OFFICIAL REPORT OF PROCEEDINGS

BEFORE THE

NATIONAL LABOR RELATIONS BOARD

REGION 19, SUBREGION 36

In the Matter of:

Starbucks Corporation, Case No. 19-RC-288594

Employer,

and

Workers United,

Petitioner.

Place: Seattle, Washington (via Zoom Videoconference)

Dates: January 28, 2022

Pages: 1 through 161

Volume: 1

OFFICIAL REPORTERS
eScribers, LLC
E-Reporting and E-Transcription
7227 North 16th Street, Suite 207
Phoenix, AZ 85020
(602) 263-0885

UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

REGION 19, SUBREGION 36

In the Matter of: STARBUCKS CORPORATION, Employer, and WORKERS UNITED, Petitioner.	Case No. 19-RC-288594

The above-entitled matter came on for hearing via Zoom videoconference, pursuant to notice, before **ELIZABETH DEVLEMING**, Hearing Officer, at the National Labor Relations Board, Region 19, 915 2nd Avenue, Seattle, Washington 98174, on **Friday, January 28, 2022, 10:14 a.m.**

1 **A P P E A R A N C E S**

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1 **I N D E X**

2

3 WITNESS	DIRECT	CROSS	REDIRECT	RECROSS	VOIR DIRE
4 Jessica Borton	25,54,75, 102,112,115				53,72,101, 108,114

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1 **E X H I B I T S**

2

EXHIBIT	IDENTIFIED	IN EVIDENCE
Board:		
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1 **P R O C E E D I N G S**

2 HEARING OFFICER DEVLEMING: The hearing will be in order.

3 This is a formal hearing and the matter of Starbucks

4 Corporation, case number 19-RC-288594, before the National

5 Labor Relations Board, pursuant to the order of the Regional

6 Director dated January 7th, 2022. The Hearing Officer

7 appearing for the National Labor Relations Board and conducting

8 this hearing is Liz DeVleming. This hearing is being conducted

9 by video conferencing via the Zoom for Government platform.

10 All parties have been informed of the procedures at formal

11 hearings before the Board by service of a description of

12 procedures and certification and decertification cases document

13 with the notice of hearing. I have additional copies of this

14 document for distribution if any party needs them.

15 I wish to inform all parties and observers that the

16 official reporter makes the only official transcript of these

17 proceedings, and all citations in briefs and arguments must

18 refer to the official record. I wish to stress the fact that

19 anything spoken in this Zoom hearing room while we -- while the

20 hearing is in session and we are on the record will be recorded

21 by the official court reporter. In the event that any of the

22 parties wish to make off-the-record remarks, requests to go off

23 the record to make such remarks should be directed to me, the

24 Hearing Officer, and not to the official reporter.

25 Each party should be prepared to provide specific reasons

1 in support of any motion or objection in as concise a manner as
2 possible. Exceptions automatically follow all adverse rulings.
3 The objective of the Hearing Officer in these proceedings is to
4 ensure that the record contains the full statement of the facts
5 as may be necessary for a determina -- determination of the
6 issues by the Board.
7 All parties will be afforded full opportunity to present
8 their respective positions and to produce evidence in support
9 of their intentions. It may become necessary for me to ask
10 questions -- of course, I lost my spot -- call witnesses, or
11 explore avenues with respect to matters not raised or only
12 partially raised by the parties.
13 At this point, will counsel please state their appearances
14 for the record? For the Employer?
15 MR. GROW: Yes, it's Tom Grow with Littler Mendelson.
16 I'll also have my colleagues introduce themselves, as well.
17 MS. DIECKMAN: Alyson Dieckman with Littler Mendelson for
18 the Employer.
19 MR. DILGER: Jeffrey Dilger, Littler Mendelson, for the
20 Employer.
21 HEARING OFFICER DEVLEMING: Any other appearances for the
22 Employer?
23 MR. DILGER: No, ma'am.
24 HEARING OFFICER DEVLEMING: Okay. And for the Petitioner?
25 MR. IGLITZIN: Thank you. Dmitri Iglitzin, Barnard

1 Iglitzin & Lavitt, for the Petitioner. And my colleague will
2 introduce herself.
3 MS. MULTHAUP: Marina Multhaup, Barnard Iglitzin & Lavitt,
4 for the Petitioner.
5 HEARING OFFICER DEVLEMING: Thank you. Any other
6 appearances for the Petitioner? Hearing none, now, I'd like
7 each person, maybe one for each party -- well.
8 Mr. Grow, are you in the same room as Ms. Dieckman and Mr.
9 Dilger?
10 MR. GROW: Yes, ma'am.
11 HEARING OFFICER DEVLEMING: Okay. Is anyone else in that
12 room with the three of you?
13 MR. GROW: Yes, we've got one of our witnesses, Jessica
14 Borton.
15 HEARING OFFICER DEVLEMING: Okay. I think the last name
16 there cut off. What was Jessica's last name?
17 MR. GROW: Borton, B-O-R-T-O-N.
18 HEARING OFFICER DEVLEMING: B-O-R-T-O-N, great.
19 MR. GROW: Yes, ma'am.
20 HEARING OFFICER DEVLEMING: And for Ms. Multhaup, is
21 anybody in the room with you?
22 MS. MULTHAUP: No.
23 HEARING OFFICER DEVLEMING: And Mr. Iglitzin?
24 MR. IGLITZIN: No.
25 HEARING OFFICER DEVLEMING: Are there any other

1 appearances that need to be entered into the record? Let the
2 record show no response.
3 Are there any persons, parties, or labor organizations in
4 the hearing room, and by that I mean this Zoom videoconference
5 room, who claim an interest in this proceeding? Let the record
6 show no response.
7 Are there any motions to intervene in these proceedings to
8 be submitted to the Hearing Officer for ruling by the Regional
9 Director at this time? Let the record show no response.
10 Are the parties aware of any other employers or labor
11 organizations that have an interest in this proceeding?
12 MR. GROW: Employer is not.
13 HEARING OFFICER DEVLEMING: The Hearing Officer hears
14 no --
15 MR. IGLITZIN: Petitioner does not.
16 HEARING OFFICER DEVLEMING: -- awareness of other parties
17 with an interest.
18 All counsel, parties, and witnesses are asked to speak
19 loudly and clearly. Counsel, parties, and witnesses will be
20 asked to spell the names of persons and places on their first
21 mention for the convenience of the court reporter and the
22 accuracy of the record. The parties are encouraged to attend
23 this hearing in a space that is free from distracting
24 background noises. I request that persons set the angle of
25 their camera, particularly witnesses, such that I can see their

1 waists and hands. Although, if I find it necessary, I'll
2 request that as we go.
3 When you are not speaking on the call, please keep your
4 microphone muted to cut down on distractions. This request, of
5 course, does not apply to the witness who is currently
6 testifying or to counsel who may need their microphones unmuted
7 to make timely objections.
8 Both counsel and witnesses will be reminded to wait two to
9 three seconds before responding to questions to allow for the
10 potential for an objection. In the event an objection is
11 raised, witnesses should not respond to the question until a
12 ruling is made on the objection. Parties are reminded that
13 there should be no communication or coaching of witnesses while
14 testimony is ongoing. Witnesses should not have any extraneous
15 documents or other notes present with them while testifying.
16 The parties were encouraged to circulate exhibits
17 electronically in advance of the hearing. For additional
18 exhibits, or before you introduce an exhibit with a witness,
19 please circulate those exhibits electronically, as we
20 discussed. Any party who will be reviewing exhibits should be
21 accessing them through a high-speed internet connection. If a
22 party presenting an exhibit can also share their screen so that
23 everyone, and particularly the witness testifying, is on the
24 same page as to what we're looking at, that would be ideal.
25 Aside from the Employer's petition to revoke Petitioner's

1 subpoena, are there any other pre-hearing motions made by any
2 party that need to be addressed at this time?
3 MR. IGLITZIN: Not for the Petitioner.
4 MR. GROW: Not for the Employer.
5 HEARING OFFICER DEVLEMING: All right, and regarding the
6 petition to revoke that was just referred to me by the Regional
7 Director, I informed the parties in an off-the-record
8 discussion just prior to the opening of the hearing, and I'll
9 repeat it now, that the Region is deferring ruling on the
10 petition to revoke for the time being. But we will revisit it
11 after the Employer has presented its evidence to see whether I
12 need to rule or whether any outstanding issues have been
13 resolved.
14 Before the hearing closes, as we also just discussed, the
15 parties plan to introduce a Board exhibit, probably to be
16 labeled Board Exhibit 5, charting the other petitions currently
17 pending in the other regional offices involving other
18 facilities of the Employer and those petitions' current status.
19 A few of the -- the hearings in those matters have already
20 closed. And I believe the parties will be asking or have
21 already asked in their statement of position and responsive
22 statement of position, respectively, for the decision writer in
23 this matter to take administrative notice of those records
24 generally. And they may, at points, specifically stipulate to
25 the relevance of certain portions of those transcripts to this

1 instant matter to avoid having to recreate the wheel as to
2 certain testimony. In the hearing just a week and a half ago
3 in Case 19-RC-287954, the parties introduced a similar Board
4 exhibit, which was admitted as Board Exhibit 5 in that record.
5 The parties will review that document, update it to be current,
6 and offer it here as a Board Exhibit 5 before the hearing
7 closes.
8 The parties have been advised that the hearing will
9 continue from day to day as necessary until completed, unless
10 the Regional Director concludes that extraordinary
11 circumstances warrant otherwise. The parties are also advised
12 that they have the right to file post-hearing briefs. In
13 addition, a party may offer into evidence a brief memo of
14 points and authorities, case citations, or other legal
15 arguments during the course of the hearing and before the
16 hearing closes.
17 We have a little background noise. Okay, we're good.
18 I now propose to receive the formal papers. They have
19 been marked for identification as Board Exhibit 1(a) through
20 1(d), inclusive, with Exhibit 1(d) being an index and
21 description of the entire exhibit. The formal papers have
22 already been shared with all parties. Are there any objections
23 to the receipt of these exhibits into the record?
24 MR. GROW: No objections from the Employer.
25 MR. IGLITZIN: Nor from the Petitioner.

1 HEARING OFFICER DEVLEMING: Great. The -- hearing no
2 objection, the formal papers are received in evidence.
3 **(Board Exhibit Number 1(a) through 1(d) Received into Evidence)**
4 HEARING OFFICER DEVLEMING: The parties to this proceeding
5 have executed a document which is marked as Board Exhibit 2.
6 That exhibit contains a series of stipulations, including,
7 among other items, that the Petitioner is a labor organization
8 within the meaning of the Act, there is no contract bar, or the
9 Employer meets the jurisdictional standards of the Board, et
10 cetera. Are there any objections to the receipt of Board
11 Exhibit 2?
12 MR. GROW: No objections from the Employer.
13 HEARING OFFICER DEVLEMING: From the Petitioner?
14 MR. IGLITZIN: None.
15 HEARING OFFICER DEVLEMING: Hearing no objection, Board
16 Exhibit 2 is received in evidence.
17 **(Board Exhibit Number 2 Received into Evidence)**
18 HEARING OFFICER DEVLEMING: The Employer has completed,
19 and I have marked for identification as Board Exhibit 3, its
20 statement of position in this matter. Are there any objections
21 to the receipt of this exhibit into the record?
22 MR. GROW: None from the Employer.
23 MR. IGLITZIN: Nor from the petitioner.
24 HEARING OFFICER DEVLEMING: Hearing no objection, Board
25 Exhibit 3 is received.

1 **(Board Exhibit Number 3 Received into Evidence)**

2 HEARING OFFICER DEVLEMING: Finally, the Petitioner has
3 completed, and I have marked for identification as Board
4 Exhibit 4, its responsive statement of position in this matter.
5 Are there any objections to the receipt of this exhibit into
6 the record?

7 MR. GROW: None from the Employer,

8 MR. IGLITZIN: None from the Petitioner.

9 HEARING OFFICER DEVLEMING: Hearing no objection, Board
10 Exhibit 4 is received.

11 **(Board Exhibit Number 4 Received into Evidence)**

12 HEARING OFFICER DEVLEMING: Okay. Moving on to the issue
13 for the hearing. Based on the positions of the parties as set
14 forth in the Employer's statement of position and Petitioner's
15 responsive statement of position, there appear to be two areas
16 of dispute, but only one that will be litigated during this
17 pre-election hearing.

18 Primarily, the Petitioner's petition seeks a single
19 facility bargaining unit comprised of employees of the
20 Employer's facility located at 2830 Willamette Street -- that's
21 spelled W-I-L-L-A-M-E-T-T-E -- in Eugene, Oregon. The
22 Employer, however, contends in its statement of position that
23 the smallest appropriate bargaining unit is a unit covering the
24 Employer's 11 total stores in District Number 156, or in the
25 alternative, the 9 total stores in the city of Eugene, Oregon.

1 The Employer is advised that because single facility
2 bargaining units are presumptively appropriate under Board law,
3 the burden lies with the party seeking to rebut that
4 presumption, and the Employer must present a specific, detailed
5 evidence in support of its position. General conclusionary
6 statements by witnesses will not be sufficient.
7 The second issue raised is that Petitioner's petition for
8 a bargaining unit includes the assistant store manager
9 classification. The Employer contends that assistant store
10 managers are statutory supervisors within the meaning of
11 Section 211 of the Act. It also appears that there's not
12 currently an assistant store manager working at the petitioned-
13 for store.
14 The Regional Director has determined that it is
15 appropriate to defer litigation on this issue as the issue
16 relates to the eligibility or inclusion of a number of
17 employees cons -- constituting less than 20 percent of the unit
18 involved, whichever way the unit is defined, which would not
19 significantly impact the size or character of the unit. Thus,
20 in the event that the Regional Director directs an election in
21 this matter, any individuals holding the title of assistant
22 store manager will vote subject to challenge. And a
23 determination on their inclusion or exclusion will be
24 determined in a post-election proceeding if necessary. In
25 other words, we won't be litigating anything related to the

1 assistant store manager supervisory status or inclusion within
2 the unit during this pre-election proceeding.
3 Finally, both parties agreed to a mail ballot election.
4 The parties are reminded that the details of an election,
5 including whether the election is held via a mail ballot or in
6 person, the date the ballots are mailed, et cetera, are within
7 the discretion of the Regional Director and are not litigable
8 issues for hearing. However, prior to the close of the
9 hearing, I will allow each party to briefly state their
10 position as to all election details, including the proposed
11 ballot mailing date, the need for foreign language ballots and
12 notice of election, et cetera.
13 With that, I've somewhat stolen the parties' thunder in
14 summarizing their positions on the sole issue for today's
15 hearing, the single-facility-versus-multifacility-unit issue.
16 But if the parties at this point would like to make some brief
17 opening-statement-type comments on this issue, you're more than
18 welcome to do that, starting with the Employer.
19 MR. GROW: Sure, good morning. The petition in this
20 matter was filed by Workers United earlier this month. And the
21 Union seeks to represent all full-time and part-time baristas
22 and shift supervisors, as was indicated, at a Starbucks store
23 located at 29th and Willamette in Eugene, Oregon. The -- the
24 29th and Willamette store is one of 11 functionally integrated
25 stores, and what we'll discuss today, that is located in

1 District 156. The district covers the geographic area of
2 Eugene, Coos Bay -- spelling on that is K-O-O-S (sic) Bay --
3 and Junction City. The Regional Director over the District
4 1 -- Regional Director over 156, over this district, is Jessica
5 Borton, who's here with us today.
6 Starbucks respects the right of its baristas and shift
7 supervisors, referred to as partners in this proceeding, to
8 make this important decision. However, as you will hear, the
9 appropriate unit must include all full-time and part-time
10 baristas and shift supervisors in District 156. The factors
11 the Board considers when making such a multilocation unit
12 include central control over daily operations and labor
13 relations, similar -- the -- the similarity of employees'
14 skills and functions and working conditions, and the degree of
15 interchange, and the distance between locations.
16 The evidence here shows that Starbucks is a highly
17 centralized operation that exercises unique control over its
18 retail stores throughout the U.S., including in District 156,
19 which we'll talk about today. Regardless of the store that you
20 walk into in this district, in 156, you'll find a store layout
21 and customer experience controlled at the corporate level.
22 We'll hear today, excuse me, the store hours, product displays,
23 specials, promotions, and product, are not subject to store
24 manager discretion. Core aspects of the partner experience,
25 including wages, benefits, and employment policies, are

