period (e.g. special eligibility formula)	8f. Last Payroll Period Ending Date	8g. Length of payroll period
Davison-Paxson	9/3/2021	[X] Weekly [ ]Biweekly [ ] Other *(specify length)*

9. Representative who will accept service of all papers for purposes of the representation proceeding

9a. Full name and title of authorized representative	9b. Signature of au horized representative	9c. Date
Alan I. Model	/s Alan I. Model	September 14, 2021
9d. Address *(Street and number, city, state, and ZIP code)*		9e. e-Mail Address
Littler Mendelson, One Newark Center, 1085 Raymond Blvd, 8th Floor, Newark, NJ 07102		amodel@littler.com
9f. Business Phone No.:	9g. Fax No.	9h. Cell No.
973-848-4740	973-755-0439	973-477-4002

WILLFUL FALSE STATEMENTS ON THIS STATEMENT OF POSITION 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 Section 151 et seq The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation proceedings The routine uses for the information are fully set forth in the Federal Register, 71 Fed Reg 74942-43 (December 13, 2006) The NLRB will further explain these uses upon request Failure to supply the information requested by this form may preclude you from litigating issues under 102 66(d) of the Board's Rules and Regulations and may cause the NLRB to refuse to further process a representation case or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court

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
Starbucks Corporation	03-RC-282139

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

Starbucks Corporation

2. TYPE OF ENTITY

[X] 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
Washington	

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

N/A

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

N/A

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

Coffeehouses

7. A. PRINCIPAL LOCATION:	B. BRANCH LOCATIONS:
Seattle, WA	Multiple

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 [X] 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. $	X	
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. $	X	
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 [X] $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 [X] 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
Alan Model	Counsel	amodel@littler.com	973-477-4002

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE *(Type or Print)*	SIGNATURE	E-MAIL ADDRESS	DATE
Alan I. Model	/s Alan I. Model	amodel@littler.com	9/14/2021

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 representation and/or unfair labor practice proceedings 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 may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

STARBUCKS STATEMENT OF POSITION

03-RC-282115
03-RC-282127
03-RC-282139

ATTACHMENT A

Introduction

In 1971, Starbucks Coffee Company opened its first store in Seattle's historic Pike Place Market. Since then, Starbucks has expanded into tens of thousands of neighborhoods around the world. Starbucks employees – whom the Company calls partners – are the heart of the Starbucks experience.

Pursuant to Section 102.63(b) of the Board's Rules and Regulations, this Statement of Position is filed in response to all three representation petitions filed against Starbucks in Region 3 on August 30, 2021:

- 03-RC-282115 - 933 Elmwood Ave., Buffalo, NY 14222
- 03-RC-282127 - 5120 Camp Rd., Hamburg, NY 14075
- 03-RC-282139 - 4255 Genessee St., Cheektowaga, NY 14225

For the last 50 years, Starbucks has been a company rooted in the belief that success is best when it is shared with one another, always with its Mission and Value at its core. This is why employees at Starbucks are referred to as partners - not just because they share ownership in the company - but because by working together, and honoring one another, they create a different kind of company. This is the heritage and culture that has built Starbucks, rooted in a promise partners have made to one another to create the very best experience for all who connect in its stores and within the neighborhoods it serves.

Starbucks firmly believes that by continuing to work together its partners are best equipped to listen, engage and address issues where needed. Starbucks respects its partners' rights to make this important decision for themselves. For that reason, Starbucks will work with the NLRB to ensure that a fair, secret ballot election is held, in which partners are able to exercise their rights to decide for themselves if union representation is in the best interest of themselves and their families.

Questions 3.a. and 3.b.

The proposed unit is not appropriate for two reasons.

1. Inclusion of the "Assistant Store Manager" Classification is Not Appropriate

The Union's petitioned-for unit includes the "Assistant Store Manager" classification. This job classification does not exist at the three stores involved in the petitions. As such, it should not be included in the unit.

To the extent the Union argues and establishes that such a separate classification does exist,[1] individuals in the Assistant Store Manager position would be supervisors under Section 2(11) of the Act. To the extent such a classification exists, Assistant Store Managers exercise one or more indicia of supervisory status under the Act including the authority 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 with the use of independent judgment.

2. The Union's Three Simultaneously-Filed Petitions Represent Piecemeal Union Organizing Violative of Section 9(c)(5) of the Act

Section 9(a) of the Act permits employees to form an "appropriate" bargaining unit for collective bargaining purposes. 29 U.S.C. § 159(a). The Act grants the Board discretion to determine whether a petitioned-for unit is appropriate. *Id.* at § 159(b). Nonetheless, Congress limited the Board's power in 1947 through enactment of Section 9(c)(5). *NLRB v. Metro. Life Ins. Co.*, 380 U.S. 438, 441–42 (1965). Section 9(c)(5) provides that, "In determining whether a unit is appropriate for the purposes specified in subsection (b) [of this section] the extent to which the employees have organized shall not be controlling." 29 U.S.C. § 159(c)(5).

As noted above, the Union filed petitions for three stores in the Buffalo market (Buffalo 03-RC-282115; Cheektowaga 03-RC-282139; Hamburg 03-RC-282127). Ostensibly, the Union seeks to represent partners at these three stores because it is unable to generate sufficient organizing interest for a broader multi-location unit of Buffalo market stores. In fact, the Union's subsequent filing of petitions for two more standalone stores in Cases 03-RC-282640 (East Amherst) and 03-RC-282641 (Cheektowaga) underscores that its petitioning is based solely on extent of organizing in violation of Section 9(c)(5). As a result, the Union's three simultaneously filed petitions violate Section 9(c)(5) because processing the petitions as filed would give controlling weight based upon the extent of union organizing.

3. *A Buffalo Market-Wide Unit Is The Only Appropriate Unit*

The appropriate unit is one comprised of all Buffalo market stores. The Buffalo market is comprised of approximately 20 stores. The grouping of the stores is within a defined geographic area, and Starbucks' proposed unit best ensures that all partners in the market are afforded voting rights and a voice in this process.

When, as here, a petitioner seeks a single location unit, the "single-facility" presumption can be rebutted by a showing that the petitioned-for unit has been so effectively merged into a more comprehensive unit, or is so functionally integrated, that it has lost its separate identity. *Hilander*

[1] The Assistant Store Manager classification does exist at Employer locations in Blasdell, Buffalo (one store), and Amherst (one store). To the extent that the Regional Director finds a district-wide unit appropriate, the Assistant Store Manager classification is subject to exclusion under Section 2(11). Assistant Store Managers are statutory supervisors.

Foods, 348 NLRB 1200 (2006). To determine whether the single-facility presumption has been rebutted, the Board examines several factors including: (1) employees' skills and duties; (2) terms and conditions of employment; (3) employee contact and interchange; (4) functional integration; (5) geographic proximity; (6) centralized control of management and supervision; and (7) bargaining history, if any exists. *Audio Visual Services Group, LLC*, 370 NLRB No. 39, slip op. at 3 (Oct. 26, 2020), *citing Laboratory Corp. of America Holdings*, 341 NLRB 1079, 1081–1082 (2004).

Here, Starbucks has rebutted the single-facility presumption and a market-wide unit is the appropriate unit. The partners in the Buffalo market perform the same jobs, occupy the same classifications, receive the same training, and possess similar job skills. Partners in the Buffalo market wear the same uniforms, sell the same products at the same prices, and utilize the same equipment. Partners in the Buffalo market are subject to the same policies, operating procedures, and working conditions. Because all stores in the Buffalo market share geographic proximity, there is also a high degree of employee interchange among stores. Partners frequently work at more than one Starbucks location within the Buffalo market and seamlessly perform the same functions at different stores. In addition, partners in the Buffalo market share common supervision. Store Managers conduct business under standardized policies and procedures subject to close centralized control on a market-wide basis. Store Managers are vested with minimal discretion with respect to labor relations matters and the methods of operation, and their decisions are subject to approval from higher level management who ensure consistency in the market. Additionally, Petitioner recognizes the relevant employee interchange, common control of operations, and identical working conditions when Petitioner references the "Buffalo Region" in its communications with the Employer, including its letters dated August 23, 2021. Accordingly, the appropriate unit must include all Starbucks stores located within the Buffalo market.

The Petitioner's filing of petitions for two more standalone stores in Cases 03-RC-282640 (East Amherst) and 03-RC-282641 (Cheektowaga) prove that a Buffalo market unit is appropriate. Despite the Union's gamesmanship in withdrawing these two petitions when Starbucks sought a consolidation of cases, the fact remains that the Union seeks to represent partners at two more standalone stores in the Buffalo market.

To the extent the Petitioner claims that the Buffalo market is too broad, the facts as analyzed under Board precedent negate such claim. Regardless, there is no basis whatsoever for the Petitioner's scatter-shot approach of petitioning for three random stores, other than its extent of organizing which is prohibited under Section 9(c)(5) of the Act. In the event the Region's investigation before the hearing and its assessment of the record evidence after the hearing leads the Region to believe another appropriate unit may exist, the smallest appropriate unit must be on a district-wide basis.