1 identical and determined by the corporate office. A store
2 manager, as we'll see, has no authority to unilaterally vary
3 these, either.
4 When we consider centralized control partner relations, it
5 is clear this component of the analysis weighs in favor of a
6 multilocation unit here, as well. The primary partner
7 relations resource for all baristas and shift supervisors in
8 District 156 is the national Partner Resources Support Center
9 or PRSC, which is housed at the corporate level. You'll hear
10 that partners contact a partner resources representative at the
11 PRSC by utili -- utilizing a 1-800 number. Other key partner
12 relations functions, such as ethics and compliance
13 investigations and benefits determinations are conducted at the
14 corporate level.
15 Further, also demonstrating a centralized control at
16 the -- at the district level and above, the -- the district
17 manager holds weekly meetings, as we'll hear, in which all the
18 district SMs or store managers must attend. At this district
19 planning meeting, topics of discussion include hiring,
20 promotions, the customer -- overall customer experience,
21 dist -- district-wide business goals, and more.
22 With respect to promotions, baristas in this district,
23 156, cannot be promoted to shift supervisor before being
24 interviewed by at least two store managers within the district.
25 For internal hires, this means that two store managers beyond

1 the home store of the store manager. These are just a few
2 examples demonstrating that no store within District 156
3 oper -- operates under themselves or on an island, and that
4 they operate in what we would generally refer or look at as a
5 district.
6 Further, corrective action, another core component of
7 terms and conditions of employment, is controlled at the
8 district level and higher. The district manager is involved in
9 all corrective actions higher than a written warning. Partners
10 may appeal to the district manager or the PRSC to have
11 corrective actions modified or even overturned. Even the
12 issuance of verbal warnings and written warnings are guided by
13 technology tools -- this is what we'll hear today -- by the
14 virtual coach, which is created at the corporate level.
15 Moving forward, baristas and shift supervisors complete a
16 standardized training regimen regardless of what store they're
17 in. They perform the same functions, follow the same roles and
18 routines, have the same procedures. And because Starbucks'
19 store operations are standardized according to requirements
20 provided by the corporate office, partners can and regularly do
21 work at multiple stores in -- in this district, District 156.
22 Further, you're going to hear that stores in the district
23 not only borrow partners; they also share supplies and
24 inventory. In fact, the stores in this district and others
25 order and receive supplies and inventory through a supply chain

1 managed at the corporate level. All of this is by design; it's
2 not by accident. Starbucks' goal is to ensure that the
3 customers and partners have the same high-quality experience
4 regardless of the store you work or walk into.
5 For all of these reasons, Starbucks respectfully requests
6 the Region to direct an election that includes District 156.
7 Thank you.
8 HEARING OFFICER DEVLEMING: Thank you, Mr. Grow.
9 For the Petitioner, would you like to give your opening
10 statement now or defer until you open your case?
11 MR. IGLITZIN: I will give a brief opening statement.
12 HEARING OFFICER DEVLEMING: Okay, thank you.
13 MR. IGLITZIN: Madam Hearing Officer, Starbucks is singing
14 the same song here that it has sung in, now, countless
15 representation hearings across the country, but neither the
16 melody or the words are compelling. Twice in Region 3 and once
17 in Region 28, the Regional Director of an NLRB region heard
18 exactly the same evidence that you are going to hear today,
19 which is exactly the same evidence that you heard just a week
20 or two ago in the Seattle case. And each time, the Regional
21 Directors hearing that evidence determined that Starbucks has
22 failed to meet its burden to rebut the single facility
23 presumption.
24 And in the first of those Buffalo cases, of course, when
25 Starbucks attempted to take its argument to a higher authority,

1 the labor board, the Board -- Board denied Starbucks' request
2 for review. And every time the Region or the Board has looked
3 at this issue, it has applied the same analysis. It has looked
4 at Starbucks nationally and said, yes, there is national
5 uniformity driven at the corporate level. And that is of no
6 evidentiary significance at all because Starbucks is not
7 arguing that the only appropriate unit is a national unit.
8 And the Regional Directors and the Board looked at the
9 store level and said, on a day-to-day basis, you see a core, a
10 common core, of Starbucks partners, the baristas and shift
11 supervisors, who work with each other at the same store under
12 the direct day-to-day, hour-by-hour, minute-by-minute
13 supervision of their store manager, and that the dominant
14 experience of those partners is their experience working at
15 their store, in this case, at the 2830 Willamette Street store,
16 under the direct supervision of their store manager.
17 There are some functions played by the district manager.
18 But at a district level, those functions played by the district
19 manager and the relationship between the partners at the
20 Willamette Street store and the others -- the other 10 stores
21 in the district fall far short of having the Willamette Street
22 store lose its distinctive identity as a facility where a union
23 can properly be obtained.
24 The idea that these partners working at their store are so
25 functionally integrated into District 156 as to lose the

1 identity of that store as a bargaining unit, and to lose the
2 benefit of the single facility presumption, is frankly risible.
3 This is not a proceeding some -- like federal courts or state
4 courts where one can bring a motion under Civil Procedure Rule
5 11 saying that an argument is being made frivolously or in bad
6 faith. But we submit to you that at this point, it is actually
7 apparent to everyone, no doubt, including Starbucks' able legal
8 counsel, that the very insistence of Starbucks on going to a
9 hearing and disputing the legitimacy of a single store
10 bargaining unit is no longer something that can be taken
11 seriously. It is motivated, it appears, solely by a desire by
12 Starbucks to drag out these procedures and delay unnecessarily
13 the date at which the workers at the Willamette Street store
14 may exercise their federal right to vote for a union.
15 At the end of this hearing, after we submit post-hearing
16 briefs, we're confident that it will become apparent to the
17 region in this case, as it has to the other regions that have
18 already addressed this matter, and the other regions that may
19 address this matter before this particular matter is resolved,
20 that the single store facility presumption has not been
21 rebutted by Starbucks, and that a DD&E with a mail ballot
22 election should issue promptly. Thank you.
23 HEARING OFFICER DEVLEMING: Thank you. Okay.
24 Well, with the opening statements given, let's dive in and
25 begin with the presentation of evidence, please, with the

1 Employer going first.

2 Employer, I forget; is it Mr. Grow? You may call your

3 first witness.

4 MR. GROW: Yes. Company calls its first -- first witness,

5 Ms. Jessica Borton.

6 HEARING OFFICER DEVLEMING: Jessica, how are you?

7 MR. BORTON: Good morning. I'm doing well, thank you.

8 HEARING OFFICER DEVLEMING: Perfect. All right, and we've

9 got your video. We've got your audio. We're in good shape.

10 So as I said before, I don't know if you were here at the

11 very beginning, but my name is Liz DeVleming. I'm the hearing

12 officer from the labor board assigned to today's hearing.

13 Before we go much further, would you raise your right hand

14 for me?

15 Whereupon,

16 **JESSICA BORTON**

17 having been duly sworn, was called as a witness herein and was

18 examined and testified, telephonically as follows:

19 HEARING OFFICER DEVLEMING: Thank you. And then I know

20 it's spelled right there for us. But just for the record,

21 could you both state and spell your first and last name?

22 THE WITNESS: My name is Jessica Borton, J-E-S-S-I-C-A

23 B-O-R-T-O-N.

24 HEARING OFFICER DEVLEMING: Fabulous. And is there anyone

25 else in the room with you today while you provide your

1 testimony?

2 THE WITNESS: Yes, I'm in the room with Tom, Aly, and

3 Jeff.

4 HEARING OFFICER DEVLEMING: So I wonder, just for the sake

5 of making sure we're keeping the record clear, is there another

6 room in -- in the law office that Ms. Borton could go into,

7 just so we don't have to be panning? I mean, if she's going to

8 be in this room, I'm going to probably want to see kind of a

9 wider perspective on -- on where she is and what she's doing.

10 MR. GROW: We -- we would -- we could definitely entertain

11 that. It would -- it would take a little movement

12 technologically, probably five to ten minutes, perhaps caucus

13 room or something, where she could be there and allow for Madam

14 Hearing Examiner to see -- see that request. I think if -- if

15 we could get ten minutes, we could get that set up. We just

16 have to move some technology around.

17 HEARING OFFICER DEVLEMING: Okay. I hate to be a

18 stickler, but just to be safe, that would be ideal. And then

19 to have that room available for future witnesses, too, would be

20 perfect.

21 MR. GROW: Okay.

22 HEARING OFFICER DEVLEMING: So let's go off the record.

23 (Off the record at 10:42 a.m.)

24 HEARING OFFICER DEVLEMING: All right. We just broke so

25 that we could get the Employer's first witness into a separate

1 caucus room. Thank you for doing that.
2 Before we dove back in with her, we did want to correct
3 for the record that, the store in Coos Bay, Coos Bay is
4 actually spelled with a C; it's C-O-O-S Bay, B-A-Y.
5 MR. GROW: Thank you.
6 HEARING OFFICER DEVLEMING: Thank you. Okay, so -- gosh,
7 people still coming in. One second here.
8 All right. So Ms. Borton, we were in the middle of my
9 kind of instructions for you. You're now alone in this caucus
10 room, I believe, right?
11 THE WITNESS: Yes, I am.
12 HEARING OFFICER DEVLEMING: Perfect. And as I mentioned
13 at the beginning of the hearing -- you may or may not have been
14 here at that point -- creating a clear transcript is always
15 difficult. But especially by Zoom, it's particularly
16 complicated. So I'm going to ask you to try your best to pause
17 two or three seconds when you're asked a question, take a beat
18 before you start your answer, both for the record to be clear
19 and also to give opposing counsel a chance to make an objection
20 if they intend to. And if you do hear that word, objection,
21 just go silent a moment. I'll hear arguments from the
22 attorneys and then make a ruling, and we'll give you a
23 direction one way or another whether to answer.
24 And that's my spiel, so your witness, Mr. Grow.
25 MR. GROW: Thank you.

1 **DIRECT EXAMINATION**

2 Q BY MR. GROW: Good morning, Ms. Borton. May I call you
3 Jessica?
4 A Yes.
5 Q Super, a few just preliminary things. I'm going to ask
6 you some questions today. If, at any point, can you hear -- if
7 you can't hear me or don't understand the question, please let
8 me know. Preliminarily, I'm going to introduce some exhibits
9 here, as well, that my colleague, Aly, will put up on the
10 screen. Aly is also going to, via BizCom, our internal system,
11 transmit the exhibits to both the Hearing Officer and Union
12 counsel, as well. So we'll get that -- get that set up real
13 quick.
14 MR. IGLITZIN: I'm sorry. I apologize to interrupt. Tom,
15 is there any way to turn off that thing behind you, which I'm
16 afraid is going to cause me to have an epileptic seizure if I
17 have to keep seeing the different --
18 MR. GROW: Oh.
19 MR. IGLITZIN: -- pictures across --
20 MR. GROW: Yes. No, we will take care of that. I'm
21 looking --
22 MR. IGLITZIN: Thank you so much.
23 MR. GROW: Yeah, I'm looking at it at the other end of the
24 wall, and it's -- I feel your pain. Yeah, it's not quite as --
25 yeah. I -- I think we'll be able to dim that down.

1 MR. IGLITZIN: Thank you.
2 MR. GROW: We don't want any unintended injuries here.
3 HEARING OFFICER DEVLEMING: And you'll make sure to
4 include the court reporter on the share file, right?
5 MR. GROW: Yes, and the -- and the -- and the court
6 reporter, correct.
7 HEARING OFFICER DEVLEMING: Perfect.
8 MR. GROW: Okay.
9 MS. DIECKMAN: Could you please -- could the court
10 reporter put her email address in chat? I actually don't have
11 it. Thank you. And I know that there was the -- the -- the
12 Board's court reporter. If I could get that email address, as
13 well. I have the --
14 MR. GROW: You need the Board -- the Board court reporter
15 email address?
16 HEARING OFFICER DEVLEMING: The Board's court reporter is
17 the email address that just went into the chat.
18 MS. DIECKMAN: Oh, okay. Sorry.
19 MR. GROW: That is it, okay.
20 MS. DIECKMAN: Thank you.
21 MR. GROW: Aly, do you have everything you need? Okay,
22 thank you. All right.
23 We've got the -- we've got the screen muted a little bit,
24 looks like. Perfect. I guess we'll move forward. Let's see
25 here.

1 Q BY MR. GROW: Thank you again, Jess, for being here. To
2 begin with, who is your current employer?
3 A I work for Starbucks.
4 Q Okay. How long have you been employed with -- with
5 Starbucks?
6 A I started at Starbucks just over -- just a little more
7 than 20 years ago as a barista.
8 Q Okay. Where was -- when you started as a barista, do
9 you -- do you recall where the -- what -- what location or
10 what -- what area you were in working for Starbucks as a
11 barista?
12 A Yeah, I started my career in a Portland store, Portland,
13 Oregon, at a little cafe called Oak Grove. Just sits just
14 outside of downtown Portland.
15 Q Okay, and okay, so you started as a barista. And how
16 long, again, did you do that for? Like, how did you work in
17 that role?
18 A I was a barista for around a year, and then I moved to
19 shift supervisor.
20 Q Okay.
21 A And --
22 Q Go ahead?
23 A Sorry if I was interrupting you. Okay. So I was a shift
24 supervisor and then worked in that same store, worked at some
25 other locations, then became an assistant store manager --

1 Q Okay.
2 A -- and went through my retail management training in
3 Gresham, Oregon, which is just outside of Portland, and from
4 there, went on to become an assistant store manager, worked in
5 Clackamas at a drive-thru, and learned about drive-thrus there,
6 and then became a store manager and spent some more time in
7 Gresham, where I opened a drive-thru location on Burnside in
8 Gresham.
9 Q Okay.
10 HEARING OFFICER DEVLEMING: And let me jump in here. We
11 might need a -- need a couple of spellings of those Oregon
12 towns. So maybe starting with Clackamas, could you spell that
13 for us?
14 THE WITNESS: Yes. Clackamas is C-L-A-C-K-A-M-A-S.
15 HEARING OFFICER DEVLEMING: And I assume Gresham --
16 THE WITNESS: Feels like -- a bit like a spelling bee.
17 You have to think about that.
18 HEARING OFFICER DEVLEMING: Right. Gresham, probably
19 simpler, G-R-E-S-H-A-M, is that right?
20 THE WITNESS: That's correct.
21 HEARING OFFICER DEVLEMING: Were there any other hard ones
22 there? I'm trying to remember the stores you named, Portland,
23 and --
24 THE WITNESS: Portland, and Oak Grove, Gresham, Clackamas.
25 HEARING OFFICER DEVLEMING: The court reporter will let us

1 know later if there were earlier ones. Thank you for that.
2 THE WITNESS: Yeah.
3 Q BY MR. GROW: Continue?
4 A All right. So I was a store manager for a couple of years
5 in Gresham and had the opportunity to also help open up other
6 locations. I was a training store manager and helped open up
7 new Starbucks in Hood River, Oregon, opened a drive-thru there,
8 also was able to support opening stores in Bend, Oregon and
9 Redmond, Oregon, and was -- went out on my maternity leave,
10 came back, was a store manager for some more time, and then
11 actually became a district manager.
12 Q Okay.
13 A And I moved to central Oregon at that point in time and
14 was a district manager, had open some more stores, had stores
15 in Bend, Redmond, Prineville. Also, during my time as district
16 manager in central Oregon, I also had stores in my district
17 that were in Corvallis and Albany, Oregon -- Corvallis is
18 C-O-R-V-A-L-L-I-S -- and then also eventually picked up a store
19 in Hood River, Oregon as well. And so that was my district for
20 a long period of time.
21 And then I moved back to Portland and took a district in
22 downtown Portland for a number of years, became a district
23 manager trainer and so supported new district managers who were
24 coming into a role or coming new to the company, similar to the
25 role I played as a store manager, and then took on a time-

1 limited assignment as a regional director in Area 8, which at
2 the time was, like, Portland Metro and parts of Gresham and
3 Clackamas, as well as Vancouver up to Longview. And so I had
4 that TLA, which is a time-limited assignment, before becoming a
5 regional director.
6 And I'm in Area 40 now, which is the title of my
7 geography. I've got eight districts kind of, like, south of
8 Portland, suburbs of Portland, Tualatin area running down south
9 to Ashland, then stores on the Oregon coast over to central
10 Oregon. And I've been in this role now for over six years, and
11 actually have had the recent opportunity to also become a peer
12 coach at this role, also. So that's my current responsibility,
13 that I also have the opportunity to serve as a director peer
14 coach. And so I've been doing that here, as well, in the PNW,
15 Pacific Northwest.
16 Q Super, thank you for that -- that background; that's very
17 helpful.
18 HEARING OFFICER DEVLEMING: Sorry, let me jump in.
19 There's at least two spellings there I thought might have been
20 a little hard for the court reporter. Was it a Pollingville
21 area you referred to? You said your current area includes
22 Polling --
23 THE WITNESS: Oh, Tualatin, T-U-A-L-A-T-I-N. That's one
24 of the suburbs, kind of a geographic area south of Portland,
25 where I start to pick up some. And then I ran down to Ashland,

1 A-S-H-L-A-N-D.

2 HEARING OFFICER DEVLEMING: I think I -- I think combined

3 two. The earlier one a while back was Praringville or

4 something to that effect, Prayingville?

5 THE WITNESS: I'm trying to think what that would have

6 been.

7 HEARING OFFICER DEVLEMING: I know.

8 HEARING OFFICER DEVLEMING: That's okay. So when I was

9 on --

10 HEARING OFFICER DEVLEMING: Pineville. My colleague says

11 Pineville? Okay.

12 THE WITNESS: Prineville. Yes, that's a community in

13 central Oregon. It's P-R-I-N-E-V-I-L-L-E.

14 HEARING OFFICER DEVLEMING: Okay, thanks so much.

15 MR. GROW: Thank you.

16 HEARING OFFICER DEVLEMING: And maybe if I were an

17 Oregonian, I would have known that, but.

18 THE WITNESS: Yeah, that's okay. That's all right.

19 MR. GROW: Thank you.

20 Q BY MR. GROW: Jessica, I think it's -- it would be helpful

21 for the record here to establish and talk a little bit about --

22 and you -- and you discussed your role over Area 40 and the

23 eight districts that fall within that -- within that area.

24 Could you tell me how the company's geographical areas are

25 divided up with respect to districts and areas and -- and

1 whatnot, kind of give me -- give me -- give me an idea of how
2 that lays out at Starbucks?
3 A Yeah, sure. So we have our stores, and then the stores
4 are part of a team called a district. And there might be 9 to
5 12 or 13 stores in a district. And then those districts,
6 there's usually -- that's usually aligned in proximity with
7 geography, generally. And then those districts are part of a
8 team that form an area. And that is -- that's what the unit is
9 that I'm responsible for. And so there are, like I mentioned,
10 eight district managers on my team based upon the geography
11 in -- in Oregon. I -- I support a good part of the state,
12 besides mostly the metro area and some other -- some other
13 communities.
14 And then I report into a region. And so there's seven of
15 us as regional directors who report into our regional vice
16 president, and her name is Frances Ericson. And so she's the
17 RVP of the PNW. So it's like store, to district, to area, to
18 region, and then the regions report into, you know, different
19 vice presidents, different senior vice presidents.
20 Q Could you spell Frances Ericson's name for the record?
21 A Yes, it's F-R-A-N-C-E-S, and then Ericson is
22 E-R-I-C-S-O-N.
23 Q Thank you. Looking a little -- a little bit closer at
24 your area, Area 40, could you just -- could you remind us again
25 how many districts you're responsible for in Area 40?

1 A Yeah. I have eight districts. And so I kind of think
2 about it geographically. I've got three districts that are
3 kind of in the northern part of the state. And then I've got
4 two that kind of start to span into parts of Salem and
5 Corvallis area, with some stores on the Oregon coast. And then
6 down further south as we keep going into Eugene and Springfield
7 area. Then, we've got stores in southern Oregon, in a
8 district in southern Oregon, and then I've got another district
9 in central Oregon. In the Bend, Oregon area.
10 Q Thank you. You mentioned that you report to Frances
11 Er -- Ericson. Could you, again, confirm Frances' title,
12 please?
13 A Yeah, Frances is the regional vice president. I
14 might -- you might hear me say RVP. She's the VP for the
15 Pacific Northwest.
16 Q And where -- where is Frances based out of?
17 A Frances is based out of Seattle.
18 Q Okay. Thank you. In -- in looking at this -- at this
19 hierarchy here, tell me who directly reports to you, as -- as
20 your role here -- as a regional director, give us a -- kind of,
21 again, as we lay out the land here with respect to the org
22 structure; who directly reports to you?
23 A Yeah. I have district managers on my team who report to
24 me. And so in each of those districts that I identified, all
25 eight of those districts, there's a district manager. I also

1 have a district manager who's supporting as the district
2 manager coach, and a couple of district managers who are in
3 training right now; all who report to me.
4 Q Okay. Terrific. Could you tell me, just briefly, what
5 the responsibilities are for this -- this coach that you
6 mentioned?
7 A Yeah. So similar to -- like, the store manager trainer,
8 district manager trainer, you know, the regional director
9 trainer, like I am, we're basically taking a district manager
10 and pulling them in to provide support for peers. As I
11 mentioned, I have -- I have two district managers who are in
12 training, who have just been hired by the company. And so
13 she'll be able to provide support with the training of those
14 district managers, because she's a district manager trainer.
15 We've got a classification for that. There's some work that
16 you do to become a district manager trainer.
17 So as a district manager trainer, she supports the new
18 district managers. She supports district managers who are
19 newer in a role and is available to support any of her peers
20 with anything they may need, operational or otherwise.
21 Q Okay. Super. That's -- that's very helpful. I
22 appreciate that. Try -- I'm trying to get a better idea,
23 again, as we lay this out. Could you tell me a little bit more
24 about any type of coordinators that you might have in --
25 A Yeah.

1 Q -- in the -- in the region?
2 A Yeah.
3 Q Or area.
4 A Yeah, I have -- uh-huh. So we have a coordinator who
5 supports both myself and my peer, who is in Area 8. So we've
6 got one coordinator who supports both of us; she reports
7 directly to my peer, with a dotted line to me, as she supports
8 me as well. And so there's typically -- across our region in
9 the PNW, typically, a coordinate our supports, at any given
10 time, one to three regional directors with administrative
11 duties. Supports us with and -- any sort of calendaring, any
12 sort of support with supplies or equipment that stores or
13 districts may need; sometimes they'll help us order that
14 or -- like I said, help with mostly administrative type duties.
15 And so I do have a coordinator who supports me; like I
16 said, reports to my peer. And then we also have a number of, I
17 would -- I would say, like, localized support partners who
18 support the stores and the district, who are business partners
19 with me and provide support but don't have a reporting
20 relationship to me.
21 Q Okay. Thank you. Let's look at you for a second. I --
22 I'd -- I'd love to know, generally, how you describe your --
23 your job responsibilities as the regional director over Area
24 40, just like to get a -- kind of a snapshot of what your
25 responsibilities are in -- in the business in this area.

1 Q Yeah. So I'm ultimately responsible for the partner
2 experience, the customer experience in my stores, as well as
3 the business performance. And so when you -- if you were to
4 take a look at a day in the life of what I do, most of my time,
5 on any given day or week, is spent with district managers and
6 store managers in stores. Have a laptop and -- and will
7 travel.
8 So any administrative type duties are usually done
9 on -- on the road or at the kitchen table, if there's a moment
10 that I can find. But otherwise, it's really spent in the
11 stores providing support for whatever might be needed.
12 Operationally, I'm responsible that the stores are in good
13 condition. I'm responsible for the P&L of all of the stores
14 and districts. And responsible, like I said, for the customer
15 experience, as measured by various -- various indicators of
16 what the customer experience is like, as well as the partner
17 experience.
18 And the way that I do that is really through close
19 relationships with my team and developing my district managers
20 and providing support as they are developing to store managers,
21 to do exactly what I shared, and providing a good experience
22 for partners, customers, and -- and driving our business
23 results. So any -- any point in time you might find me in one
24 of those stores I outlined, in the State of Oregon.
25 Q Great. Jessica, would you be able to give us an example,

1 one or two, of the indicators, or tools or things that help you
2 in your -- kind of, day in the life of -- in position? What
3 are some of those -- what are some of those indicators
4 or -- that you might be looking to when you -- when you oversee
5 the region or the area?
6 A Yeah. So when I'm in stores with district managers, we're
7 taking a look at, just visually, what the partner experience
8 and the customer experience is; how the partners are engaging
9 with one another, how customers are engaging. And then we've
10 got some operational tools that help us evaluate, even deeper,
11 the sustainability of that.
12 So beyond what the experience is in the moment, we'll
13 check in and solicit partner feedback, solicit customer
14 feedback; we'll take a look at some internal tools. Like,
15 we've got a system called Clean, Safe and Ready that helps us
16 evaluate the health, cleanliness, and safety of the store, as
17 well as checks in on some facilities. Meaning, like, our
18 equipment, and store facilities as well.
19 So we'll evaluate the state of a store using that system.
20 Within that system, there's the store walk card that gives you
21 the chance to literally take -- take a walk in and around the
22 store and experience the store like a customer. So we'll
23 evaluate how things are going in accordance to that; and can
24 also just take a look on how are we doing.
25 Are there any outstanding facilities issues that have been

1 reported and not yet resolved? Are there any outstanding
2 technology issues that have been recorded and not resolved? So
3 ensuring that the store is fundamentally, operationally working
4 well to support the experience that our partners are
5 experiencing for themselves and they're looking to create for
6 customers.
7 Also, can take a look at some different metrics we have
8 with the internal dashboard that will also let us know how --
9 how things are going as far as, you know, sales or turnover.
10 And then customer connection scores, those are some things I
11 leverage to measure the health -- the health of the store, or
12 the health of a district at any point in time.
13 Q Okay. That was very helpful and informative. Thank you.
14 Moving -- moving down here a little bit to -- and -- and
15 looking, specifically, at Store 22349, otherwise known as 29th
16 and Willamette in -- in Eugene, which is the petitioned-for
17 location here. Are you familiar with that -- with that
18 location?
19 A Yeah, that's -- yes, I am familiar. It's in South Eugene;
20 it's a drive-thru there. Like I said, along -- along
21 Willamette.
22 Q Okay. Have you been to that -- that -- that location
23 before, that -- that store location?
24 A Yeah, I've been there. I've been there a couple times
25 over the course of the last month. And then prior to that,

1 I've been there several times during my tenure as a regional
2 director for Area 40.
3 Q Okay. Terrific. Approximately, if you know, how many
4 partners work at -- at 29th and Willamette; do -- do you have
5 any idea what the rough headcount there is?
6 A Yeah, we've got close to 30.
7 Q Okay.
8 A We've had some -- some recent partners return from a leave
9 of absence, so about 26 or 27 partners.
10 Q Okay. Is there a -- or who -- who has the -- the
11 responsibility there, on a da -- on a daily basis, to kind of
12 manage that store? What -- what type -- what -- what -- what's
13 the job description or -- even more so, who do you have in that
14 location that's -- that's managing that -- that location at the
15 moment? If you've got somebody specific.
16 Q Yeah. Matthew Marjenka is our store manager there. He's
17 been at that store for a number of years, and -- and so that's
18 his responsibility as store manager. We have shift supervisors
19 who support with the day-to-day, like, operational management
20 of some, you know, day-to-day, you know, running a floor,
21 supporting partner, serving customers. And then Matthew's the
22 store manager who shares additional managerial experiences,
23 like scheduling, hiring, partner development.
24 Q Okay, terrific. And you -- you mentioned these -- these
25 district managers that you have above the store managers. Who

1 is the -- the district manager over this store -- the 29th and
2 Willamette location?
3 A Yeah. The district manager for that store is Donay
4 Cherry, D-O-N-A-Y; Cherry, like fruit, C-H-E-R-R-Y. She's the
5 district manager for District 156.
6 Q Okay.
7 A And which is -- it's the store there at 29th and
8 Willamette.
9 Q And to the best of your knowledge, is -- is Ms. Cherry
10 currently actively working with the company, day in, day out?
11 We'd like to see if you could provide us with her status.
12 A Yes, she is currently employed. She's out right now
13 because she's ill and isolating. But -- so technically, I
14 guess she's out today. But beyond that, she's employed and
15 active district manager for District 156.
16 Q Okay. Are there any -- I guess, any -- any assistant
17 store managers that you're aware of at Store 22349, or 29th and
18 Willamette, right now, that you know of? Or ASAs.
19 A No. No assistant store managers at 29th and Willamette.
20 That team is comprised of baristas, shift supervisors, and
21 store manager.
22 Q Okay. With respect to the shift supervisors -- just
23 trying to get the composition of the store down a little bit so
24 we have a good visual. How many, approximately, shift
25 supervisors do we have there at 22349, or 29th and Willamette,

1 that you're aware of?
2 A Uh-huh.
3 Q Roughly.
4 A About seven.
5 Q Okay. So is it safe to say, I guess, that the rest of the
6 partners would be baristas, then, in that store?
7 A Yes, with the exception of Matthew, the store manager.
8 Q Okay. Moving to baristas for a minute. I'm curious if
9 you could -- again, trying to lay out the -- lay out the
10 landscape here a little bit. If you could tell us a little bit
11 about the -- kind of the general job responsibilities of a
12 Starbucks barista, just from --
13 A Yeah. Uh-huh.
14 Q -- having come up through the company, you've obviously
15 done a lot of things. I just would love to know if you could
16 describe the general responsibilities there of the barista?
17 A Yeah. Yeah. The baristas are really the heart of what we
18 do. They focus on creating best moments for our customers and
19 each other. They take a lot of pride in their craft. So there
20 are beverages that they create, coffee, tea, you know, also,
21 you know, our -- our food that we serve. Ultimately, most of
22 the baristas I know are really there to be able to be part of a
23 great team, be engaged with one another, and be engaged with
24 their customers.
25 So they spend most of their time focusing on -- on just

1 that. And if they're not in -- in a role at the time when --
2 when they're on shift that's directly serving the customer,
3 they are working on duties that help prepare others to serve
4 customers.
5 So I mentioned early -- earlier, we have a system called
6 Clean, Safe and Ready. So it's common during a barista's shift
7 that they might be working on cleaning tasks associated with --
8 with that system. They may be working on stocking. And so
9 there's additional tasks that they do that are meant to keep
10 the -- the store in -- in good working order, and in a safe,
11 clean way. They may -- they might be helping, you know, put
12 product away, as an example, or helping with other tasks that
13 help their -- their peers and the rest of their team stay
14 focused on serving the customer. So I mean, depending on the
15 store, baristas might be making beverages.
16 They might be working in the drive-thru window, might be
17 working the drive-thru ord -- order point, taking -- you know,
18 their headset, taking orders from customers who come through
19 the drive thru. Might work at the front and the -- in our
20 cafes -- or our stores that have cafes, might be working to
21 take customer's orders there, or might be on customer support
22 cycle where they're working to keep the store clean and -- and
23 well stocked. So that's -- that's generally the duties --
24 Q Okay.
25 A -- the responsibilities of a -- of a barista.