The Buffalo market consists of two administrative districts, however, in reality the two districts are merged into the one Buffalo market. There is extensive commonality and integration among the Buffalo stores and partners regardless of the administrative district to which the store is assigned. Partners regularly work in multiple stores regardless of the store's administrative district.

More specifically to the instant matter, the Union seeks to represent partners working at the 4255 Genessee St., Cheektowaga, NY store in pending Case 03-RC-282139, which is in District #362. In Case 03-RC-282641, the Union petitioned to represent partners working at the 1775 Walden Ave., Cheektowaga, NY store which is in District #159. Although formally in separate districts, these two stores are only 3.6 miles apart and merged into the Buffalo market. It does not make logical sense for the partners in these two stores, for example, to vote in two separate elections.

4. The Appropriate Unit

Based on the above, Starbucks proposes the following unit description:

> Employees Included
> All full-time and regular part-time baristas and shift supervisors employed at the Employer's stores located in the Buffalo, New York market.
>
> Employees Excluded
> All store managers, assistant store managers, office clerical employees, professional employees, guards and supervisors as defined by the Act, and all other employees.

Questions 6 and 8

1. A Manual Election is Appropriate and Warranted

The Union has requested a "Manual" election in all three of the representation petitions filed on August 30, 2021. Starbucks agrees with the Union's position here – a manual election is appropriate and warranted for all Buffalo market partners.

Board precedent is clear: manual elections are favored and should be conducted unless "infeasible." *San Diego Gas and Electric*, 325 NLRB 1143, 1150 (1998) ("In short, the manual election is the Board's 'crown jewel,' and we would not abandon it unless there is a showing that such an election is infeasible.").

Nearly one year ago, the Board issued a decision in *Aspirus Keweenaw*, 370 NLRB No. 45 (Nov. 9, 2020), in which it provided guidance regarding when a manual election is appropriate given the COVID-19 pandemic. In this decision, the Board noted that, based on the Board's internal statistics, although participation in mail-ballot elections has risen during the pandemic, it continues to lag significantly behind the manual election participation rate. Knowing that mail ballot elections are not preferable when manual elections can be held, the Board set forth more specific and defined parameters under which Regional Directors should exercise their discretion in

determining the type of election to direct due to the pandemic. The Board listed the following considerations:

1. The Agency office tasked with conducting the election is operating under "mandatory telework" status.
2. Either the 14-day trend in the number of new confirmed cases of COVID-19 in the county where the facility is located is increasing, or the 14-day testing positivity rate in the county where the facility is located is 5 percent or higher.
3. The proposed manual election site cannot be established in a way that avoids violating mandatory state or local health orders relating to maximum gathering size.
4. The Employer fails or refuses to commit to abide by the GC Memo 20-10 protocols.
5. There is a current COVID-19 outbreak at the facility or the Employer refuses to disclose and certify its current status.
6. Other similarly compelling considerations.

The Board held that if any of the five specific situations, or other similarly compelling considerations are present, Regional Directors should *consider* directing a mail-ballot election but noted that Regional Directors should continue to exercise their discretion in this area. The Board also held that this decision will be applied retroactively.

2. The Current State of the Pandemic Warrants a Return to San Diego Gas and Electric

The guidance provided in *Aspirus Keweenaw* is now outdated and no longer reasonably controlling. The timing of the *Aspirus Keweenaw* decision in the midst of the pandemic, without any viable approved vaccine, represented the most conservative guidance on the conduct of manual versus mail ballot elections. Since the Board's decision in *Aspirus Keweenaw*, the majority of the adult population has been vaccinated and insulated from the most serious health outcomes from COVID-19. In Erie County, New York, 72.5% of the adult population has received at least one dose of the vaccine and everyone has equal access to the vaccine at any time.[2] This number continues to grow although, as the number of Americans and supply of vaccine has increased, the demand for the vaccine has dropped. This creates a situation where those that wish to get vaccinated, have now had an opportunity to actually get vaccinated. For those that have not chosen to be vaccinated, their participation in society assumes the risk of illness from COVID-19. The approved COVID-19 vaccines are a remarkably effective tool in preventing serious disease and death from COVID-19, bringing the level of adverse outcomes from COVID-19 far below baseline rates for serious disease and death for other forms of contagious illness such as influenza. About four weeks ago, the New York State Department of Public Health released the results of its first-in-the nation study on COVID-19 vaccine effectiveness and breakthrough illnesses. In that study, the New York State Department of Health concluded the vaccine remained 92% to 95% effective

[2] https://www2.erie.gov/health/sites/www2.erie.gov.health/files/uploads/pdfs/ECDOH-data-vis-08282021.pdf

at preventing hospitalizations.[3] As further evidence of the progress provided by the vaccine, despite sustained cases, Erie County, New York has only attributed twelve COVID-19 deaths to individuals under 60 years old in the last three months (since June 1, 2021).[4] As a reference point, the 2020 Census assessed the Erie County, New York population at 954,236.[5]

The current state of the pandemic and vaccine access renders the *Aspirus Keweenaw* factors moot and/or outdated. For example, the 14-day test positivity rate is now a completely skewed statistic. At the time of *Aspirus Keweenaw*, several subsets of individuals—asymptomatic and symptomatic—were subject to testing protocols. This resulted in lower test positivity rates because among the asymptomatic subset of the population, it was expected that large numbers would test negative (e.g. travelers departing and/or returning home testing in lieu of quarantine), thus driving the positivity rate lower. This results in an inapt comparison in positivity rates between the pre- and post-vaccine time periods. Similarly, general trends in case counts simply do not justify imposition of a mail ballot election when the case counts are low and there is a widely available vaccine treatment. At this point, for the vaccinated population, COVID represents a baseline risk to society which is not significantly different in degree from the baseline risks of disease that existed prior to the pandemic. Not only that, but the current CDC guidance permits indoor activities provided that the parties are able to (1) maintain social distance; (2) the room is well ventilated; and (3) individuals wear a mask.[6] The Employer is willing to conduct a manual election that respects all three conditions.

The *Aspirus Keweenaw* decision never mandated the ordering of mail ballot elections. Instead, "Regional Directors must continue to exercise their discretion in this area; the [*Aspirus* factors] do not require a mail-ballot election." *Id.* at 8. Based upon the current state of the pandemic and wide availability of vaccines, a return to *San Diego Gas and Electric* is appropriate. The Regional Director should order a manual election. At all times prior to the pandemic, the Board was willing to accept societal risks from endemic illnesses (such as influenza) to voters and its Board Agents similar to risks posed by breakthrough COVID cases. Given this, there is no ongoing justification for the Region to deny manual elections based upon the extraordinary circumstances initially created by the pandemic.

Manual ballot elections are the Board's "crown jewel" for a reason. Manual ballot elections best preserve and effectuate the Section 7 rights of employees under the National Labor Relations Act in choosing—or not choosing—a labor representative. The difference between mail and manual elections in this regard is not theoretical. Since the cancellation of manual ballot elections in April

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[3] https://health.ny.gov/press/releases/2021/2021-08-18_mmwr_vaccine_study.htm
[4] *Supra* at 1.
[5] https://www.census.gov/quickfacts/eriecountynewyork
[6] https://www.cdc.gov/coronavirus/2019-ncov/daily-life-coping/outdoor-activities html. *See also* https://www.cdc.gov/coronavirus/2019-ncov/your-health/gatherings html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fdaily-life-coping%2Fholidays%2Fsmall-gatherings html (the "small gathering" rules should apply here, where the employees regularly interact with one another).

2020, the National Labor Relations Board's track record in mail ballot elections is less than stellar—Regions have ordered numerous mail ballot elections rerun over known problems with the conduct and structure of mail ballot elections. Both the Union and Starbucks seeks a manual election. By ordering a manual ballot election, the Region will best protect the Section 7 rights of employees and can significantly decrease the likelihood of a procedural error requiring a re-run election.

3. Even if the Regional Director Applies Aspirus Keweenaw, a Manual Election is Appropriate

Applying *Aspirus Keweenaw*, none of the factors justify a mail ballot election. The Region is not subject to a mandatory telework order. Despite a slight case rate increase, "Regional Directors must continue to exercise their discretion in this area . . ." *Id.* at 8, as the effect of vaccination rate and comprehensive access to vaccination mitigates the outdated analysis of *Aspirus Keweenaw*.