1 Q Thank you. That paint -- gives me a really good idea
2 of -- of what they're doing. Clearly, they're doing a lot more
3 than just the beverage piece. What about the job
4 responsibilities, say, of a shift supervisor, how does
5 that -- how does that fit into this -- the -- the picture
6 you're painting for us? What -- what are their main job
7 responsibilities, that being a shift supervisor?
8 Q Yeah. They really have the responsibility to help protect
9 the environment so that their baristas can do just what I
10 described. It's -- it's actually a really skilled role where
11 they have the responsibility to fulfill many of those
12 responsibilities at any given time -- perhaps, all those
13 responsibilities of barista.
14 And then they're really taking a look at how things are
15 going for the day and running the floor, which is language we
16 would use to say, like, they're in charge of the -- the shift
17 and in charge of ensuring that those things I described are
18 happening. They've got some additional responsibilities as
19 well. So they will -- you know, they've got keys and codes for
20 the store. So you know, shift supervisors can open a store;
21 shift supervisors close a store.
22 They've got responsibility over the funds in the store at
23 any given point in time. So their -- they work to ensure
24 that -- you know, that the baristas have tills available and
25 they're, throughout the day, maybe managing funds. They are

1 responsible for upholding our -- our customer service model.
2 And so at any point in time, if -- if things are -- are
3 going well, not going well, or -- or kind of anywhere on that
4 spectrum, they're really consistently assessing the environment
5 and taking a look at how things are going and meeting the needs
6 of their barista. So if breaks need to be taken care of, or
7 lunches need to be run, they're, you know, leveraging tools
8 available to them to kind of take a look at the plan for the
9 day, and -- and they execute those lunches on breaks.
10 And they help with any -- any customer service needs that
11 a barista needs support with, any disruptions they would
12 handle. And then they -- they really communicate a lot, too,
13 with one another for how things are going throughout the day,
14 day-to-day, across different day parts, and communicate with
15 their store manager, as well, around how things are going.
16 Many -- I would maybe go as far to say most of our shift
17 supervisors are also barista trainers. Baristas can become
18 barista trainers, and that means they are responsible for
19 providing support for new baristas who come in and go through
20 training. And so many of our shift supervisors, actually --
21 not all of them, but many of them began their careers with
22 Starbucks as baristas, and oftentimes become barista trainers
23 in their passion and their commitment for helping others and
24 developing themselves.
25 So most of our shift supervisors are barista trainers,

1 which means they can help with the training from time-to-time
2 if -- if needed. So you now, if there is something that occurs
3 on a shift, like I said, that could be disruptive, whether it's
4 a customer incident that -- or perhaps if it's something being
5 within our facilities, our equipment breaks down, they'll --
6 they'll leverage a tool that -- that we have, an iPad, to be
7 able to enter the broken item and request help to get a ticket
8 open to get resolution.
9 So in addition to being, you know, skilled in delivering
10 the experience themselves, as I described, they're also working
11 as key communicators. That's a key responsibility for them and
12 their stores.
13 Q Okay. Excellent. That was a great description with some
14 great detail there. Moving on to one additional job
15 classification. Although 29th and Willamette, or Store 22349,
16 does not have assistant store manager, or ASM; could you tell
17 us what the job responsibilities of that assistant store
18 manager are, and kind of how they fit in with these other
19 various positions that you've been -- as you've been speaking
20 to?
21 A Yeah, you bet. So an assistant store manager is, for all
22 intents and purposes, brought on as a member of the management
23 team, can certainly be able to provide support operationally
24 and through a leadership perspective, but ultimately the
25 responsibility they have is to learn and develop and go -- go

1 through a store manager training plan. And they are on a path
2 for development towards store manager. So it's really a
3 developmental role.
4 And so an assistant store manager, whether they're
5 promoted internally from shift supervisor to assistant store
6 manager, or if they're hired from some -- someplace else
7 outside of the company, when they step into role as an ASM,
8 they actually go through training. We've got a training plan
9 that they go through, with the support of their store manager,
10 and learn the different responsibilities that a store manager
11 is responsible for.
12 And so if they've been recruited from some place outside
13 of the company and they're stepping in immediately as an
14 assistant store manager, they'll also go through barista and
15 shift supervisor training first. So they would go through the
16 barista training plan, the shift supervisor training plan, you
17 know, have some practice shifts to -- to really learn those
18 roles, and then they would go through their store manager
19 training plan.
20 If they've been promoted internally from shift supervisor
21 to assistant, they have that experience and expertise of
22 barista and shift supervisor already, and as such, they would
23 start to move through their store manager training plan. So
24 not every store has one, because assistant store managers are
25 really identified as, you know, bench, or someone that we would

1 take a look to, to be a future store manager.
2 So they're -- they're usually in stores with a training
3 store manager. Sometimes they're in, like, high volume stores
4 because we're trying to get them to get a lot of experience,
5 you know, with more customers and more partners along their
6 journey. They oftentimes can provide support.
7 If there's a store manager who's on vacation or out of the
8 business for some reason, assistant store managers can come in
9 as part of their development, as well, and provide support
10 there while helping -- while helping that location, from a
11 operational perspective and leadership perspective. So there's
12 lots of -- lots of different ways that we would support the
13 development of an ASM; but usually there's, you know, fewer
14 assistant store managers than stores in any given district.
15 Q Thank you, that was also very helpful
16 HEARING OFFICER DEVLEMING: Mr. Grow, can I interject?
17 MR. GROW: Yes.
18 HEARING OFFICER DEVLEMING: I'm so sorry. I know we've
19 only just gotten going with Ms. Borton, but I have missed phone
20 calls from my vet, and I'm wondering if now might be an okay
21 time to take a very brief pause.
22 MR. GROW: Yeah. Most definitely. Yes, that's perfect.
23 HEARING OFFICER DEVLEMING: Can we go off the record,
24 please? Just for a few minutes.
25 MR. GROW: Uh-huh.

1 (Off the record at 11:36 a.m.)

2 HEARING OFFICER DEVLEMING: Your witness, Mr. Grow.

3 MR. GROW: Thank you. Let's see.

4 **RESUMED DIRECT EXAMINATION**

5 Q BY MR. GROW: Okay. Jessica, we're going to switch gears

6 a little bit in the whole guise of looking at the layout of the

7 store. I want to show you, which will come on your screen,

8 what is marked as Employer Exhibit 1. And that should be --

9 that should be coming up; one second. Let's see. I need

10 to -- do you recognize that document?

11 A Yeah. This looks like a map of Eugene and Springfield,

12 Oregon, with stores from District 156 identified here in green,

13 and some stores in -- that are in a neighboring district

14 identified in the maroon color there.

15 Q Okay.

16 MR. IGLITZIN: Pardon me, Counsel. Did you email this to

17 me, or -- I'm not seeing that I've received a copy of this

18 exhibit. I'm not saying I haven't; I'm just saying --

19 MS. DIECKMAN: This is Alyson Dieckman. I sent them via

20 BizCom earlier this morning, and I accidentally sent them

21 twice, because I failed to include the court reporter on the

22 first transmission. I saw that the Hearing Officer was able to

23 open them. I want to confirm that everybody else has received

24 them.

25 HEARING OFFICER DEVLEMING: Yeah. Let's take a minute for

1 everybody to -- you might have to -- my passport from last time
2 worked, Dmitri, but you might have to create an account, Jacqui
3 (phonetic throughout), to get in to the documents.
4 MS. MULTHAUP: I'll have to check.
5 THE COURT REPORTER: Once again, Madam Hearing Officer,
6 can I do that during a break?
7 HEARING OFFICER DEVLEMING: Yes, of course. Again, as
8 long as you have -- just confirm with us later, if you have any
9 issues finding them or getting them in.
10 THE COURT REPORTER: Will do. Thank you.
11 HEARING OFFICER DEVLEMING: Thank you.
12 MS. DIECKMAN: Attorney Iglitzin, do you have them? Did
13 you get the email from me?
14 MR. IGLITZIN: I did. Give me a moment. It's actually
15 from -- yes, I see it now; hang on a second. And I'm sorry,
16 what is the password?
17 MS. DIECKMAN: There shouldn't be a password; you should
18 be able to create a user. All right.
19 HEARING OFFICER DEVLEMING: Mr. Iglitzin, last time we
20 each used our email address and created our own password. If
21 you remember what password you used last time, you may already
22 have an account. If not --
23 MR. IGLITZIN: I sure don't, but --
24 HEARING OFFICER DEVLEMING: -- you might need to change
25 your password if you don't remember it.

1 MR. IGLITZIN: I will. Looks like --
2 MS. DIECKMAN: Ms. Multhaup, were you -- Ms. Multhaup,
3 were you able to open it?
4 MS. MULTHAUP: I didn't receive a link.
5 MS. DIECKMAN: Oh. Are you sure?
6 MS. MULTHAUP: Yes.
7 MS. DIECKMAN: Okay.
8 HEARING OFFICER DEVLEMING: It looks like it went to me,
9 Mr. Iglitzin. There's a Jeffrey, without an email address, and
10 then Mr. Grow, Ms. -- or Ms. -- Ms. Natividad (phonetic
11 throughout), and then the other one also went to the court
12 reporter.
13 MS. DIECKMAN: Oh. I apologize, Ms. Multhaup. I intended
14 to include you. I will send it to you, so that you have it as
15 well.
16 MS. MULTHAUP: Thanks so much.
17 MS. DIECKMAN: It's a new system to me, so I apologize.
18 I'm not -- I'm not the savviest.
19 HEARING OFFICER DEVLEMING: No worries.
20 MR. IGLITZIN: Yeah, it's not letting me create a new
21 password, so I'm needing to get my old. So --
22 MS. DIECKMAN: Ms. Multhaup, what's your email address?
23 I'll send it to you right now, and maybe you can share it with
24 Mr. Iglitzin.
25 MS. MULTHAUP: I just put it in the chat.

1 MS. DIECKMAN: Oh, thanks. Sorry. I'm sharing my screen,
2 so I -- I'm going to see if I could -- there we go. Thank you.
3 MR. IGLITZIN: Alyson, I am -- I'm sorry. Let's start
4 with this, what -- what is your email address? My paralegal
5 needs to send you an email to get her to be included; or can I
6 just give you her email address?
7 MS. DIECKMAN: That -- either way work. My email address,
8 though, is just adieckman@littler.com.
9 HEARING OFFICER DEVLEMING: Jacqui, let's go off the
10 record a minute to get this sorted.
11 (Off the record at 11:53 a.m.)
12 HEARING OFFICER DEVLEMING: All right. Had some
13 technological difficulties that may still not be resolved, but
14 we will sort them out over lunch, maybe, before we formally
15 admit these particular exhibits.
16 But back to you, Mr. Grow.
17 MR. GROW: Thank you, Madam hearing officer.
18 **RESUMED DIRECT EXAMINATION**
19 Q BY MR. GROW: Picking up where we left off. Wanted
20 to -- just to do one quick follow-up with respect to the first
21 exhibit that's displayed, Jessica. Is this
22 in -- in -- in -- from your perspective, would you say that
23 this is -- is this an accurate depiction of District 156?
24 A Yes. From what I can see, all of the stores for District
25 156 are captured, with the exception of Coos Bay and Junction

1 City. I see there's a note here that says, "Following page",
2 so we include those. Yes.
3 Q Okay. Terrific. We were -- we've got a second exhibit,
4 the Employer 2, which will pick up those two additional
5 locations. We'll -- you can also speak to them in their
6 geographic proximity to this -- to this district.
7 MR. GROW: Aly, if you could put up Employer 2. Thanks.
8 Thank you.
9 Q BY MR. GROW: The font, I know, at least on my screen, is
10 a little small. My apologies. Wanted -- wanted to see -- from
11 your perspective -- I'll give you a chance to -- to look over
12 the document. I want to see, is this an accurate depiction of
13 District 156? I'll let you look through the -- the list
14 of -- of locations there. Just wanted to get your read on
15 that.
16 A Yes.
17 Q Okay.
18 A Accurate depiction, I would say, of the store locations.
19 I'm noticing the ASM that's identified there is at a different
20 location right now. But other than that, everything on here
21 looks accurate.
22 Q All right. So -- so basically, are these the stores,
23 then, that comprise District 156 that we've been discussing, or
24 the 29th and Willamette location, and that has been identified
25 here today in these Board -- in the Board exhibit?

1 A Yes.

2 Q Okay.

3 A Those are the stores.

4 Q Okay. Perfect. Moving on.

5 MR. GROW: I'd like to move to limit Employer Exhibits 1

6 and 2.

7 HEARING OFFICER DEVLEMING: Mr. Iglitzin, is the

8 Petitioner going to have an objection, having not seen them

9 yet? And they're --

10 MR. IGLITZIN: Could -- if we could put -- I'm sorry. I

11 didn't meant to interrupt you.

12 HEARING OFFICER DEVLEMING: No, go ahead.

13 MR. IGLITZIN: If we could put Employer's Exhibit 1 up

14 again, and I'd like to voir dire the witness.

15 HEARING OFFICER DEVLEMING: Yes.

16 Can we do that, Ms. Dieckman?

17 MR. IGLITZIN: And thank you.

18 **VOIR DIRE EXAMINATION**

19 Q BY MR. IGLITZIN: Could you -- good morning, by the way.

20 MR. IGLITZIN: This document seems to reference a

21 following page. Do you have that following page?

22 MR. GROW: We do have that, and we can -- we can produce

23 that. It's a much larger depiction of the -- of the area of

24 the district, which would bring in the Coos Bay location. But

25 we can -- we can get that during the break and be happy

1 to -- to display that as well. This is -- it's -- it's -- I
2 couldn't get it all on one page.
3 MR. IGLITZIN: I -- I think I -- I would object. This is
4 not the complete document. And if we can add the second page
5 to it and have that be Employer's Exhibit 1, I'm sure I would
6 have no objection at that point.
7 MR. GROW: Okay.
8 HEARING OFFICER DEVLEMING: Fair enough. So for now,
9 Employer Exhibit 1 is not admitted. It will be amended, and
10 we'll revisit that after lunch. What about as to Employer 2,
11 Mr. Iglitzin, any objection?
12 MR. IGLITZIN: No objection to Employer Exhibit 2. Yeah.
13 I don't have any, once I've had a chance to review it.
14 HEARING OFFICER DEVLEMING: Okay. Let's just hold off on
15 both until after lunch, and we'll have the complete version of
16 1, and the original version of 1 uploaded and shared with
17 everybody; and then we will admit them in.
18 Please continue, Mr. Grow.
19 MR. GROW: Okay. Thank you.
20 **RESUMED DIRECT EXAMINATION**
21 Q BY MR. GROW: Jessica, so in -- in looking at the -- at
22 the map that you -- at least to this point that you see here,
23 all these stores -- or the stores we're going to be discussing
24 today, is -- is -- it is you -- is it your contention that each
25 of the stores on this map are part of the Starbucks

1 Corporation?
2 A Yes. All of these stores that we see identified with,
3 like, a green dot that says 156 or 489, that's specifically
4 what I'm looking at, and those are all company-operated stores.
5 I'm kind of, like, looking to see the background. There's
6 other licensed store locations in this geography at some of
7 those background locations where you see, like -- you know,
8 like Albertsons or a Safeway, there's -- like for Fred Meyer,
9 there's some license locations that we have in this geography.
10 But what I'm looking at here, there -- specifically the circles
11 with the numbers inside, those are the --
12 Q Okay.
13 A -- company-operated locations.
14 Q Great. With respect -- actually, turning your attention
15 to Employer Exhibit 2, which has been admitted, the list of
16 stores; are -- could you tell me, are they part of Starbucks
17 Corporation, or are they licensed stores?
18 A Yeah, those are all company-operated stores.
19 Q Okay. Terrific. You referenced some separate stores
20 that -- that are out there. I believe you refer to them as
21 licensed stores. Are they part of Starbucks Corporation?
22 A Those stores are inside of our licensed location, are
23 operated by the different companies. And so we -- Starbucks
24 operates through, like, a license, or sort of a business
25 franchisee program through our licensed locations. They're not

1 part of our company-operated stores, or the Starbucks
2 Corporation.
3 Q Okay. So to be clear here. So the employees working in
4 the Starbucks located inside of a licensed location, like an
5 Albertsons or somewhere, are Albertsons' employees -- they're
6 not Starbucks' employees; is that correct?
7 A Yes, that's correct. In all of our licensed locations,
8 the associates or employees who work there, report in to that
9 company, like, Albertsons, or Safeway, or Fred Meyer.
10 Q Okay. Thank you. Earlier, when we -- when you introduced
11 your knowledge of the petitioned-for location at 29th and
12 Willamette, you referred to it as a -- as a drive-thru type of
13 store. Could you explain to me, with respect to the locations
14 in this region, what is a drive-thru store, and discuss the
15 types of stores that you have in the -- in the -- the region?
16 A Yeah. So in the -- in the region -- like, the Pacific
17 Northwest region, or in this district?
18 Q Just the district. I'm sorry. My apology.
19 A Okay.
20 Q District -- in 156.
21 A Yea. So this district is unique in the sense that it has
22 many store formats. So 29th and Willamette is a drive-thru.
23 And so that means that it has a drive-thru location. There's
24 also a cafe, so customers can come in through the cafe, through
25 the drive-thru. And another channel we have is

1 mobile -- mobile order and pay. All of the stores in this
2 district have mobile order and pay, or MOP. That's like the
3 online ordering you can do on your app.
4 Q Okay.
5 A And then we also have stores in this district that are
6 cafe, so cafe only; meaning that while they have MOP, they
7 don't have a drive-thru, and so customers would get out and
8 come in, like a -- like traditional coffee shop, cafe. We also
9 have a kiosk in this district, which is -- it's not its own
10 stand-alone building.
11 It's basically a kiosk where it is -- it -- a business
12 that operates inside of another building, and so it doesn't
13 have its own seating. It's inside of the student union on
14 campus at University of Oregon; and so that's a unique format.
15 Sometimes you see those. You might be familiar with those,
16 like you see in a mall or something, where there might be
17 several kiosks down the main strip.
18 And then we also have a pickup store at this location that
19 we opened most recently in the fall, and that is a newer design
20 for Starbucks. And the first one that we had in this district,
21 and in my area, which is on Knight Campus, also on campus at
22 University of Oregon, and that's designed to be all -- all
23 online through the mobile order and pay. So customers can
24 place their order, and then they just come in and are able to
25 pick them up and go on their way into campus.

1 Q Okay. Thank you. That's helpful. With respect to,
2 again, looking at the District 156, are you aware of any new
3 stores that are -- that have recently opened, or that will be
4 opening in the district within the last several months?
5 A Yes. We opened Knight Campus, that's our newest store.
6 And it is on campus -- on a newer part of campus that is
7 referred to as Knight Campus at University of Oregon, and it's
8 that pickup store. So it opened at the very end of September,
9 right as the students were coming back to school.
10 Q Okay. Terrific. Have -- have there been any stores
11 in -- in District 156 that have closed in the last, say, year
12 or so that you're aware of?
13 A Yeah. We've had a number of stores that have closed. You
14 know, a couple of years ago, we closed some cafes for COVID;
15 those all reopened. But then we did, actually, permanently
16 close a couple of stores in this market. There was a store
17 some time ago on Pearl that was a cafe store that closed. And
18 then we had a store downtown, a cafe store as well, that
19 closed.
20 And then most recently, we had a store that closed that
21 was just off campus. It was -- we just refer to it as Store
22 459. It was a store just off campus, one of our older stores
23 in the market, that closed. And all of those stores closed due
24 to shifts in the business and a shifting economy where business
25 just slowed down to the point that it made sense to be able to

1 focus on some of the other stores in the geography, like EMU,
2 which is the kiosk I mentioned that's on campus, and the Knight
3 location, as well as a nearby drive-thru that's on Franklin and
4 Villard.
5 Q Okay. Before we move into our next section, I just want
6 to make sure that the record reflects the -- the management and
7 chain of command that -- that is in place in this area. Who
8 does -- you mentioned Matthew, who is the store manager at 29th
9 and Willamette. Who does Matthew directly report to? Who
10 would -- who does a store manager report to, basically?
11 A Yeah. A store manager reports to a district manager. And
12 in this --
13 Q Okay.
14 A -- in this case, Matthew reports to Donay.
15 Q Okay. And the -- the district manager reports to the
16 regional director, correct?
17 A Yes, that's right. Donay reports to me.
18 Q Okay. And the -- the regional director, from what I can
19 understand here, reports to the -- the regional vice president;
20 is that correct?
21 A That's correct.
22 Q And just -- again, to -- to make sure we're -- we've got
23 the -- everything on the record, you -- you report directly to
24 him?
25 A I report to my RVP, regional vice president, Frances

1 Ericson.
2 Q Okay. Thank you. All right. I want to shift over, now,
3 for a little bit, to -- to look at -- look at the -- kind of
4 the -- the communication that goes on in the -- in the -- in
5 the district; the cadence, so to speak, with respect to
6 how -- how you communicate. Within the district, are there
7 regular meetings that are scheduled between the stores and the
8 district, or the -- at a regional level? Would love to kind of
9 get a -- excuse me, would love to get a -- kind of an idea from
10 you how -- how this -- how communication works, starting,
11 really, from the -- the Area 40 down to the -- to the district,
12 and down to the store level. And given your role and position
13 with the company, I thought you'd be good to -- good person to
14 be able to describe that for us.
15 A Okay. Yeah. So I'll start at the store level, and then
16 build up, that's the easiest way I think about it with the --
17 Q Okay.
18 A -- focus on the store. So on any given week, at the
19 store level, there are weekly updates that come out, and those
20 are -- come out from, usually, our Seattle Support Center,
21 which I refer to as the SSC. And those would be weekly updates
22 just -- they go out to -- to all stores that live on the hub,
23 which is like our -- like our internal communication system.
24 And so they get weekly updates that post, and those -- those
25 might be anything from updates and beverages that are coming

1 our way, to any other source of informs -- you know, what the
2 coffee of the week is, if there's any promotion or marketing
3 things that are happening. So that happens weekly.
4 That's also where, if there's any communication that's
5 coming from either the SSC, or regionally, or at the area
6 level, information can post there. And the store generally
7 will either print those and post any of those updates or have a
8 mechanism in place where partners at the store level can log in
9 and take a review of those. And so that's at the store level.
10 And then there's communication that happens, at any given
11 point, throughout the week between store managers and district
12 manager. There are -- generally, most districts -- I know in
13 this particular district -- in District 156, there are weekly
14 huddles. And at the beginning of each week, typically on
15 Mondays, unless it's a holiday, the store managers from that
16 team come together on, typically, a format like this. We use
17 Teams at Starbucks, but come together for a team meeting.
18 That's a place where a district manager is providing
19 direction, oftentimes soliciting feedback, hearing how things
20 are going; gives a place for store managers to ask questions.
21 And -- and actually just the time to be able to ensure that if
22 there's anything that needs to be shared or -- or supported, it
23 can be. So that happens, generally, weekly.
24 There's also -- six times a year, there's -- six,
25 sometimes seven times a year, we have promotional shifts

1 throughout the calendar year. And so we call them planning
2 periods. That's basically if -- when we switch over our
3 primary focus from a beverage perspective or a food
4 perspective. So like right now, we're in winter -- focusing on
5 winter beverages -- you know, Pistachio Latte. If we were in
6 holiday, it'd be focusing on holiday beverages. But about six,
7 sometimes seven times a year, those updates come out from the
8 company. And all of us in -- in the stores, and that support
9 the stores, actually go through that communication.
10 So that would include things like -- you know, like, our
11 schematics for how we want our stores to look during those
12 planning periods; that's called a siren's eye. It would
13 include key planning dates. It would include beverages,
14 promotions. It would include any training or development that
15 was going to be happening specific to that planning period,
16 anything that's impacting the -- you know, the partners or the
17 customers would come through. And so stores can check that
18 out, again, on the hub.
19 And then, that's typically discussed at the -- at a
20 planning with intent meeting with the district manager. There
21 may be individual meetings, like, that are called planning
22 period visits where, after going through that information, the
23 district manager supports the stores with that. And that's --
24 that's generally the specific cadence between store managers
25 and district managers within the district. There's individual

1 visits that can happen for development and such, but that's the
2 general outline.
3 And then there's -- when we get to the area level, which
4 is my level in Area 40, I generally have interaction with the
5 store managers for the whole team. So all of my store managers
6 I bring together in a monthly basis. This is more unique to me
7 and to my area. It doesn't happen across all of the country in
8 this way.
9 But I have a monthly town hall, again, in this fashion
10 where I bring all the store managers there, the main invites.
11 District managers may attend. Sometimes there are other
12 support or business partners that attend, like facilities
13 managers or quality assurance managers. But the intended
14 audience is for the store managers to be able to come together;
15 hear updates directly from me.
16 And if -- if there's any particular interpretation about
17 something that's happening at the district -- or at the company
18 level that's going to be specific to -- you know, differently
19 in Area 40, then I'll talk about that with them. Gives them a
20 chance to be able to share back with me, and be able to share
21 their questions, which is helpful for them. So that -- that
22 happens at the area level.
23 I -- with -- I would say about six or seven times a year,
24 sometimes more frequently, I also have open office hours also
25 directed for store managers, so that I'm just available in a

1 virtual format, like this, where they can come and ask any
2 questions or hear from me directly. And then I also host
3 roundtables with store managers that are like skip level
4 meetings where I bring store managers together in a district.
5 Like this, District 156, we bring them together, without
6 their district manager there, to hear directly from them with
7 the purpose of soliciting their perspective on what's going
8 well and what's not, so that I can take the appropriate action
9 to continue to support them, and they have a place to be able
10 to share feedback as well, not only about their experience, but
11 if there's any feedback they want to share about their leader,
12 their district leader, district manager. They can share that
13 with me so that I can be aware and support them.
14 And also a chance just to share, like, what's -- what's
15 working or what's not; and you know, talk about things like
16 scheduling, or staff meeting, or anything that -- any recent
17 updates that might be going on. Most recently, a lot of those
18 conversations, you know, just have to do with how they're
19 leading, how they're navigating change, how they're supporting
20 their teams. So that's -- those are some customary ways that
21 we communicate other than, you know, like I said, individual
22 visits where I'd be individually visiting my district manager
23 or particular store managers when in the market.
24 Q Thank you, Jessica, that's very helpful. Just a couple of
25 follow-ups to that. When you are reaching out, as you say, to

1 communicate individually, what's the most common way, or
2 platform, that you would use to communicate with -- with
3 partners in -- in 1 -- District 156?
4 A Yeah. So the most common platform I would use to
5 communicate with them would be via email. If communicating
6 with all of -- all of Dis -- District 156, as an example, or
7 any of my districts, I either email, or something that I would
8 print and give to them when I'm in a store. It's -- it's
9 common for me to, you know, sometimes print a letter that is
10 either distributed at the store, or sometimes distributed, you
11 know, for them to pick up with their weekly tips.
12 I also have, with my store manager and assistant managers,
13 specifically, there's a -- like a program we use; it's like
14 Facebook, but only it's a platform for the workplace. So it's,
15 like, Facebook sponsored, but it's called, actually, Workplace.
16 And I've got an app on my phone, and on my desktop. And that's
17 where I engage direct -- most directly, most often with my
18 store managers and assistant store managers.
19 Sometimes there might be a group chat if there's any
20 feedback needed with a larger group, but usually, it's, like,
21 individual store managers or assistant managers. And I mean,
22 that's the most common way I communicate. I'm reaching out to
23 them directly several times -- several times a week, or they
24 can reach out to me directly.
25 They all also have my email and my phone number, so it's

1 not uncommon, of course, to receive email from -- from the
2 team, but it's not uncommon to be texted -- to receive
3 communication from text. I have my contact information up
4 in -- in stores. So partners, really at any level, can reach
5 out to me at any point in time; although, Workplace and email
6 are the most common.
7 Q Okay. So just to be clear. So -- so you're able to then
8 reach out and directly communicate with anyone else on this
9 Workplace Chat platform, using that platform; is that correct?
10 A Yeah. That's right. All of -- that's correct. All of
11 the assistant store managers and store managers have access to
12 this platform. And some baristas and shift supervisors do as
13 well, if they're part of our ASU program, our Starbucks College
14 Achievement Program. They've got access to Workplace as well.
15 But for the most part, it's assistant store managers and store
16 managers, as well as then, district managers. And -- and
17 regional directors have access too.
18 Q Jessica, in a given week, just -- just approximately, how
19 often do you think you engage with this Workplace Chat function
20 with partners in -- in District 156?
21 A Dozen or more times a week.
22 Q Okay. Okay. And what -- what would be the reason, or
23 some examples, for you reaching out using this -- this
24 platform? Why -- why would you be doing that?
25 A If -- yeah. So I would reach out to these managers in

1 District 156, or any, to just -- actually just check in to see
2 how they're doing, solicit any feedback, just in general. But
3 then, most of my chats would be more specific. So like, if I
4 see that there's weather impact that's going to be impacting
5 the ability for partners, customers, or inventory to make it to
6 the store, I'll often just direct -- directly chat store
7 managers to see if they're okay, find out if there's any
8 support that's needed, as they're, like, usually in the store
9 and have the most, you know, the district managers and the
10 store managers have the most proximities. So I would reach out
11 directly about that. If there was anything, you know, like
12 this week, the district manager, Donay, was out sick, so I
13 would reach out directly to them to, like, let them know that
14 she's out. If she needed -- if they needed support, they could
15 reach out to myself or another district manager. I've reached
16 out to them when there's been, like, inventory shortages, just
17 to understand, like, real time, how that's impacting them
18 and/or provide them updates about how things are going.
19 So it could be anything about partner concerns, partner,
20 you know, me checking in on them and how they're doing or
21 inventory or staff or -- or weather, is -- is generally. And
22 if there's been a period of time where I haven't heard from a
23 particular leader, then sometimes I'm just sending a chat to
24 just check in to see how they're doing. And it can be as much
25 as, haven't talked to you for a while, how are things going?