Here, a manual ballot election is warranted for multiple reasons. First, both parties have requested a manual election. Second, the data trends indicate that if a manual election was held, the COVID-19 data incident to the proliferation of vaccinations, very likely would be within "acceptable" range indicating that it is safe enough to hold a manual election. The sole factor that is not currently in line with the *Aspirus* factors is the case trend. COVID-19 cases are increasing in Erie County, New York.[7] However, as discussed above, the fact that cases are increasing does not warrant a manual election because the existence of the vaccine mitigates societal risk. Additionally, the overall positivity rate remains low and steady with a 3.9% average positivity rate over the last 14 days.[8] Third, a manual ballot election in this matter will not pose any greater risk than those risks encountered by the Employer's employees or members of the public on a daily basis. Fourth, the Regional Director should also consider the vaccination status of the petitioned-for employees and President Biden's July 29, 2021, announced new requirements for federal employees regarding vaccination status, masking, and social distancing. While a formal executive order has not yet been published, guidance was issued. And, of course, to protect its employees and the Board Agent, the Employer will comply with the suggested manual election protocols in the General Counsel's recent Memorandum to the extent they differ from and/or exceed the Employer's current safety protocols. The Employer will present evidence as to how an election can be safely conducted at the hearing.

The presumption that a manual election should occur should not be abandoned here and, accordingly, the Regional Director should order a manual ballot election. *See San Diego Gas*, 325 NLRB at 1150; *Willamette Indus.*, 322 NLRB at 856. There are no government orders which would prohibit or restrict holding a manual election. The Employer agrees to abide by GC 20-10. There is no current outbreak in Buffalo Market stores. Thus, even under *Aspirus Keweenaw*, a manual

[7] *Supra* at 1.
[8] https://forward.ny.gov/percentage-positive-results-county-dashboard

election is appropriate, and a manual election remains the best process for a fair and accurate election.

4. The Employer Proposes a Neutral Site Election

The choice of the election site is within the sound discretion of the Regional Director. *Austal USA, LLC*, 357 NLRB 329, 330–31 (2011). Given the layout of the Starbucks locations at issue, and GC 20-10, onsite voting at the store locations is not possible. As a result, the Employer proposes off-site voting at neutral locations.

Question 7

The list containing the full names, work locations, shifts and job classifications of all individuals in the proposed unit as of the payroll period immediately preceding the filing of the petition is attached as **ATTACHMENT B.**

The list of names, work locations, shifts and job classifications of all individuals the Employer contends must be added to the proposed unit to make it appropriate is attached as **ATTACHMENT C.**

While the Employer contends that the Assistant Store Manager position is a supervisory position that does not belong in the bargaining unit, there is no Assistant Store Manager at the petitioned-for stores, so there is no separate Attachment D.

Starbucks Coffee Company
NLRB Case No. 03-RC-282139
Voter List for Position Statement
ATTACHMENT B

	FULL EMPLOYEE NAME (LAST, FIRST)	JOB CLASSIFICATION	WORK LOCATION	SHIFT
1.	(b) (6), (b) (7)(C) [redacted]	barista	Cheektowaga-Buffalo Airport	regular
2.	[redacted]	barista	Cheektowaga-Buffalo Airport	regular
3.	[redacted]	barista	Cheektowaga-Buffalo Airport	regular
4.	[redacted]	shift supervisor	Cheektowaga-Buffalo Airport	regular
5.	[redacted]	barista	Cheektowaga-Buffalo Airport	regular
6.	[redacted]	barista	Cheektowaga-Buffalo Airport	regular
7.	[redacted]	barista	Cheektowaga-Buffalo Airport	regular
8.	[redacted]	barista	Cheektowaga-Buffalo Airport	regular
9.	[redacted]	barista	Cheektowaga-Buffalo Airport	regular
10	[redacted]	barista	Cheektowaga-Buffalo Airport	regular
11	[redacted]	barista	Cheektowaga-Buffalo Airport	regular
12	[redacted]	barista	Cheektowaga-Buffalo Airport	regular
13	[redacted]	barista	Cheektowaga-Buffalo Airport	regular
14	[redacted]	shift supervisor	Cheektowaga-Buffalo Airport	regular
15	[redacted]	barista	Cheektowaga-Buffalo Airport	regular
16	[redacted]	barista	Cheektowaga-Buffalo Airport	regular
17	[redacted]	shift supervisor	Cheektowaga-Buffalo Airport	regular
18	[redacted]	barista	Cheektowaga-Buffalo Airport	regular
19	[redacted]	barista	Cheektowaga-Buffalo Airport	regular
20	[redacted]	shift supervisor	Cheektowaga-Buffalo Airport	regular
21	[redacted]	shift supervisor	Cheektowaga-Buffalo Airport	regular
22	[redacted]	barista	Cheektowaga-Buffalo Airport	regular
23	[redacted]	shift supervisor	Cheektowaga-Buffalo Airport	regular
24	[redacted]	barista	Cheektowaga-Buffalo Airport	regular
25	[redacted]	barista	Cheektowaga-Buffalo Airport	regular
26	[redacted]	barista	Cheektowaga-Buffalo Airport	regular
27	[redacted]	barista	Cheektowaga-Buffalo Airport	regular

Cheektowaga – Buffalo Airport Store Address (Store #23917): 4255 Genesee St., Suite 100, Cheektowaga, NY 14225

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Starbucks Coffee Company
NLRB Case No. 03-RC-282139
Voter List for Position Statement
ATTACHMENT C

	FULL EMPLOYEE NAME (LAST, FIRST)	JOB CLASSIFICATION	WORK LOCATION	SHIFT
1.	(b) (6), (b) (7)(C) [redacted]	shift supervisor	235 Delaware Avenue	regular
2.	[redacted]	barista	235 Delaware Avenue	regular
3.	[redacted]	barista	235 Delaware Avenue	regular
4.	[redacted]	barista	235 Delaware Avenue	regular
5.	[redacted]	shift supervisor	235 Delaware Avenue	regular
6.	[redacted]	barista	235 Delaware Avenue	regular
7.	[redacted]	barista	235 Delaware Avenue	regular
8.	[redacted]	barista	235 Delaware Avenue	regular
9.	[redacted]	barista	235 Delaware Avenue	regular
10.	[redacted]	barista	235 Delaware Avenue	regular
11.	[redacted]	shift supervisor	235 Delaware Avenue	regular
12.	[redacted]	barista	235 Delaware Avenue	regular
13.	[redacted]	shift supervisor	235 Delaware Avenue	regular
14.	[redacted]	barista	235 Delaware Avenue	regular
15.	[redacted]	barista	235 Delaware Avenue	regular
16.	[redacted]	barista	235 Delaware Avenue	regular
17.	[redacted]	barista	235 Delaware Avenue	regular
18.	[redacted]	barista	235 Delaware Avenue	regular
19.	[redacted]	barista	235 Delaware Avenue	regular
20.	[redacted]	shift supervisor	235 Delaware Avenue	regular
21.	[redacted]	shift supervisor	235 Delaware Avenue	regular
22.	[redacted]	barista	235 Delaware Avenue	regular
23.	[redacted]	barista	235 Delaware Avenue	regular
24.	[redacted]	barista	235 Delaware Avenue	regular
25.	[redacted]	barista	235 Delaware Avenue	regular
26.	[redacted]	barista	Amherst, Niagara Falls Blvd	regular

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Starbucks Coffee Company
NLRB Case No. 03-RC-282139
Voter List for Position Statement
ATTACHMENT C

27.	(b) (6), (b) (7)(C) [redacted]	barista	Amherst, Niagara Falls Blvd	regular
28.	[redacted]	barista	Amherst, Niagara Falls Blvd	regular
29.	[redacted]	barista	Amherst, Niagara Falls Blvd	regular
30.	[redacted]	barista	Amherst, Niagara Falls Blvd	regular
31.	[redacted]	shift supervisor	Amherst, Niagara Falls Blvd	regular
32.	[redacted]	barista	Amherst, Niagara Falls Blvd	regular
33.	[redacted]	shift supervisor	Amherst, Niagara Falls Blvd	regular
34.	[redacted]	barista	Amherst, Niagara Falls Blvd	regular
35.	[redacted]	barista	Amherst, Niagara Falls Blvd	regular
36.	[redacted]	shift supervisor	Amherst, Niagara Falls Blvd	regular
37.	[redacted]	barista	Amherst, Niagara Falls Blvd	regular
38.	[redacted]	shift supervisor	Amherst, Niagara Falls Blvd	regular
39.	[redacted]	barista	Amherst, Niagara Falls Blvd	regular
40.	[redacted]	barista	Amherst, Niagara Falls Blvd	regular
41.	[redacted]	barista	Amherst, Niagara Falls Blvd	regular
42.	[redacted]	shift supervisor	Amherst, Niagara Falls Blvd	regular
43.	[redacted]	barista	Amherst, Niagara Falls Blvd	regular
44.	[redacted]	barista	Amherst, Niagara Falls Blvd	regular
45.	[redacted]	barista	Amherst, Niagara Falls Blvd	regular
46.	[redacted]	barista	Amherst, Niagara Falls Blvd	regular
47.	[redacted]	barista	Amherst, Niagara Falls Blvd	regular
48.	[redacted]	shift supervisor	Amherst, Niagara Falls Blvd	regular
49.	[redacted]	barista	Amherst, Niagara Falls Blvd	regular
50.	[redacted]	barista	Amherst, Niagara Falls Blvd	regular
51.	[redacted]	shift supervisor	Amherst, Niagara Falls Blvd	regular
52.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
53.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
54.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular

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Starbucks Coffee Company
NLRB Case No. 03-RC-282139
Voter List for Position Statement
ATTACHMENT C

55.	(b) (6), (b) (7)(C) [redacted]	barista	Amherst, Niagara Falls Blvd.	regular
56.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
57.	[redacted]	shift supervisor	Amherst, Niagara Falls Blvd.	regular
58.	[redacted]	shift supervisor	Amherst, Niagara Falls Blvd.	regular
59.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
60.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
61.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
62.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
63.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
64.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
65.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
66.	[redacted]	shift supervisor	Amherst, Niagara Falls Blvd.	regular
67.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
68.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
69.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
70.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
71.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
72.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
73.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
74.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
75.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
76.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
77.	[redacted]	shift supervisor	Amherst, Niagara Falls Blvd.	regular
78.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
79.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
80.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
81.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
82.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular

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Starbucks Coffee Company
NLRB Case No. 03-RC-282139
Voter List for Position Statement
ATTACHMENT C

83.	(b) (6), (b) (7)(C) [redacted]	shift supervisor	Amherst, Niagara Falls Blvd.	regular
84.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
85.	[redacted]	barista	Amherst, Niagara Falls Blvd.	regular
86.	[redacted]	shift supervisor	Amherst, Niagara Falls Blvd.	regular
87.	[redacted]	barista	Delaware & Kenmore	regular
88.	[redacted]	barista	Delaware & Kenmore	regular
89.	[redacted]	barista	Delaware & Kenmore	regular
90.	[redacted]	barista	Delaware & Kenmore	regular
91.	[redacted]	barista	Delaware & Kenmore	regular
92.	[redacted]	barista	Delaware & Kenmore	regular
93.	[redacted]	barista	Delaware & Kenmore	regular
94.	[redacted]	barista	Delaware & Kenmore	regular
95.	[redacted]	barista	Delaware & Kenmore	regular
96.	[redacted]	barista	Delaware & Kenmore	regular
97.	[redacted]	barista	Delaware & Kenmore	regular
98.	[redacted]	shift supervisor	Delaware & Kenmore	regular
99.	[redacted]	shift supervisor	Delaware & Kenmore	regular
100	[redacted]	barista	Delaware & Kenmore	regular
101	[redacted]	barista	Delaware & Kenmore	regular
102	[redacted]	barista	Delaware & Kenmore	regular
103	[redacted]	barista	Delaware & Kenmore	regular
104	[redacted]	barista	Delaware & Kenmore	regular
105	[redacted]	barista	Delaware & Kenmore	regular
106	[redacted]	barista	Delaware & Kenmore	regular
107	[redacted]	barista	Delaware & Kenmore	regular
108	[redacted]	barista	Delaware & Kenmore	regular
109	[redacted]	barista	Delaware & Kenmore	regular
110	[redacted]	barista	Delaware & Kenmore	regular

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Starbucks Coffee Company
NLRB Case No. 03-RC-282139
Voter List for Position Statement
ATTACHMENT C

111	(b) (6), (b) (7)(C) [redacted]	shift supervisor	Delaware & Kenmore	regular
112	[redacted]	barista	Delaware & Kenmore	regular
113	[redacted]	barista	Delaware & Kenmore	regular
114	[redacted]	barista	Delaware & Kenmore	regular
115	[redacted]	barista	Delaware & Kenmore	regular
116	[redacted]	barista	Delaware & Kenmore	regular
117	[redacted]	shift supervisor	Delaware & Kenmore	regular
118	[redacted]	barista	Delaware & Kenmore	regular
119	[redacted]	shift supervisor	Delaware & Kenmore	regular
120	[redacted]	shift supervisor	Elmwood	regular
121	[redacted]	barista	Elmwood	regular
122	[redacted]	barista	Elmwood	regular
123	[redacted]	barista	Elmwood	regular
124	[redacted]	barista	Elmwood	regular
125	[redacted]	barista	Elmwood	regular
126	[redacted]	barista	Elmwood	regular
127	[redacted]	barista	Elmwood	regular
128	[redacted]	barista	Elmwood	regular
129	[redacted]	barista	Elmwood	regular
130	[redacted]	barista	Elmwood	regular
131	[redacted]	shift supervisor	Elmwood	regular
132	[redacted]	barista	Elmwood	regular
133	[redacted]	barista	Elmwood	regular
134	[redacted]	barista	Elmwood	regular
135	[redacted]	barista	Elmwood	regular
136	[redacted]	barista	Elmwood	regular
137	[redacted]	barista	Elmwood	regular
138	[redacted]	shift supervisor	Elmwood	regular

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Starbucks Coffee Company
NLRB Case No. 03-RC-282139
Voter List for Position Statement
ATTACHMENT C

139	(b) (6), (b) (7)(C) [redacted]	shift supervisor	Elmwood	regular
140	[redacted]	barista	Elmwood	regular
141	[redacted]	barista	Elmwood	regular
142	[redacted]	barista	Hamburg	regular
143	[redacted]	barista	Hamburg	regular
144	[redacted]	barista	Hamburg	regular
145	[redacted]	barista	Hamburg	regular
146	[redacted]	shift supervisor	Hamburg	regular
147	[redacted]	barista	Hamburg	regular
148	[redacted]	shift supervisor	Hamburg	regular
149	[redacted]	barista	Hamburg	regular
150	[redacted]	barista	Hamburg	regular
151	[redacted]	shift supervisor	Hamburg	regular
152	[redacted]	barista	Hamburg	regular
153	[redacted]	shift supervisor	Hamburg	regular
154	[redacted]	barista	Hamburg	regular
155	[redacted]	barista	Hamburg	regular
156	[redacted]	shift supervisor	Hamburg	regular
157	[redacted]	shift supervisor	Hamburg	regular
158	[redacted]	barista	Hamburg	regular
159	[redacted]	barista	Hamburg	regular
160	[redacted]	barista	Hamburg	regular
161	[redacted]	barista	Hamburg	regular
162	[redacted]	barista	Hamburg	regular
163	[redacted]	barista	Hamburg	regular
164	[redacted]	barista	Hamburg	regular
165	[redacted]	barista	Hamburg	regular
166	[redacted]	barista	Hamburg	regular

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Starbucks Coffee Company
NLRB Case No. 03-RC-282139
Voter List for Position Statement
ATTACHMENT C

167	(b) (6), (b) (7)(C) [redacted]	barista	Hamburg	regular
168	[redacted]	barista	Hamburg	regular
169	[redacted]	barista	Hamburg, Camp Road	regular
170	[redacted]	barista	Hamburg, Camp Road	regular
171	[redacted]	barista	Hamburg, Camp Road	regular
172	[redacted]	barista	Hamburg, Camp Road	regular
173	[redacted]	barista	Hamburg, Camp Road	regular
174	[redacted]	barista	Hamburg, Camp Road	regular
175	[redacted]	barista	Hamburg, Camp Road	regular
176	[redacted]	barista	Hamburg, Camp Road	regular
177	[redacted]	barista	Hamburg, Camp Road	regular
178	[redacted]	barista	Hamburg, Camp Road	regular
179	[redacted]	barista	Hamburg, Camp Road	regular
180	[redacted]	shift supervisor	Hamburg, Camp Road	regular
181	[redacted]	barista	Hamburg, Camp Road	regular
182	[redacted]	barista	Hamburg, Camp Road	regular
183	[redacted]	barista	Hamburg, Camp Road	regular
184	[redacted]	barista	Hamburg, Camp Road	regular
185	[redacted]	barista	Hamburg, Camp Road	regular
186	[redacted]	shift supervisor	Hamburg, Camp Road	regular
187	[redacted]	shift supervisor	Hamburg, Camp Road	regular
188	[redacted]	shift supervisor	Hamburg, Camp Road	regular
189	[redacted]	barista	Hamburg, Camp Road	regular
190	[redacted]	shift supervisor	Hamburg, Camp Road	regular
191	[redacted]	shift supervisor	Hamburg, Camp Road	regular
192	[redacted]	barista	Hamburg, Camp Road	regular
193	[redacted]	barista	Hamburg, Camp Road	regular
194	[redacted]	barista	Hamburg, Camp Road	regular

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Starbucks Coffee Company
NLRB Case No. 03-RC-282139
Voter List for Position Statement
ATTACHMENT C