1 Which, you know, then we'll see where that conversation goes
2 from there.
3 Q Okay, example. Have you ever on occasion reached out, to
4 the best of your recollection, to Matthew Marjenka, the store
5 manager at 29th and Willamette?
6 A Um-hum. Yeah. Yeah.
7 Q Okay.
8 A I've reached out to Matthew. He's -- like I said, he's
9 been on the team for a long time. So it's common for us to
10 connect --
11 Q Okay.
12 A -- in that way or email.
13 Q Okay. Looking at you and how you do your job, what
14 equipment or resources do you have, or are you given by -- by
15 the company to allow you to review or access data or
16 information? I'm just kind of curious to kind of see what type
17 of hardware there -- you might have and how you're using it.
18 If you can tell me a little bit more about that?
19 A Sure. So I have access to company-issued cell phone,
20 company-issued MacBook. And I also have a iPad. So that's the
21 equipment that I use.
22 Q Okay.
23 A And then, mostly I'm working off of my phone. But I do
24 have, you know, all of the apps available through the iPad, as
25 well as the MacBook. But like I -- I use those to be able to

1 leverage our internal systems. So Outlook, Teams are ways that
2 I engage broadly with lots of people. It's how I engage with
3 the hub that I mentioned earlier, our internal system. I also
4 use this to access our SPH, which is our Starbucks Partner
5 Hours. It's our scheduling system. I use it to access IMS,
6 which is our inventory management system. And also use it to
7 access -- I could access Taleo, which is our hiring system. So
8 it's basically like the way I stay connected to what's
9 happening in any given district or store. So depending on what
10 I might need, usually I have everything I need between the
11 benefit, even the Workplace platform, like I said, is through
12 my iPad or my phone. So pretty much anything I would need to
13 just check in on any given store or district at any point in
14 time. On the main systems that impact them, this is what I use
15 to take a look.
16 Q That's very helpful. With -- you mentioned a laptop, you
17 mentioned your phone. Do you have access to data that relates
18 to the district or in the area, down to specific store level?
19 A Yes, I do. I have -- so I can access partner information
20 from the district level, all the way down to the store level,
21 meaning, like, rosters and who's on the team and what position.
22 I take a look at how we're doing from a staffing perspective.
23 I'm able to -- using the, like, a report that's generated out
24 of that Taleo system that I mentioned earlier, the store
25 managers and district managers engage with Taleo for hiring

1 our -- our hourly partners, our baristas, and our shift
2 supervisors. And through that informa -- through that,
3 information's generated, which, like, creates a report that I
4 take a look at each week. And just -- well, like I said
5 earlier, the baristas are the most important partners in the
6 store. And the shift supervisors help support that. And so
7 it's important to me that I'm always able to see how we're
8 looking from the staffing perspective.
9 So I can take a look to be able to see how many hours per
10 week partners are getting in stores to make sure that people
11 are meeting their threshold for their benefits. And I can take
12 a look at the booking, like, it's getting higher to check in to
13 make sure that that's what those partners there want and it's
14 meeting their needs. Can see, based upon what we're
15 forecasting for business to be and the coming weeks and months,
16 if we have enough partners on staff to be able to support that
17 business. And so I just take a look each week to see how --
18 just how we're doing by district, and then, down to store to
19 see how many partners have been hired or separated or
20 transferred, and -- and how we're doing as far as, like,
21 application review.
22 And then, I can see the same thing with inventory. I can
23 get in to be able to see inventory updates that are coming from
24 the SSC, like, the Seattle Support Center. Our inventory team,
25 I can see if they're posting messages on individual stores.

1 IMS, the inventory management systems, if they're going to have
2 a shortage or a outage, or if they're going to be getting auto-
3 replenished of any product. Which is helpful, because it has
4 such a big impact on the -- you know, on the experience of
5 partners and customers. So it helps me just to be able to see
6 at any point in time what's going on in a given district, or
7 you know, market or store.
8 Q Yeah.
9 A And so I'll take a look at that. Those are, like, two of
10 the biggest ones that I look at, because those are the, kind
11 of, biggest impacts right now. But most of the rest, I can see
12 down to district or -- or store.
13 Q Okay. Thank you, Jessica.
14 MR. GROW: Madam Hearing Officer, in -- in -- in
15 referencing our 12:30, I guess stop point, I just wanted --
16 this is a good point, with respect to, kind of, the -- the
17 testimony. If -- I didn't know we wanted to stop things here
18 and -- and then, get back on the record once we're through with
19 lunch and everything else?
20 HEARING OFFICER DEVLEMING: Sounds great. Yep. Let's
21 break for lunch. Let's go off the record.
22 (Off the record at 12:31 p.m.)
23 HEARING OFFICER DEVLEMING: We are back on the record from
24 our lunch break. And before we go much further, we had delayed
25 in admitting Employer Exhibits 1 and 2, for different reasons.

1 Employer Exhibit 1, Petitioner had flagged -- might have been
2 missing a second page, which the Employer has now sent over.
3 And we've all had a chance to look at. I believe it was
4 already offered.
5 So Mr. Iglitzin, does the Petitioner have any objection to
6 the introduction of Employer Exhibit 1?
7 MR. IGLITZIN: I do not. Thank you.
8 HEARING OFFICER DEVLEMING: And again to be very clear,
9 we're admitting Employer Exhibit 1, attached to an email time
10 stamped 2:07 p.m., that has two pages.
11 **(Employer Exhibit Number 1 Received into Evidence)**
12 HEARING OFFICER DEVLEMING: Employer Exhibit 2, I
13 understand that Petitioner has some voir dire for the witness.
14 If we can pull up what's been offered, marked and offered, as
15 Employer 2?
16 Okay. Go ahead, Mr. Iglitzin.
17 Well, I guess, before we go, just reminding you, Ms.
18 Borton, we are still under oath here. Back from our lunch
19 break. And Mr. Iglitzin, I believe, has a couple of questions
20 for you on this exhibit.
21 THE WITNESS: I understand. Thank you.
22 **VOIR DIRE EXAMINATION**
23 Q BY MR. IGLITZIN: Hi there. I just had a couple of
24 questions about this Employer's Exhibit 2, which is entitled,
25 "List of Stores in District 156". Store -- I'm going to go

1 line by line down the document. Store 449, Oakway Mall. Is
2 Matthew Haverty (phonetic throughout) the store manager?
3 A Yes. Matt.
4 Q Matt. Below that, Delta and Green Acres, is Jorge
5 Gonzalez the store manager?
6 A Yes.
7 Q Below that, Valley River Drive, Eugene, Amie Jarvey, is
8 she the store manager?
9 A Anthony Cortez is the current store manager.
10 Q 7th and Washington, in Eugene, who is the store manager?
11 A Danielle Sylvia.
12 Q West 11th and Acorn, who is the store manager?
13 A There's no current store manager. The current store
14 manager's in training. And assistant store manager, Jesse, who
15 I think might be -- I can't see it on my screen, might be
16 further to the right, is currently placed in that location.
17 Q Correct. Great. I'm going to go through the assistant
18 store managers in a second.
19 A Okay.
20 Q But that's helpful. And 29th and Willamette, Matthew
21 Marjenka is still the store manager?
22 A Yes, he is.
23 Q And University of Oregon Erb Memorial Union Building, who
24 is the store manager?
25 A That's Sarah. And this is the store that I was referring

1 to as EMU earlier.
2 Q Thank you. Below that, Franklin and Villard, in Eugene,
3 who's the store manager?
4 A That's -- that's Caitlin Muller.
5 Q Below that, Junction City, who is the store manager?
6 A Petra Wright is the store manager there.
7 Q Below that, Highway 101-Coos Bay, who is the store
8 manager?
9 A Nate Hess.
10 Q And below that, the Knight Campus store, I take it, it's
11 not Anthony Cortez anymore?
12 A It is Anthony Cortez. The store is temporarily closed.
13 The sales volume's been extraordinarily low with COVID issues
14 on campus. So Anthony's currently running the store there at
15 Valley River Drive.
16 Q Okay. And then -- I guess, just to be simple, can you
17 tell us which of these stores currently have an assistant store
18 manager, and who that store manager is -- assistant store
19 manager is?
20 A Jesse Grimmer is the store manager -- or the assistant
21 store manager, rather, at the store on Oak West 11th and Acorn,
22 Store 17920. And the additional store managers that we have in
23 the district are actually currently going through their
24 training.
25 Q So are they assigned to particular stores?

1 A We have Logan (phonetic throughout), who is assigned to
2 the store there at -- with Danielle. So at store 7th and
3 Washington, we have Logan. His last name is slipping my mind
4 right now. And then, the next assistant store manager, we've
5 just hired. But she hasn't started her training. So she's not
6 yet assigned.
7 Q And I'm sorry, what's the name of that assistant store
8 manager?
9 A Me -- Megan (phonetic throughout).
10 Q Do you know her last name?
11 A Not off the top of my head.
12 Q All right. Thank you.
13 A Yeah.
14 MR. IGLITZIN: I do not object to Employer Exhibit 2.
15 HEARING OFFICER DEVLEMING: All right.
16 Employer Exhibit 2 is admitted.
17 **(Employer Exhibit Number 2 Received into Evidence)**
18 HEARING OFFICER DEVLEMING: Back to you, Mr. Grow, for
19 direct.
20 MR. GROW: Thank you, Madam Hearing Officer.
21 **RESUMED DIRECT EXAMINATION**
22 Q BY MR. GROW: Jessica, before our break, we were -- you
23 were taking us through some of the methods of communication and
24 the various types of equipment and -- and -- and whatnot that
25 are being -- that are used by folks in the district to

1 communicate with the -- the partners there. Following along
2 with that conversation, just a -- a few follow-up questions
3 before we -- we move more into the store.
4 With respect to district managers, do they also receive a
5 company-issued laptop and a phone?
6 A Yes. They do receive company-issued laptop, phone. And
7 many of them, if they use them, also have an iPad.
8 Q Okay. Thank you. What about store managers, what --
9 what -- what types of equipment do they have, if any?
10 A Store managers are issued a laptop. Most of them have a
11 MacBook Pro.
12 Q Okay. And in stores in the district that have an
13 assistant store manager, do they have any type of equipment, as
14 you've already referenced MacBooks, phones?
15 A Yes. Most assistant store managers have MacBooks. But
16 this was a recent add. So if partners are new enroll, they may
17 not have them immediately. But most assistant store managers
18 also have MacBooks.
19 Q Okay. Do you have a specific Starbucks specific email,
20 yourself?
21 A Yes. I have a email, jborton@starbucks.com.
22 Q Okay. I -- I assume that district managers and store
23 managers do as well?
24 A Yeah. District managers also have an email. And then,
25 store managers have an email that's associated with their name.

1 And then, there's also a store email that's associated with the
2 store.
3 Q Okay. Baristas, do -- do baristas or shift supervisors,
4 do they possess a Starbucks specific email account?
5 A No, they do not.
6 Q Okay. All right. I want to move and shift gears just for
7 a few minutes to try to look a little closer at the -- at the
8 layout of -- of a Starbucks store. Well, we'll have to
9 obviously talk about the -- the store here in question, 29th
10 and Willamette. But I just want to get -- get an idea in the
11 layout of the stores in your district. So yeah, walk into a
12 store, I suspect in some instances, there is going to be a
13 lobby where the customers can purchase anything from a, you
14 know, a tumbler to coffee, perhaps there's a café area. Is --
15 is that generally correct, just the way I've laid that out?
16 A Yeah. I think that's generally correct. You can enter
17 the store, most of the stores have, like, a café or a lobby
18 space for customers, some -- some stores don't. I mentioned
19 I -- there's, like, in this district, a kiosk where there's not
20 really, like, a custom -- or a store specific, you know, café.
21 And then, there are some stores that are, like, drive-thru only
22 that don't have a cafe. There's none in this district. But
23 yeah, you come in and there's a cafe or a lobby as we might
24 call it.
25 Then, you -- all the stores have a service channel, where

1 the baristas and -- and shift supervisors and the store
2 partners, you know, you see it in, kind of like, behind the
3 counter. And then, stores all have some kind of backroom.
4 Most of the stores in this district have backrooms that are
5 attached to the service channel. You just, like, kind of, go
6 through a swinging door and you're in the back of the house.
7 And there's a couple of stores in the district that have an
8 off-site back backroom, or back-of-the-house storage area. And
9 then, there's -- you know, of course, there's a drive-thru.
10 There's the drive-thru area. And most stores have a patio.
11 Q Okay. Let's -- you mentioned the -- the backroom. Could
12 you tell me, you know, what -- what purposes that serves in
13 a -- in stores in 156, well, give us a little more color around
14 the back room?
15 A Yeah. The -- the back of house, or the backroom, has
16 refrigeration, so refrigerators, freezers that we use for milk
17 and dairy products, as well as, like, ready-to-drink and eat
18 items, food, you know, like, pastry, sandwiches, et cetera. So
19 we've got refrigerators and freezers for that. Different
20 stores, based upon their sales volume and space constraints,
21 have different amounts of refrigerators and freezers. And
22 then, we have what we call Metro shelving. It's just a name
23 brand of the shelving system that we use. And that's where we
24 store boxes and things of that nature. Some stores have, like,
25 a -- a cold brew prep area. That's a, kind of, cold coffee

1 that we serve that requires a long brewing time. So there's a
2 special place in some stores where you can brew, prep, and make
3 that.
4 There's usually -- like, some -- some space of some kind
5 for partner belongings. So coatracks, sometimes the chair, or
6 an extra chair, some stores have, you know, a small space
7 that's been set up. And then, there's what we call the MWS, or
8 the manager workstation. That's where it's just a simple desk.
9 There's, like, filing cabinets, you know, some computer
10 equipment, where we keep our filing systems, things -- things
11 like that. And then, there's, like, the tech tower, sometimes
12 called, like, a store-in-a-box, all the technology, like, all
13 the stuff for the -- the register systems and the Wi-Fi. All
14 the data is stored there. There's, like, mops, sink in stores,
15 ice machines. I think that's pretty much it. We, kind of, use
16 it for storage. We use it for communications.
17 So there's usually, like -- sometimes it's on a fridge,
18 sometimes it's on the side of a Metro, sometimes it's on a
19 wall. But that's where, like, our schedules will be posted.
20 Any pertinent communication often can be posted there. And so
21 it's a place really what's -- sometimes the -- the COVID check-
22 in stations are in the back of house, sometimes they're in the
23 front of house. But it's basically a place once partners get
24 to work, they come -- it's usually, kind of, one of the first
25 places they go to get oriented and before they step onto their

1 shift.
2 And then, it's where the manager does some of their
3 administrative work. Sometimes they do it in the lobby.
4 Sometimes they do it in the back of house. Sometimes it's a
5 place where partners take breaks back there. If the backroom's
6 big enough, they'll -- they'll break on their time off. And
7 then, inventory, it's basically the space that we use to keep
8 everything in the -- in the front of house, and in the service
9 channel building.
10 Q Okay. Thank you. Jessica, earlier you referenced a new
11 store, I believe that was opening or had just opened. I know
12 there's -- you had mentioned there's going to be possibly --
13 there were a couple that closed within the last year, whatnot.
14 Question I've got is, does the store manager of a particular
15 store play any role in the decision with respect -- with
16 respect to things like remodeling of a store or renovations of
17 a store in your region -- in Region 156?
18 A Well, no. There's really no decision-making capabilities
19 around renovations or -- or facilities. I mean, if -- if you,
20 kind of, think about -- the way I think about it is like a -- a
21 life cycle of a store. And so whether it's a -- we're trying
22 to identify new sites or we've identified a site and we're
23 trying to get a lease, or we've got the lease and we're going
24 to build a store, all of that's done. Like, the -- the lowest
25 level in retail leadership would be at the director level,

1 which is -- which is my level regional director, and I would do
2 that in partnership with my store development manager, and --
3 Q Okay.
4 A -- the two of us kind of evaluate that, figure that out,
5 and then we work with our respective vice presidents, so it's
6 like, retail leadership, store development. Usually
7 construction and facilities and design are involved.
8 So once we kind of get a store, it's all approved, then
9 when it comes time to remodel a store or -- or relocate a
10 store -- like, once a store is open and running, if there's a
11 big change that needs to happen, that also is done at -- with
12 that same group of people, so my -- that cross-functional team
13 starting at -- at my level and any sort of design reviews, et
14 cetera.
15 So once plans have been made to make a -- an investment
16 like the renovation, et cetera, there's, you know, some insight
17 that a store manager may work on with their team, like perhaps
18 where is the best placement of certain items, if they see that
19 there's going to be, you know, like, shelving that's behind the
20 menu boards. I've had managers request that they get cupboards
21 on it so they can store it versus open cupboards. You know,
22 aesthetic things or things, you know, kind of once -- once
23 they're moving back in, so to speak, that there's slight
24 adjustments they might recommend. But any of the actual
25 decisions around the -- the store kind of all through it's

1 process from beginning to middle to even if it comes time to --
2 to close temporarily or permanently a store, that that's
3 done -- that's done at the director and up level, and it's
4 flagged and recommended in many cases by the -- the district
5 manager, and then the decision-making happens at a -- at a
6 different level.
7 Q Okay. That -- that's helpful. Thank you. Okay. Who is
8 involved, then, amongst the teams or groups you've just
9 referenced, or managers you've referenced, in decisions
10 related, like, to, say, market growth for the company or
11 increasing stores, increasing sales, things of that nature?
12 Take me through that. Who -- who is -- who's involved at that
13 in -- in this district, 156?
14 A Yeah. So District 156 for, like, growing stores, that
15 would be something that if there was anything locally that a
16 district manager saw, like maybe they see that another
17 facility's gone out of business or it looks like a great place
18 where we should be, they'll notify me, and -- and I would put
19 that then under review. But I consistently have time with my
20 store development manager, and we're, each month, meeting over
21 our growth plans for the area, including District 156.
22 And as decisions are being made, my store dev manager and
23 I basically map out the strategy and the plan, and then to seek
24 approval, that needs to be signed off on by Frances, who I
25 referenced earlier is my -- my regional vice president. So for

1 final approval before any leases could be signed or any
2 projects initiated, it would get approval through Frances, who
3 is the RVP and then the director or a vice president on the
4 store development team, so those things always happen in
5 conjunction with retail leadership and store development. And
6 then depending on the deal, sometimes, you know, finance may
7 get involved or different levels of leadership.
8 But in most of my situations with -- that I can recall
9 with District 156, that's all happened through partnership with
10 my store dev manager and I putting together a plan, bringing it
11 forward for approval with Frances and the store dev -- store
12 development director.
13 Q Okay. Thank you. With respect to improvements or
14 remodels occurring to -- to stores in your district, can you --
15 can you give us an idea of -- or any kind of recollection on
16 any of those that might have been occurring, either
17 improvements or remodels, say in the last year or so?
18 A Yeah. I think there's kind of two ways we make
19 investments in a store. We would -- might make investments
20 kind of as-needed with equipment or particular elements of the
21 store. And when that happens, we do that through -- you know,
22 I -- I would work with my facilities manager -- facilities
23 services manager, or FSM, to be able to make those decisions.
24 So my FSM oversees all of the vendor relationships for store
25 level facilities in Area 40, and so I would work with her. And

1 so if, let's say, there were ovens that needed to be replaced,
2 I've got a store 7th and Washington, for example, in the last
3 year where I've replaced some ovens there. And I would notify
4 the store -- the facilities manager, the FSM, that we are ready
5 to make an investment.
6 We also sometimes do things like if we're going to
7 permanently close a store, if this permanent -- if the
8 permanent store closure has equipment that is new or -- or in
9 better condition, then we'll often swap that out with an
10 existing store to make sure that they get something updated and
11 we get the most out of our equipment. So that's -- that's one
12 way.
13 And then another way is if we're going to make a larger
14 investment, like a actual full renovation, and then that's
15 usually a bigger investment, and that involves not only the
16 facilities manager, but also the store development team because
17 leases are usually involved with that with our landlords. They
18 need to be part of that. And the finance team and our
19 construction team, who would be, you know, doing the building,
20 they -- they all work together when we invested in a larger
21 renovation.
22 And we recently renovated Delta and Green Acres, that
23 store that I had indicated Jorge manages. There's been some
24 recent upgrades there. Like as an example, we extended his
25 drive-thru order point outside the store. That's, like, a

1 bigger investment than swapping out equipment.
2 Q Okay. Thank you. As a follow-along, so -- so is there
3 a -- with -- with all this going on -- the upgrading and -- and
4 whatnot -- is there any type of facilities budget or an upgrade
5 budget that exists, say, at -- at the -- at the store level?
6 Would there be a budget for -- for the 29th and Willamette
7 store, or how -- how does that work?
8 A No. There wouldn't be a store-level budget. What happens
9 is each year, there's a -- a broad budget that we call our
10 annual operating plan that includes a budget at the regional
11 level, not only for what we're looking to achieve from a sales
12 perspective, but what we would invest with capital, what we
13 could spend and expense. And so that's regional, which would
14 be the PNW through Frances. And then that's allocated down to
15 area.
16 And then once it gets to the area level -- so once I see
17 what my budget is, then I'm working with my respective support
18 teams to operate within -- within our budget or with my direct
19 reports to operate within our budget. So Sasha (phonetic
20 throughout) is my FSM, my facility services manager, and so we
21 have a shared budget that we're looking to manage within for
22 our facilities allotment on our P&L for the year at the area
23 level.
24 And so we -- you know, back when I was saying, like, if we
25 need to swap out equipment or if we need to make an investment,

1 we are taking a look at that -- that budget at the area level
2 and trying to prioritize inside of there for where we're going
3 to make the investments or improvements.
4 Q Okay. Thank you. You know, we -- so we've -- we've
5 talked a little bit about and learned about facilities
6 upgrades, your stores in this district. I -- I want to ask you
7 a few questions about, you know, what happens, there -- who's
8 involved when issues arise at facilities, or where there's --
9 where there's problems.
10 Before we get into that, I'd like to introduce a -- an
11 exhibit. I guess it would be Employer Exhibit 3.
12 MR. GROW: If we can put that up on the screen. And we're
13 doing that now. Thank you.
14 Okay. Great.
15 Q BY MR. GROW: First and foremost, Jessica, do you
16 recognize this -- this document that you've got in front of you
17 there? Can -- can you see it on your screen?
18 A Yeah. I can see it. That looks better. It's a QRG, or a
19 quick reference guide, that basically gives us, like, a
20 out-of-view look at how different issues would be resolved in a
21 store related to facilities issues.
22 Q Okay. What I'd like to do is if you can describe -- just
23 kind of give us an understanding of what is being described
24 here on page 1 of the document, then we'll -- we're going to go
25 through -- you know, go through it and hit the highlights

1 and -- and -- and look at it and get your insights on this --
2 this guide going forward.
3 So if we can just, I guess, focus right now on this -- on
4 this first page and just, you know, give us an idea of -- of --
5 of what's going on here. It looks like we've got some priority
6 levels being assigned, and -- and try to educate us on -- on
7 what this is all about.
8 A Yeah. I'll -- I'll add some color, and let me know if
9 it's -- if there's any more detail you need, but --
10 Q Okay.
11 A -- when you look at what's here, in essence what I would
12 explain, so if I'm working in a store, or let's say a partner's
13 working in a store and something breaks -- something's not
14 working on the espresso machine, then I would go -- the partner
15 would go pick up the iPad. Each store has iPads issued to
16 them. And one of the function so the iPad is to be able to
17 enter digital tickets. And so -- I don't know. An espresso
18 stops pulling shots. You could go and enter a work order in
19 through My Daily (phonetic throughout). You can create
20 additional tasks. My Daily is the -- one of the systems that
21 we have on the store-level iPads.
22 And so they would go, pick -- pick up the iPad, login to
23 My Daily and then enter a digital work ticket. And then based
24 upon the type of issue that it is, there's different priority
25 levels assigned to that. So like espresso machine, in the

1 example I used, that would be a P-1 because that's Priority 1,
2 meaning the most urgent, like, it's a big deal because if we
3 can't serve coffee, that -- that's a problem.
4 Q That's a problem.
5 A So in that situation, Priority 1, the expectation there is
6 that within four hours that the vendor, like, accepts the --
7 accepts the ticket, like, acknowledges, oh, yeah, we see you've
8 got a problem, and that -- then within 24 hours that that's
9 getting resolved. So that's what the -- that's what the goal
10 is.
11 And then, like, P-2 -- so if a ticket was entered that's,
12 like, not as urgent, that would be, like, Priority 2, that
13 would mean that the expectation would be that the vendor
14 receives or accepts that work order within 24 hours and then,
15 beyond that, the 48-hour resolution. And so this would be,
16 like -- I don't know -- like, a -- a light is flickering and
17 the ballast is broken in a light overhead or the -- the water's
18 dripping in the bathroom, that sort of thing.
19 And then a P-3 is, like, if there's something that needs
20 to get fixed, but it's not as urgent. It can -- needs to get
21 fixed, but it can wait is a P-3, which means Priority 3. So
22 that means within 48 hours, the ticket needs to be accepted,
23 and then when it's resolved actually varies based upon the
24 issue and the -- you know, what that is.
25 So for example, in this store, or this district of Eugene,

1 there might be work that gets what I'm going to say bundled.
2 So like if there was a -- a soft chair in the lobby that was
3 worn on the edges or got torn, the store would call that in
4 because it's not in the condition we want it to be in. But
5 that wouldn't necessarily get resolved right away. We might
6 wait until there's furniture from a neighboring store that we
7 could swap out or order new, or like, if there was a broken
8 tile, you know, not in customer view, we might wait until we
9 could get, like, a particular tradesman or local vendor out to
10 be able to fix that bundled with other work in the district
11 from just a logistics and cost savings perspective.
12 Q Okay. That -- that's really helpful. Just -- just to
13 confirm, there -- there is a reference at the top of the
14 document referencing a -- I guess what's called a Facilities
15 Con -- Contact Center. Could you just -- could you just get --
16 add a little highlight to that?
17 A Sure. So the Facilities Contact Center is -- is basically
18 a call center that has access to all of the store information
19 and even down to, like, lease agreements, to a certain extent.
20 So if a store didn't enter a ticket digitally, they could call
21 directly into the Contact Center.
22 It seems like anymore most partners prefer a digital
23 ticket because they can just enter it with -- with less time.
24 But you can call the Facilities Contact Center and -- if you
25 want to follow up or if you just want to call and enter it that

1 way. And the Facilities Contact Center is actually who manages
2 these digital tickets, as well, and so this is where all the --
3 the digital or phone calls go to be able to then dispatch work.
4 And depending on the work, most of our work that's done in
5 stores -- not all, but most of it is through, like, national
6 vendors. And so -- I don't know -- like our brewing and
7 grinding, we've got a national contract with a company called
8 Bixo (phonetic throughout) who, you know, dispatches --
9 dispatches people to come help us fix our brewing and grinding
10 equipment if it goes down. Whereas, we also have some, like,
11 local vendors that would do some more of the, you know, maybe
12 like handyman sort of things, so like I talked about where work
13 is getting prioritized at P-3. We might see more local
14 vendors. And in Eugene, we use Ordell, which is a -- a local
15 company that comes in to be able to fix some of the things that
16 would be perhaps more, like, handyman sort of things.
17 So -- and the Facilities Contact Center is who kind of
18 dispatches those. And then if support in escalating any of the
19 issues comes up, that's where our FSM, Sasha, who I talked
20 about earlier --
21 Q Um-hum.
22 A -- that's where she would step in to be able to help
23 problem solve or expedite issues.
24 Q Okay. Thank you. That's instructive. I'm going -- going
25 to draw your attention --

1 MR. GROW: If we could move to page 2 of the document. Is
2 it moving up for you? There it is. There we go.
3 Q BY MR. GROW: Okay. Page 2, there's some boxes that
4 outline kind of the -- you see where it says here, the role and
5 clarity for these various groups star -- of store partners. It
6 looks like below it's -- it's listing, I guess, instructions
7 and responsibilities for -- I guess for issues here. Could you
8 tell me a little bit more about -- about this -- about this
9 page here that goes back to the -- the various store partners,
10 the FCC and kind of what the purpose of this -- this role
11 clarification -- or clarity is?
12 A Yeah. The way I think about this or explain it to, like,
13 partners internally is that this just helps us understand how
14 different partners work together to keep store facilities in
15 good -- in good working order. So of course, it identifies,
16 like, who to call when you need help, with the Facilities
17 Contact Center there at the top. But if we look at the left
18 where it says "store partners", it's basically outlining here
19 responsibilities that store partners have around facilities
20 issues.
21 So it talks about, you know, how to be able to -- where
22 the numbers are where you can call for help in the daily
23 records book, which is abbreviated here, DRB, and that's a book
24 that -- that gets issued each month at the store level that has
25 some of those resources.

1 It talks about really how to prevent issues by following
2 the Clean, Safe and Ready Program. This is -- I think I
3 referred to this earlier this morning, like, the CSR is what I
4 called it, Clean, Safe and Ready. But it's basically a -- a
5 system and a structure we have to help keep the store in good
6 working order and help keep it clean and safe.
7 And then it says call the FCC. That's the Facilities
8 Contact Center. And what's new from this particular QRG is
9 that we have the digital ticket that partners can enter, too,
10 in addition to calling. So partners can do either/or, call or
11 enter a ticket.
12 And once that's been called in, if you call in the ticket,
13 like, on the phone, you would document the information in the
14 daily records book, like, write out, you know, the date and
15 what the issue was and get your work ticket number and indicate
16 whether it was Priority 1, 2, or 3. And then there's a space
17 to indicate resolution.
18 Now, with the digital ticket process, you can see that
19 digitally all on the iPad if -- if a partner were to use the
20 digital ticket entry.
21 And then it basically is, like, indicating that if you,
22 you know, need more, work with your DM, or district manager, if
23 you don't feel like you're getting resolution. And so it -- it
24 talks about, like, who to be able to call. Like, basically, I
25 think, like, how you escalate it is how I think about it.

1 So if the store's not contacted in the time frame that was
2 agreed upon on that previous page, then store managers could
3 call the FCC for an update, or like, status check and notify
4 their district manager. And if it's not been resolved in the
5 time frame, then the DM should escalate to the facility service
6 manager, who I was referring to in Area 40 as Sasha.
7 And then the FCC, like I talked about, kind of, like,
8 helps with troubleshooting, basically, like, provides and kind
9 of tracks these tickets, or here that's referred to as a
10 service request number, and is able to, like, help for status
11 updates and making sure that the vendor or the supplier is
12 getting contacted.
13 And then the DM, or the district manager, they're really
14 there to be able to help if something's not going as expected.
15 So they would get involved if the service wasn't completed on
16 time or to the standard expected, if there was, like, specific
17 help that was needed that had to deal with food safety issue or
18 any kind of safety issue or a store closure. And then it talks
19 about, like, how they would -- how and when they would escalate
20 to their FSM. So there's, like, some instructions here.
21 And then you see, like, how the FSM works to be able to
22 resolve these issues and can help. So this is how they -- they
23 all work together. So it's kind of, like, store, facilities,
24 the DM, and then the FSM who's at the, kind of more area level.
25 Q Okay. No. That's -- that's super helpful. So like, I

1 guess, for example, just if there's a plumbing issue 29th and
2 Willamette, a store -- as star port -- I'm assuming that a
3 store partner's going to call this -- the FFC, is that correct,
4 if -- if there's an issue there?
5 A Yeah. They -- they call -- they could enter a digital
6 ticket in through the iPad, or they could --
7 Q iPad.
8 A -- call the FCC, which is the Facilities Contact, and say,
9 hey, we've got a -- we've got a problem here, and then assuming
10 it's not, like, major, like -- it might be like P -- P-2
11 likely. If it was major, it'd be, like, P-1. And then if --
12 if everything goes as planned, it gets resolved, and if not --
13 and it's not -- they're not hearing from the vendor or the
14 supplier, like, when they're going to be there or ETA, then
15 they could call in and check for an update. If they're still
16 not there on time, or they kind of don't fix it the right way,
17 then the district manager gets involved, and at that point,
18 begins working with the facilities service manager.
19 Q Okay. Thank you. We're going to move on to page 3 of
20 the -- of the guide, get a little more -- little more kind of
21 clarity here.
22 Looks -- it looks like we've got some escalation resources
23 and additional reference guides and documents that -- that
24 are -- that are being -- being referenced in this document,
25 from -- from what I can understand. Is that -- is that

1 correct?
2 A Yeah. This is, like, a greater level of detail. So like,
3 if a store partner needed to know, like, hey, here's a really
4 specific issue, then there's the resources for who they would
5 call because sometimes the FCC and the facilities services
6 manager can help, but sometimes there's other issues that --
7 that one might think would be facilities issues because it's,
8 like, something in the store, but really it's, like -- it would
9 be the help desk. So it kind of talks here if there's any
10 issues with, like -- I -- I would categorize it, like, computer
11 stuff, like registers, printers, Wi-Fi, you know, drive-thru,
12 anything having to do with kind of, like, technology.
13 You could call the Facilities Contact Center, but they
14 would refer you over to the help desk, which is who helps with
15 our, like, technology issues.
16 If there's some technology, though, like -- like, it says
17 here -- like, alarm systems, or like, security cameras, the FCC
18 still helps with that. So basically, it just walks through and
19 it's, like, these are kind of, like, very specific things.
20 It's -- it's one thing to just, like, issue a ticket if -- if
21 kind of run-of-the-mill stuff happens, but if there's serious
22 things, like -- like it indicates here, there's some more
23 specific direction for who the exact resources would be, and
24 this would be just really across all stores how we handle this
25 in -- in all of our stores.