195	(b) (6), (b) (7)(C) [redacted]	barista	Lancaster - Regal Center	regular
196	[redacted]	shift supervisor	Lancaster - Regal Center	regular
197	[redacted]	barista	Lancaster - Regal Center	regular
198	[redacted]	barista	Lancaster - Regal Center	regular
199	[redacted]	barista	Lancaster - Regal Center	regular
200	[redacted]	shift supervisor	Lancaster - Regal Center	regular
201	[redacted]	barista	Lancaster - Regal Center	regular
202	[redacted]	barista	Lancaster - Regal Center	regular
203	[redacted]	barista	Lancaster - Regal Center	regular
204	[redacted]	barista	Lancaster - Regal Center	regular
205	[redacted]	shift supervisor	Lancaster - Regal Center	regular
206	[redacted]	barista	Lancaster - Regal Center	regular
207	[redacted]	shift supervisor	Lancaster - Regal Center	regular
208	[redacted]	barista	Lancaster - Regal Center	regular
209	[redacted]	barista	Lancaster - Regal Center	regular
210	[redacted]	barista	Lancaster - Regal Center	regular
211	[redacted]	shift supervisor	Lancaster - Regal Center	regular
212	[redacted]	barista	Lancaster - Regal Center	regular
213	[redacted]	barista	Lancaster - Regal Center	regular
214	[redacted]	barista	Lancaster - Regal Center	regular
215	[redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular
216	[redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular
217	[redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular
218	[redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular
219	[redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular
220	[redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular
221	[redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular
222	[redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular

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Starbucks Coffee Company
NLRB Case No. 03-RC-282139
Voter List for Position Statement
ATTACHMENT C

223	(b) (6), (b) (7)(C) [redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular
224	[redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular
225	[redacted]	shift supervisor	Niagara Falls, Niagara Falls Blvd	regular
226	[redacted]	shift supervisor	Niagara Falls, Niagara Falls Blvd	regular
227	[redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular
228	[redacted]	shift supervisor	Niagara Falls, Niagara Falls Blvd	regular
229	[redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular
230	[redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular
231	[redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular
232	[redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular
233	[redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular
234	[redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular
235	[redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular
236	[redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular
237	[redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular
238	[redacted]	shift supervisor	Niagara Falls, Niagara Falls Blvd	regular
239	[redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular
240	[redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular
241	[redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular
242	[redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular
243	[redacted]	shift supervisor	Niagara Falls, Niagara Falls Blvd	regular
244	[redacted]	shift supervisor	Niagara Falls, Niagara Falls Blvd	regular
245	[redacted]	barista	Niagara Falls, Niagara Falls Blvd	regular
246	[redacted]	barista	Orchard Park, Hwy 20	regular
247	[redacted]	barista	Orchard Park, Hwy 20	regular
248	[redacted]	shift supervisor	Orchard Park, Hwy 20	regular
249	[redacted]	barista	Orchard Park, Hwy 20	regular
250	[redacted]	barista	Orchard Park, Hwy 20	regular

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Starbucks Coffee Company
NLRB Case No. 03-RC-282139
Voter List for Position Statement
ATTACHMENT C

251	(b) (6), (b) (7)(C) [redacted]	barista	Orchard Park, Hwy 20	regular
252	[redacted]	shift supervisor	Orchard Park, Hwy 20	regular
253	[redacted]	shift supervisor	Orchard Park, Hwy 20	regular
254	[redacted]	shift supervisor	Orchard Park, Hwy 20	regular
255	[redacted]	barista	Orchard Park, Hwy 20	regular
256	[redacted]	barista	Orchard Park, Hwy 20	regular
257	[redacted]	barista	Orchard Park, Hwy 20	regular
258	[redacted]	barista	Orchard Park, Hwy 20	regular
259	[redacted]	barista	Orchard Park, Hwy 20	regular
260	[redacted]	barista	Orchard Park, Hwy 20	regular
261	[redacted]	barista	Orchard Park, Hwy 20	regular
262	[redacted]	barista	Orchard Park, Hwy 20	regular
263	[redacted]	shift supervisor	Orchard Park, Hwy 20	regular
264	[redacted]	barista	Orchard Park, Hwy 20	regular
265	[redacted]	barista	Orchard Park, Hwy 20	regular
266	[redacted]	barista	Orchard Park, Hwy 20	regular
267	[redacted]	barista	Orchard Park, Hwy 20	regular
268	[redacted]	shift supervisor	Orchard Park, Hwy 20	regular
269	[redacted]	barista	Orchard Park, Hwy 20	regular
270	[redacted]	shift supervisor	Orchard Park, Hwy 20	regular
271	[redacted]	barista	Orchard Park, Hwy 20	regular
272	[redacted]	barista	Orchard Park, Hwy 20	regular
273	[redacted]	barista	Sheridan and N. Bailey, Amherst	regular
274	[redacted]	shift supervisor	Sheridan and N. Bailey, Amherst	regular
275	[redacted]	barista	Sheridan and N. Bailey, Amherst	regular
276	[redacted]	barista	Sheridan and N. Bailey, Amherst	regular
277	[redacted]	shift supervisor	Sheridan and N. Bailey, Amherst	regular
278	[redacted]	barista	Sheridan and N. Bailey, Amherst	regular

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Starbucks Coffee Company
NLRB Case No. 03-RC-282139
Voter List for Position Statement
ATTACHMENT C

279	(b) (6), (b) (7)(C) [redacted]	shift supervisor	Sheridan and N. Bailey, Amherst	regular
280	[redacted]	barista	Sheridan and N. Bailey, Amherst	regular
281	[redacted]	barista	Sheridan and N. Bailey, Amherst	regular
282	[redacted]	barista	Sheridan and N. Bailey, Amherst	regular
283	[redacted]	barista	Sheridan and N. Bailey, Amherst	regular
284	[redacted]	barista	Sheridan and N. Bailey, Amherst	regular
285	[redacted]	shift supervisor	Sheridan and N. Bailey, Amherst	regular
286	[redacted]	barista	Sheridan and N. Bailey, Amherst	regular
287	[redacted]	barista	Sheridan and N. Bailey, Amherst	regular
288	[redacted]	shift supervisor	Sheridan and N. Bailey, Amherst	regular
289	[redacted]	barista	Sheridan and N. Bailey, Amherst	regular
290	[redacted]	barista	Sheridan and N. Bailey, Amherst	regular
291	[redacted]	shift supervisor	Sheridan and N. Bailey, Amherst	regular
292	[redacted]	barista	Sheridan and N. Bailey, Amherst	regular
293	[redacted]	barista	Sheridan and N. Bailey, Amherst	regular
294	[redacted]	barista	Sheridan and N. Bailey, Amherst	regular
295	[redacted]	barista	Sheridan and N. Bailey, Amherst	regular
296	[redacted]	barista	Sheridan and N. Bailey, Amherst	regular
297	[redacted]	barista	Sheridan and N. Bailey, Amherst	regular
298	[redacted]	barista	Sheridan and N. Bailey, Amherst	regular
299	[redacted]	barista	Sheridan and N. Bailey, Amherst	regular
300	[redacted]	barista	Sheridan and N. Bailey, Amherst	regular
301	[redacted]	shift supervisor	Sheridan and N. Bailey, Amherst	regular
302	[redacted]	barista	Sheridan and N. Bailey, Amherst	regular
303	[redacted]	barista	Sheridan and N. Bailey, Amherst	regular
304	[redacted]	barista	Sheridan and N. Bailey, Amherst	regular
305	[redacted]	shift supervisor	Sheridan and N. Bailey, Amherst	regular
306	[redacted]	barista	The Commons - Buffalo University	regular

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Starbucks Coffee Company
NLRB Case No. 03-RC-282139
Voter List for Position Statement
ATTACHMENT C

307	(b) (6), (b) (7)(C) [redacted]	barista	The Commons - Buffalo University	regular
308	[redacted]	shift supervisor	The Commons - Buffalo University	regular
309	[redacted]	barista	The Commons - Buffalo University	regular
310	[redacted]	barista	The Commons - Buffalo University	regular
311	[redacted]	barista	The Commons - Buffalo University	regular
312	[redacted]	shift supervisor	The Commons - Buffalo University	regular
313	[redacted]	barista	The Commons - Buffalo University	regular
314	[redacted]	barista	The Commons - Buffalo University	regular
315	[redacted]	barista	The Commons - Buffalo University	regular
316	[redacted]	barista	The Commons - Buffalo University	regular
317	[redacted]	barista	The Commons - Buffalo University	regular
318	[redacted]	barista	The Commons - Buffalo University	regular
319	[redacted]	barista	The Commons - Buffalo University	regular
320	[redacted]	barista	The Commons - Buffalo University	regular
321	[redacted]	barista	The Commons - Buffalo University	regular
322	[redacted]	barista	The Commons - Buffalo University	regular
323	[redacted]	shift supervisor	The Commons - Buffalo University	regular
324	[redacted]	barista	The Commons - Buffalo University	regular
325	[redacted]	barista	The Commons - Buffalo University	regular
326	[redacted]	barista	The Commons - Buffalo University	regular
327	[redacted]	barista	The Commons - Buffalo University	regular
328	[redacted]	barista	The Commons - Buffalo University	regular
329	[redacted]	barista	The Commons - Buffalo University	regular
330	[redacted]	shift supervisor	The Commons - Buffalo University	regular
331	[redacted]	barista	The Commons - Buffalo University	regular
332	[redacted]	barista	The Commons - Buffalo University	regular
333	[redacted]	barista	The Commons - Buffalo University	regular
334	[redacted]	barista	The Commons - Buffalo University	regular

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Starbucks Coffee Company
NLRB Case No. 03-RC-282139
Voter List for Position Statement
ATTACHMENT C

335	(b) (6), (b) (7)(C) [redacted]	shift supervisor	The Commons - Buffalo University	regular
336	[redacted]	barista	The Commons - Buffalo University	regular
337	[redacted]	barista	The Commons - Buffalo University	regular
338	[redacted]	barista	The Commons - Buffalo University	regular
339	[redacted]	barista	The Commons - Buffalo University	regular
340	[redacted]	shift supervisor	The Commons - Buffalo University	regular
341	[redacted]	shift supervisor	The Commons - Buffalo University	regular
342	[redacted]	barista	The Commons - Buffalo University	regular
343	[redacted]	shift supervisor	The Commons - Buffalo University	regular
344	[redacted]	barista	The Commons - Buffalo University	regular
345	[redacted]	barista	The Commons - Buffalo University	regular
346	[redacted]	barista	The Commons - Buffalo University	regular
347	[redacted]	barista	Transit & French	regular
348	[redacted]	shift supervisor	Transit & French	regular
349	[redacted]	barista	Transit & French	regular
350	[redacted]	barista	Transit & French	regular
351	[redacted]	barista	Transit & French	regular
352	[redacted]	barista	Transit & French	regular
353	[redacted]	barista	Transit & French	regular
354	[redacted]	barista	Transit & French	regular
355	[redacted]	barista	Transit & French	regular
356	[redacted]	barista	Transit & French	regular
357	[redacted]	barista	Transit & French	regular
358	[redacted]	barista	Transit & French	regular
359	[redacted]	barista	Transit & French	regular
360	[redacted]	shift supervisor	Transit & French	regular
361	[redacted]	barista	Transit & French	regular
362	[redacted]	barista	Transit & French	regular

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Starbucks Coffee Company
NLRB Case No. 03-RC-282139
Voter List for Position Statement
ATTACHMENT C

363	(b) (6), (b) (7)(C) [redacted]	barista	Transit & French	regular
364	[redacted]	shift supervisor	Transit & French	regular
365	[redacted]	barista	Transit & French	regular
366	[redacted]	barista	Transit & French	regular
367	[redacted]	barista	Transit & French	regular
368	[redacted]	barista	Transit & French	regular
369	[redacted]	barista	Transit & French	regular
370	[redacted]	shift supervisor	Transit & French	regular
371	[redacted]	barista	Transit & French	regular
372	[redacted]	barista	Transit & French	regular
373	[redacted]	shift supervisor	Transit & French	regular
374	[redacted]	barista	Transit & French	regular
375	[redacted]	barista	Transit & French	regular
376	[redacted]	barista	Transit & French	regular
377	[redacted]	barista	Transit & French	regular
378	[redacted]	barista	Transit & French	regular
379	[redacted]	barista	Transit & French	regular
380	[redacted]	barista	Transit & French	regular
381	[redacted]	barista	Transit & French	regular
382	[redacted]	barista	Transit and Maple Roads	regular
383	[redacted]	barista	Transit and Maple Roads	regular
384	[redacted]	shift supervisor	Transit and Maple Roads	regular
385	[redacted]	barista	Transit and Maple Roads	regular
386	[redacted]	shift supervisor	Transit and Maple Roads	regular
387	[redacted]	shift supervisor	Transit and Maple Roads	regular
388	[redacted]	barista	Transit and Maple Roads	regular
389	[redacted]	shift supervisor	Transit and Maple Roads	regular
390	[redacted]	barista	Transit and Maple Roads	regular

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Starbucks Coffee Company
NLRB Case No. 03-RC-282139
Voter List for Position Statement
ATTACHMENT C

391	(b) (6), (b) (7)(C) [redacted]	barista	Transit and Maple Roads	regular
392	[redacted]	barista	Transit and Maple Roads	regular
393	[redacted]	barista	Transit and Maple Roads	regular
394	[redacted]	barista	Transit and Maple Roads	regular
395	[redacted]	barista	Transit and Maple Roads	regular
396	[redacted]	barista	Transit and Maple Roads	regular
397	[redacted]	barista	Transit and Maple Roads	regular
398	[redacted]	barista	Transit and Maple Roads	regular
399	[redacted]	shift supervisor	Transit and Maple Roads	regular
400	[redacted]	barista	Transit and Maple Roads	regular
401	[redacted]	barista	Transit and Maple Roads	regular
402	[redacted]	shift supervisor	Transit and Maple Roads	regular
403	[redacted]	barista	Transit and Maple Roads	regular
404	[redacted]	barista	Transit and Maple Roads	regular
405	[redacted]	barista	Transit and Maple Roads	regular
406	[redacted]	shift supervisor	Transit and Maple Roads	regular
407	[redacted]	barista	Transit and Maple Roads	regular
408	[redacted]	barista	Transit Commons	regular
409	[redacted]	barista	Transit Commons	regular
410	[redacted]	barista	Transit Commons	regular
411	[redacted]	barista	Transit Commons	regular
412	[redacted]	barista	Transit Commons	regular
413	[redacted]	shift supervisor	Transit Commons	regular
414	[redacted]	barista	Transit Commons	regular
415	[redacted]	shift supervisor	Transit Commons	regular
416	[redacted]	barista	Transit Commons	regular
417	[redacted]	barista	Transit Commons	regular
418	[redacted]	shift supervisor	Transit Commons	regular

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Starbucks Coffee Company
NLRB Case No. 03-RC-282139
Voter List for Position Statement
ATTACHMENT C

419	(b) (6), (b) (7)(C) [redacted]	barista	Transit Commons	regular
420	[redacted]	barista	Transit Commons	regular
421	[redacted]	barista	Transit Commons	regular
422	[redacted]	shift supervisor	Transit Commons	regular
423	[redacted]	barista	Transit Commons	regular
424	[redacted]	barista	Transit Commons	regular
425	[redacted]	barista	Transit Commons	regular
426	[redacted]	barista	Transit Commons	regular
427	[redacted]	barista	Transit Commons	regular
428	[redacted]	barista	Transit Commons	regular
429	[redacted]	shift supervisor	Transit Commons	regular
430	[redacted]	barista	Transit Commons	regular
431	[redacted]	shift supervisor	Transit Commons	regular
432	[redacted]	shift supervisor	Transit Commons	regular
433	[redacted]	barista	Transit Commons	regular
434	[redacted]	barista	Transit Commons	regular
435	[redacted]	barista	Transit Commons	regular
436	[redacted]	barista	Transit Commons	regular
437	[redacted]	barista	Transit Commons	regular
438	[redacted]	barista	Walden & Anderson	regular
439	[redacted]	barista	Walden & Anderson	regular
440	[redacted]	barista	Walden & Anderson	regular
441	[redacted]	barista	Walden & Anderson	regular
442	[redacted]	barista	Walden & Anderson	regular
443	[redacted]	barista	Walden & Anderson	regular
444	[redacted]	barista	Walden & Anderson	regular
445	[redacted]	barista	Walden & Anderson	regular
446	[redacted]	shift supervisor	Walden & Anderson	regular

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Starbucks Coffee Company
NLRB Case No. 03-RC-282139
Voter List for Position Statement
ATTACHMENT C

447	(b) (6), (b) (7)(C) [redacted]	barista	Walden & Anderson	regular
448	[redacted]	barista	Walden & Anderson	regular
449	[redacted]	shift supervisor	Walden & Anderson	regular
450	[redacted]	barista	Walden & Anderson	regular
451	[redacted]	barista	Walden & Anderson	regular
452	[redacted]	barista	Walden & Anderson	regular
453	[redacted]	barista	Walden & Anderson	regular
454	[redacted]	barista	Walden & Anderson	regular
455	[redacted]	barista	Walden & Anderson	regular
456	[redacted]	shift supervisor	Walden & Anderson	regular
457	[redacted]	shift supervisor	Walden & Anderson	regular
458	[redacted]	shift supervisor	Walden & Anderson	regular
459	[redacted]	shift supervisor	Walden & Anderson	regular
460	[redacted]	barista	Walden & Anderson	regular
461	[redacted]	barista	Walden & Anderson	regular
462	[redacted]	shift supervisor	Walden Galleria	regular
463	[redacted]	shift supervisor	Walden Galleria	regular
464	[redacted]	barista	Walden Galleria	regular
465	[redacted]	barista	Walden Galleria	regular
466	[redacted]	barista	Walden Galleria	regular
467	[redacted]	barista	Walden Galleria	regular
468	[redacted]	shift supervisor	Walden Galleria	regular
469	[redacted]	barista	Walden Galleria	regular
470	[redacted]	barista	Walden Galleria	regular
471	[redacted]	shift supervisor	Walden Galleria	regular
472	[redacted]	shift supervisor	Walden Galleria	regular
473	[redacted]	barista	Walden Galleria	regular
474	[redacted]	barista	Walden Galleria	regular

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Starbucks Coffee Company
NLRB Case No. 03-RC-282139
Voter List for Position Statement
ATTACHMENT C

475	(b) (6), (b) (7)(C) [redacted]	barista	Walden Galleria	regular
476	[redacted]	barista	Williamsville Place	regular
477	[redacted]	barista	Williamsville Place	regular
478	[redacted]	barista	Williamsville Place	regular
479	[redacted]	barista	Williamsville Place	regular
480	[redacted]	barista	Williamsville Place	regular
481	[redacted]	shift supervisor	Williamsville Place	regular
482	[redacted]	barista	Williamsville Place	regular
483	[redacted]	shift supervisor	Williamsville Place	regular
484	[redacted]	shift supervisor	Williamsville Place	regular
485	[redacted]	barista	Williamsville Place	regular
486	[redacted]	shift supervisor	Williamsville Place	regular
487	[redacted]	barista	Williamsville Place	regular
488	[redacted]	barista	Williamsville Place	regular
489	[redacted]	barista	Williamsville Place	regular
490	[redacted]	barista	Williamsville Place	regular
491	[redacted]	barista	Williamsville Place	regular
492	[redacted]	barista	Williamsville Place	regular
493	[redacted]	barista	Williamsville Place	regular
494	[redacted]	barista	Williamsville Place	regular
495	[redacted]	barista	Williamsville Place	regular
496	[redacted]	barista	Williamsville Place	regular
497	[redacted]	barista	Williamsville, Main St.	regular
498	[redacted]	barista	Williamsville, Main St.	regular
499	[redacted]	barista	Williamsville, Main St.	regular
500	[redacted]	barista	Williamsville, Main St.	regular
501	[redacted]	barista	Williamsville, Main St.	regular
502	[redacted]	barista	Williamsville, Main St.	regular

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Starbucks Coffee Company
NLRB Case No. 03-RC-282139
Voter List for Position Statement
ATTACHMENT C

503	(b) (6), (b) (7)(C) [redacted]	barista	Williamsville, Main St.	regular
504	[redacted]	barista	Williamsville, Main St.	regular
505	[redacted]	barista	Williamsville, Main St.	regular
506	[redacted]	barista	Williamsville, Main St.	regular
507	[redacted]	barista	Williamsville, Main St.	regular
508	[redacted]	barista	Williamsville, Main St.	regular
509	[redacted]	barista	Williamsville, Main St.	regular
510	[redacted]	barista	Williamsville, Main St.	regular
511	[redacted]	barista	Williamsville, Main St.	regular
512	[redacted]	barista	Williamsville, Main St.	regular
513	[redacted]	barista	Williamsville, Main St.	regular
514	[redacted]	barista	Williamsville, Main St.	regular
515	[redacted]	barista	Williamsville, Main St.	regular
516	[redacted]	barista	Williamsville, Main St.	regular
517	[redacted]	barista	Williamsville, Main St.	regular
518	[redacted]	shift supervisor	Williamsville, Main St.	regular
519	[redacted]	shift supervisor	Williamsville, Main St.	regular
520	[redacted]	shift supervisor	Williamsville, Main St.	regular
521	[redacted]	barista	Williamsville, Main St.	regular
522	[redacted]	barista	Williamsville, Main St.	regular
523	[redacted]	barista	Williamsville, Main St.	regular
524	[redacted]	shift supervisor	Williamsville, Main St.	regular
525	[redacted]	shift supervisor	Williamsville, Main St.	regular
526	[redacted]	barista	Williamsville, Main St.	regular
527	[redacted]	barista	Williamsville, Main St.	regular
528	[redacted]	shift supervisor	Williamsville, Main St.	regular
529	[redacted]	barista	Williamsville, Main St.	regular
530	[redacted]	barista	Williamsville, Main St.	regular

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Starbucks Coffee Company
NLRB Case No. 03-RC-282139
Voter List for Position Statement
ATTACHMENT C

Store Addresses:

- Store #7318 - The Commons - Buffalo University 520 Lee Entrance, Buffalo, NY 14228
- Store #7327 - Amherst, Niagara Falls Blvd. - 1703 Niagara Falls Blvd., Buffalo, NY 14228
- Store #7337 - Transit and Maple Road - 8100 Transit Road, Suite 100 Williamsville, NY 14221
- Store # 7381 - Elmwood - 933 Elmwood, Buffalo, NY 14222
- Store # 7448 - 235 Delaware Avenue - 235 Delaware Avenue, Buffalo, NY 14202
- Store # 7486 – Hamburg -3540 McKinley Parkway, Buffalo, NY 14219
- Store # 7665 - Transit & French - 4770 Transit Rd., Depew, NY 14043
- Store #7799 - Delaware & Kenmore - 2730 Delaware Avenue, Buffalo, NY 14216
- Store #7938 - Williamsville Place - 5395 Sheridan Dr., Buffalo, NY 14221
- Store # 10750 -Transit Commons - 9660 Transit Rd., Suite 101, East Amherst, NY 14051
- Store # 23917 - Cheektowaga - Buffalo Airport - 4255 Genesee St., Suite 100, Cheektowaga, NY 14225
- Store #63771 - Orchard Park Hwy 20 - 3235 Southwestern Blvd., Orchard Park, NY 14127
- Store # 59087 -Hamburg, Camp Road - 5120 Camp Rd., Hamburg, NY 14075
- Store # 7340 - Main St. Williamsville – 5265 Main St., Williamsville, NY, 14221
- Store # 7879 - Galleria Mall kiosk - 1 Walden Galleria K-04, Cheektowaga, NY 14225
- Store # 7949 - Walden Anderson -1775 Walden Ave, Cheektowaga, NY 14225
- Store # 19901 - Niagara falls, Niagara fall Blvd. - 6690 Niagara Falls Blvd, Niagara Falls, NY 14304
- Store # 22882 - Lancaster Regal - 6707 Transit Rd #100, Buffalo, NY 14221
- Store #47843 - Sheridan Drive and North Bailey - 3186 Sheridan Drive 100. Buffalo 14226
- Store #50060 - East Robinson/ Niagara falls Blvd. - 3015 Niagara Falls Blvd, Amherst, NY 14228

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STATEMENT OF POSITION
CERTIFICATE OF SERVICE

I certify that, on this September 14, 2021, the foregoing Statements of Position and Attachments in NLRB Case Nos. 03-RC-282115, 03-RC-282127, 03-RC-282139 were electronically filed through the Board's website before 12:00 noon eastern, are available for viewing and downloading from the Board's website, and will be sent via e-mail to the following before 12:00 noon eastern.

Linda M. Leslie, Regional Director
Michael Dahlheimer, Field Examiner
Linda.leslie@nlrb.gov
Michael.Dahlheimer@nlrb.gov

Ian Hayes, Esq.
Creighton, Johnsen & Giroux
ihayes@cpjglaborlaw.com

/s/ Erik Hult
An Attorney for The Employer
Littler Mendelson, P.C.
41 South High Street, Suite 3250
Columbus, Ohio, 43215
708.280.0749
ehult@littler.com

FORM NLRB-506
(12-20)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

RESPONSIVE STATEMENT OF POSITION - RC, RD or RM PETITION

DO NOT WRITE IN THIS SPACE	
Case No. 03-RC-282115	Date Filed 8/30/21

INSTRUCTIONS: *If a party has submitted and served on you a timely Statement of Position to an* ***RC, RD or RM*** *petition, the Petitioner must submit this Responsive Statement of Position to an NLRB Office in the Region in which the petition was filed and serve it and any attachments on each party named in the petition in this case such that it is received by noon local time, three business days prior to the hearing date specified in the Notice of Hearing. A separate form must be completed for each timely filed and properly served Statement of Position received by the Petitioner. The Petitioner-Employer in a RM case is required to file this Responsive Statement of Position and include an appropriate employee list without regard to whether another party has filed a Statement of Position.*

This Responsive Statement of Position is filed by the Petitioner in response to a Statement of Position received from the following party

The Employer	An Intervenor/Union
Starbucks Corporation	Workers United

1a. Full Name of Party Filing Responsive Statement of Position
Workers United

1c. Business Phone	1d. Cell No.	1e. Fax No.	1f. E-Mail Address
585-473-3280			gbonadonnajr@rrjb.org

1b. Address (Street and Number, City, State and ZIP Code)
2954 Main Street, Suite 556, Buffalo, NY 14214

2. Identify all issues raised in the other party's Statement of Position that you dispute and describe the basis of your dispute:

a. EMPLOYER NAME/IDENTITY [Box 1a of Statement of Position Form NLRB-505 and Questionnaire on Commerce Information]

☒ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

b. JURISDICTION [Box 2 of Statement of Position Form NLRB-505 and Questionnaire on Commerce Information]

☒ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

c. APPROPRIATENESS OF UNIT [Boxes 3, 3a and 3b of Statement of Position Form NLRB-505]

☐ No Dispute (no further response required) ☒ Dispute (response required below)

Response to Statement of Position:
See attached

d. INDIVIDUAL ELIGIBILITY [Box 4 of Statement of Position Form NLRB-505]

☐ No Dispute (no further response required) ☒ Dispute (response required below)

Response to Statement of Position:
See attached

e. BARS TO ELECTION [Box 5 of Statement of Position Form NLRB-505]

☒ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

f. ALL OTHER ISSUES [Box 6 of Statement of Position Form NLRB-505]

☐ No Dispute (no further response required) ☒ Dispute (response required below)

Response to Statement of Position:
See attached

g. ELECTION DETAILS [Boxes 8a, 8b, 8c, 8d, 8e, 8f, and 8g of Statement of Position Form NLRB-505]

☐ No Dispute (no further response required) ☒ Dispute (response required below)

Response to Statement of Position:
See attached

Full Name and Title of Authorized Representative	Signature of Authorized Representative	Date
Ian Hayes, Attorney	Ian Hayes	9/17/21

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

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Attachment to Workers United's Responsive Statement of Position
03-RC-282115
03-RC-282127
03-RC-282139

Questions 2.c and 2.d

The Union takes the position that the titles named in the respective petitions are appropriate for inclusion in the bargaining unit. Assistant Store Managers should be included because they do not perform any of the indicia of supervisory status under Section 2(11) of the Act. Furthermore, the Employer has started to assign Assistant Store Managers at the three petitioned-for stores, making the issue ripe for decision in the pre-election hearing.

In response to the Company's argument in point 2 of its Statement of Position, regarding application of Section 9(c)(5), the argument is misguided and serves no purpose at this point in the process. However, it is worth noting that Section 9(c)(5) simply provides that "In determining whether a unit is appropriate for the purposes specified in subsection (b) the extent to which the employees have organized shall not be controlling." Indeed, the controlling factors here are (1) a single store unit is presumptively appropriate, and (2) Starbucks is unable to overcome the presumption. In addition, the Board's interpretation of Section 9(c)(5) has been clear that, while the section limits the weight of a union's extent of organizing, it does not render it irrelevant. *NLRB v. Metropolitan Life Ins. Co., 380 U.S. 438* (1965); *Dixie Bell Mills, Inc.*, 139 NLRB 629 (1962).

In any case, arguments on this point are little more than a diversion from the fact that Section 9(b) makes plant units – that is, single-store units – presumptively appropriate. *See* 29 U.S.C. § 159(b). Given this, and under the applicable case law, the Company cannot rebut the presumption, and the three respective stores should be deemed appropriate bargaining units.

Questions 2.f and 2.g

The Union requests that all three elections be held by mail ballot, based on the unavailability of the respective stores as election sites, the potential for confusion regarding physical sites outside of the stores, the undue strain on agency resources to find alternative locations and hold three manual elections simultaneously, and the ongoing dangers presented by the Covid-19 pandemic, as described in *Aspirus Keweenaw*, 370 NLRB No. 45 (Nov. 9, 2020).

FORM NLRB-506
(12-20)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

RESPONSIVE STATEMENT OF POSITION - RC, RD or RM PETITION

DO NOT WRITE IN THIS SPACE	
Case No. 03-RC-282127	Date Filed 8/30/21

INSTRUCTIONS: *If a party has submitted and served on you a timely Statement of Position to an* ***RC, RD or RM*** *petition, the Petitioner must submit this Responsive Statement of Position to an NLRB Office in the Region in which the petition was filed and serve it and any attachments on each party named in the petition in this case such that it is received by noon local time, three business days prior to the hearing date specified in the Notice of Hearing. A separate form must be completed for each timely filed and properly served Statement of Position received by the Petitioner. The Petitoner-Employer in a RM case is required to file this Responsive Statement of Position and include an appropriate employee list without regard to whether another party has filed a Statement of Position.*

This Responsive Statement of Position is filed by the Petitioner in response to a Statement of Position received from the following party:

The Employer	An Intervenor/Union
Starbucks Corporation	Workers United

1a. Full Name of Party Filing Responsive Statement of Position
Workers United

1c. Business Phone	1d. Cell No.	1e. Fax No.	1f. E-Mail Address
585-473-3280			gbonadonnajr@rrjb.org

1b. Address (Street and Number, City, State and ZIP Code)
2954 Main Street, Suite 556, Buffalo, NY 14214

2. Identify all issues raised in the other party's Statement of Position that you dispute and describe the basis of your dispute:

a. EMPLOYER NAME/IDENTITY [Box 1a of Statement of Position Form NLRB-505 and Questionnaire on Commerce Information]

☒ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

b. JURISDICTION [Box 2 of Statement of Position Form NLRB-505 and Questionnaire on Commerce Information]

☒ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

c. APPROPRIATENESS OF UNIT [Boxes 3, 3a and 3b of Statement of Position Form NLRB-505]

☐ No Dispute (no further response required) ☒ Dispute (response required below)

Response to Statement of Position:
See attached

d. INDIVIDUAL ELIGIBILITY [Box 4 of Statement of Position Form NLRB-505]

☐ No Dispute (no further response required) ☒ Dispute (response required below)

Response to Statement of Position:
See attached

e. BARS TO ELECTION [Box 5 of Statement of Position Form NLRB-505]

☒ No Dispute (no further response required) ☐ Dispute (response required below)

Response to Statement of Position:

f. ALL OTHER ISSUES [Box 6 of Statement of Position Form NLRB-505]

☐ No Dispute (no further response required) ☒ Dispute (response required below)

Response to Statement of Position:
See attached

g. ELECTION DETAILS [Boxes 8a, 8b, 8c, 8d, 8e, 8f, and 8g of Statement of Position Form NLRB-505]

☐ No Dispute (no further response required) ☒ Dispute (response required below)

Response to Statement of Position:
See attached

Full Name and Title of Authorized Representative	Signature of Authorized Representative	Date
Ian Hayes, Attorney	Ian Hayes	9/17/21

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FORM NLRB-506
(12-20)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

RESPONSIVE STATEMENT OF POSITION - RC, RD or RM PETITION

DO NOT WRITE IN THIS SPACE	
Case No 03-RC-282139	Date Filed 8/30/21

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Workers United

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Full Name and Title of Authorized Representative	Signature of Authorized Representative	Date
Ian Hayes, Attorney	Ian Hayes	9/17/21

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UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
THIRD REGION

STARBUCKS CORPORATION **Employer** **and** **WORKERS UNITED** **Petitioner**	**CASES 03-RC-282115** **03-RC-282127** **03-RC-282139**

ORDER PARTIALLY GRANTING REQUEST FOR AN EXTENSION OF TIME TO FILE BRIEFS

A request having been filed by the Employer for an extension of time to file briefs in the above referenced matter;

IT IS HEREBY ORDERED that the request is partially granted. The time for filing briefs for the Employer and the Petitioner is extended to the close of business on **October 14, 2021.**

DATED at Buffalo, New York this 4th day of October 2021.

/s/ Linda M. Leslie

Linda M. Leslie, Acting Regional Director
National Labor Relations Board - Third Region
Niagara Center Building, Suite 630
130 South Elmwood Avenue
Buffalo, NY 14202

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
THIRD REGION

STARBUCKS CORPORATION **Employer** **and** **CASE 3-UC-451** **WORKERS UNITED** **Petitioner**	**CASES 03-RC-282115** **03-RC-282127** **03-RC-282139**

AFFIDAVIT OF SERVICE OF ORDER PARTIALLY GRANTING REQUEST FORAN EXTENSION OF TIME TO FILE BRIEFS

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on 10/4/21**,** I served the above-entitled document(s) by **regular mail** upon the following persons, addressed to them at the following addresses:

Kevin Johnson
Starbucks Corporation
933 Elmwood Ave
Buffalo, NY 14222

David Lefrois , District Manager
Starbucks Corporation
933 Elmwood Ave
Buffalo, NY 14222

Alan I. Model , ESQ.
Littler Mendelson, P.C.
One Newark Center
8th Floor
Newark, NJ 07102-5235

Erik Hult , ESQ.
Littler Mendelson P.C.
41 South High Street, Suite 3250
Columbus, OH 43215

Ian Hayes , ESQ.
Creighton, Johnsen & Giroux
1103 Delaware Avenue
Buffalo, NY 14209

Workers United
2954 Main Street, Suite 556
Buffalo, NY 14214

Vallana M. Harris
Designated Agent of NLRB
Name

Date 10/4/21

/s/ Vallana M. Harris
Signature