1 Q Okay. So I'm assuming if there's, like, a power outage or
2 somebody -- if you needed assistance with a licensing permit or
3 a permit issue, based on what I can see here, this would be
4 the -- the document that you would at least initially go to,
5 then?
6 A Yeah. It just helps partners know exactly -- you know,
7 exactly what to do.
8 Q Okay.
9 A Like who specifically can help.
10 Q All right. Thanks. Let's -- let's -- I guess we can look
11 at page 4 of the guide real quickly. I guess this is just more
12 continuation of the -- of the escalation here; is that -- is
13 that correct?
14 A Yeah.
15 Q Kind of the --
16 A That -- that's correct. I mean, the first couple of pages
17 that you showed are really, like, some of the more general and
18 probably more common issues. But then these are the -- page
19 3 -- or you know, the store condition escalation, know your
20 resources. This is, you know, additional, like, specifications
21 that just might not be as frequent --
22 Q Um-hum.
23 A -- and so it's helpful to have a QRG to know, like, what
24 to refer to in case something like this comes up that isn't
25 quite as common, you know.

1 Q Um-hum. Okay. I guess we can look at page 5. All right.
2 It looks like we've got some -- some dispatching stuff going on
3 here and maintenancing. Looks like this is, I guess, how
4 quickly the stuff is going to be -- how fast the service
5 request is going to be looked at or dispatched. Tell me a
6 little bit about -- about -- just a little color around what --
7 what this is talking about so -- so I can get a good
8 understanding.
9 A Yeah. Sure. I think what's most helpful here to share is
10 that basically it's just showing, like, in Starbucks, in our --
11 in our stores, this is what you should expect resolution to
12 look like. Like I said, there's many of our vendors or
13 servicers we've got national contracts with, service-level
14 agreements for what this should look like, and so it's helpful
15 for partners who work in the store to understand, like, when
16 they've called -- identified and called something in or entered
17 a digital ticket, what they should expect for resolution,
18 again, so that if it's not resolved, they know -- think back to
19 that previous escalation page -- they know who to escalate.
20 But then it kind of provides some clarity for what they should
21 actually expect, so it's helpful to see it.
22 And then you just see it kind of broken down by categories
23 here, and you can see the more serious categories, there's a
24 more immediate dispatch time, and where some other less -- less
25 urgent or safety-related, there may be longer dispatch times,

1 or there might even be a hold until -- until we're at a spot
2 where -- like I was saying earlier -- that it looks like within
3 the area we can make the investments needed for this particular
4 issue in a particular store.
5 Q Okay. No. That -- that's helpful. I --
6 MR. GROW: We can move on to page 6.
7 Q BY MR. GROW: What -- what is -- what is this all about --
8 A It's basically just --
9 Q -- on page 6?
10 A Yeah. This is basically just showing you in this specific
11 example, like, this one's how to order light bulbs. It's
12 basically with an item that's not as frequently ordered, it's
13 helpful to have a resource to know, like, where do I go on the
14 hub and how do I actually place this order.
15 And so any -- any store in the district or, for that case,
16 in the area or country, this is just where you would go for our
17 internal hub to be able to have access to know how you place
18 these orders to get what you -- what you need. So it's
19 basically just an example for a less frequently used item
20 for --
21 Q Yep.
22 A -- how you would do that nationally.
23 Q Okay. Thanks. I guess we'll go to the next page. I
24 think we're coming to the end of the QRG here. It's another --
25 I guess it's just more on the light bulbs.

1 MR. GROW: Is that the last page on this? Yeah. That's
2 it. Okay. No. That -- that's helpful. I think with that, I
3 guess the Employer's going to move to admit the -- this
4 document is, I guess, the Employee (sic) Exhibit 3.
5 HEARING OFFICER DEVLEMING: Any objection from the
6 Petitioner?
7 MR. IGLITZIN: No objection.
8 HEARING OFFICER DEVLEMING: Employer Exhibit 3 is
9 admitted.
10 **(Employer Exhibit Number 3 Received into Evidence)**
11 MR. GROW: Thank you.
12 Q BY MR. GROW: All right. Jessica, we're going to show you
13 a -- a new document here that's going to be marked as Employer
14 Exhibit 4. And when that comes up here in a second, I want you
15 to tell me if you recognize the document.
16 A Okay. Yeah. This looks like -- looks like a page out of
17 our daily records book where there's, like, frequently --
18 frequent contact information that we would need. This is one
19 of the pages out of that daily records book that I said kind of
20 goes by month and store.
21 Q Yeah. Before -- I -- before we get any further, tell us a
22 little bit what is the -- kind of, the daily records book
23 itself before we kind of get into this -- this -- this -- this
24 document. That might be helpful for all of us to kind of get
25 an understanding.

1 A Sure. So the daily records book, it's like -- kind of,
2 like, legal letter-size bound book that each day in the fiscal
3 month has a couple of pages allotted to it, and it's a place
4 where store partners can basically record events of the day,
5 communicate with one another. It also has, like, this critical
6 contact information in there. There's logs to be able to
7 indicate if -- back to the facilities issues earlier, if
8 there's facilities issues, there's as place to log that.
9 There's a mileage log to be able to log if partners need to be
10 reimbursed for any mileage. There's, like, a paid out, so if
11 anything -- the store needs to make a purchase, paid out can
12 happen out of the cash register to get money and paid back in
13 to put the change back, and it all gets recorded.
14 And that's also -- the daily records book also has part of
15 the Clean, Safe and Ready system included as well. It's the
16 place to take a look at station assessments to evaluate
17 cleanliness and condition of certain parts of the store. And
18 so it's used each day. And like I said, it's -- it's aligned
19 with each fiscal month.
20 Q Okay. So -- so my understanding is -- is that this -- I
21 guess what is titled here, the "helpline and email reference
22 guide", this is contained in the daily record -- records book?
23 A Uh-huh.
24 Q Okay.
25 A Yeah. That's correct. This is where if a store partner

1 needed to go to find any helplines, that they could go and
2 this -- there's a copy of this in each of the books, so it's
3 always available to them.
4 Q Okay.
5 MR. GROW: Okay. With that, I would move to admit this
6 document as Employer Exhibit 4.
7 HEARING OFFICER DEVLEMING: Any objection?
8 MR. IGLITZIN: Yeah. I'd like to voir dire the witness.
9 HEARING OFFICER DEVLEMING: Go ahead.
10 **VOIR DIRE EXAMINATION**
11 Q BY MR. IGLITZIN: Hi. I'm trying to understand. It
12 sounds like this one-page document is part of a larger document
13 called a daily records book?
14 A Yes. That's correct.
15 Q And I'm sorry. Does the daily rec -- I think you said the
16 daily records book is a -- is like a binder. And I take it it
17 has a number of pages of preprinted material like this
18 document?
19 A Yes. That's correct. It's -- it -- it's bound, but it's
20 bound with a spiral, not in a -- not an actual binder, but
21 yeah. Same idea.
22 Q So it's not a three-ring binder that you can --
23 A No.
24 Q -- snap open and closed. It's bound. Does it come from
25 Starbucks corporate?

1 A Yes.
2 Q How many pages of material is in it?
3 A I don't know. I mean, without having one in front of me
4 here to take a look at -- it's got a two-page layout for each
5 day, and then it's got this document as well as a couple of
6 other logs in the back of it.
7 MR. IGLITZIN: All right. I'm going to object to this
8 exhibit as being only a partial piece of a -- of a -- of a
9 whole document and ask if Starbucks can give us a -- substitute
10 the actual document that this is an excerpt from.
11 MR. GROW: Yeah. The -- the -- with respect to -- to the
12 request, this -- this is actually the -- you can -- Jessica,
13 you can hopefully give us a little more explanation. But my
14 understanding is -- is the daily records book is essentially a
15 document in and of itself that is to be filled in in the store
16 and that this is kind of a frequently used numbers, who you
17 call, contact, list, or item that is -- that is in the book.
18 **RESUMED DIRECT EXAMINATION**
19 Q BY MR. GROW: Is -- is that a fair assessment of what this
20 is?
21 A Yeah. The way you're both describing it is a fair
22 assessment. This is a document that can be printed in and of
23 itself and pulled off of the hub as an individual item. There
24 are other individual items within the daily records book that
25 could be printed and pulled off of the hub for use, and then

1 these are -- this is part of the daily records book, one of the
2 documents that's compiled in that bound, pre-printed book that
3 is provided for use and recording throughout each day. So
4 there's parts of it that can be filled out, like the -- like
5 the station assessment, like I mentioned for the Clean, Safe
6 and Ready, and then there's parts of it that are, like, for
7 reference, such as this. And any of the individual pieces can
8 be pulled off of the hub, like this in this document form, and
9 they do come to the store pre-printed, and like, packaged for
10 convenience, so to speak.
11 MR. IGLITZIN: All right. So I stick to my position that
12 there's a bound document, spiral, not three-ring binder that is
13 a number of pages of pre-printed information, all of which
14 comes from corporate, one of which is at, I'm assuming, each of
15 the stores in each of the districts that Ms. Borton supervises.
16 And I think the appropriate exhibit is a copy of this bound
17 document, not an excerpt from it.
18 HEARING OFFICER DEVLEMING: Let me ask you a question, Mr.
19 Grow. Would the Employer be willing to provide the Petitioner
20 with a copy of that document? Because I am understanding that
21 this can also be pulled separately. And of course, the
22 Employer has the right to put their case on how they wish.
23 MR. GROW: Correct. We --
24 HEARING OFFICER DEVLEMING: But if -- if it is part of a
25 bigger document that the Petitioner might want to use on their

1 case, that seems fair.

2 MR. GROW: The -- the position of the Employer is that we
3 are submitting the document for what it is as a standalone
4 document for frequently used contacts. As the witness has
5 stated, the document is made available solo, in -- in -- as it
6 stands on the hub, and is -- is essentially a reference item
7 that resides in a book with -- with wider -- wider uses. So
8 we -- the -- the Employer would respectfully request for the
9 introduction of the document for -- for what it is as a
10 reference document that is frequently used to reference those
11 contacts -- contact information, who to call, things of that
12 nature.

13 HEARING OFFICER DEVLEMING: Okay. I understand the
14 Employer's position as to Employer Exhibit 4. But my question
15 was, are you willing to provide the Petitioner with the entire
16 manual to decide whether or not there is anything in that
17 manual that would be helpful to their case?

18 MR. GROW: No, ma'am.

19 HEARING OFFICER DEVLEMING: Okay. Is that -- Mr.
20 Iglitzin, would that fall -- I haven't looked clearly at the
21 subpoena and petition to revoke, unfortunately, but is that
22 something that you've already requested, or --

23 MR. IGLITZIN: Well, hang on. I just want to make sure I
24 understood. Was the answer, no, sort of because you're not
25 willing to provide us with the manual?

1 MR. GROW: That's correct.

2 MR. IGLITZIN: All right. So I want to be clear through
3 the testimony -- yes, it is covered by our subpoena. But also,
4 the testimony was not what Mr. Grow is saying. The testimony
5 wasn't this is something that resides on a computer at
6 corporate that someone could download. The testimony was this
7 is a document that is contained in a bound -- what is it --
8 daily records book that is at each of the stores and is,
9 thereby, accessible to the partners.

10 MR. GROW: Well --

11 MR. IGLITZIN: That testimony about this document makes it
12 clear that this is a partial document, and there is no
13 explanation for why Starbucks would not, at a minimum, provide
14 us with a copy of the daily records book --

15 HEARING OFFICER DEVLEMING: Okay.

16 MR. IGLITZIN: -- otherwise, I --

17 HEARING OFFICER DEVLEMING: Let's rewind a minute. So the
18 witness did make very clear that it's both. It's -- it's a
19 part of the manual, and it's also something that you can pull
20 as a standalone document from the internet or -- or whatever.
21 So it -- it's both. That's clear to me. So I don't -- I am
22 inclined to allow Employer Exhibit 4.

23 However, if this entire manual we're referencing is
24 responsive to the Petitioner's subpoena, this would seem to
25 make crystal clear that that is germane to the case, the fact

1 that we are already referencing this with the Employer's first
2 witness. So I can discuss it with the Regional Director, if
3 you'd like, but I'll put you on notice that my inclination is
4 that that document should certainly be turned over to
5 Petitioner pursuant to the subpoena.
6 MR. IGLITZIN: And -- and I would -- just for the record,
7 I would like you to discuss it with the Regional Director. I
8 believe I recall the testimony slightly differently. There was
9 no testimony that, for example, any partners in any of the
10 stores in this district are aware of how to find or obtain this
11 document -- or have ever been directed to find it on a computer
12 system. The testimony was it's in this bound daily records
13 book, which this exhibit is literally entitled "daily records
14 book", and the daily records book is in the stores.
15 So the document that this witness testified about is not
16 this hypothetical document someone hypothetically should get
17 from a computer system. It is the document in the bound daily
18 records book.
19 MR. GROW: The -- the witness clearly stated that we're
20 both correct, and that it was both available on the -- on the
21 internet, and it was also printed as a reference in the book.
22 It is available in two spots.
23 HEARING OFFICER DEVLEMING: That is clear. Again, I think
24 the disconnect is that she's just clarified that. Her initial
25 testimony was about its existence in the book. She has just

1 now clarified that it is also available as a standalone
2 reference.
3 But Ms. Borton, to be clear, it is available to partners,
4 to baristas? Do they know that they can go somewhere and pull
5 this? Is this on the internet? Is that what we're saying --
6 somewhere on --
7 THE WITNESS: Okay. I'm going to -- I'll step us through.
8 If I miss part of the question, you stop me or ask some more.
9 So it is available for baristas and shift supervisors. I don't
10 know and couldn't testify to their awareness of this
11 specifically. It is available through the hub. You could
12 easily do a search and find that -- barista, shift, ASM, or
13 store manager, and it's also available in the daily records
14 book that's bound in the store.
15 HEARING OFFICER DEVLEMING: And the hub, remind me if
16 that's a --
17 THE WITNESS: The hub -- sorry. The hub is our
18 internal -- I'm not a tech person, but it's our internal --
19 like, it's our intranet where -- that's where I -- I talked
20 this morning about, like, where weekly updates come through.
21 Those post on the hub. If I need to find a resource, I get --
22 I go to the hub to find any kind of resource that I would need.
23 If there's anything that's available in -- in, like, print or
24 hardcopy in the store, it would also be available on the -- on
25 the hub.

1 HEARING OFFICER DEVLEMING: But the hub -- baristas and --
2 I'm sorry -- shift supervisors are just as aware of the hub as
3 you might be in your position, or is the hub more a management
4 resource?
5 THE WITNESS: No. The baristas -- all levels are aware of
6 the hub.
7 HEARING OFFICER DEVLEMING: Okay.
8 MR. IGLITZIN: I would like to -- go -- go ahead, Liz.
9 I'm sorry.
10 HEARING OFFICER DEVLEMING: No. You have the final
11 thought because I'm about to rule.
12 MR. IGLITZIN: Well, I have a question, if I can ask the
13 witness more questions.
14 **VOIR DIRE EXAMINATION**
15 Q BY MR. IGLITZIN: So exactly how would a barista find this
16 document in the hub?
17 A So they would log on to the hub using their personal
18 credentials. And --
19 Q And I'm sorry. Is the hub like -- is -- is that a website
20 that they go to on their -- on any computer, or is that some
21 kind of protected -- I mean, how do they get to the hub?
22 A They get to the hub through the back-of-house computer,
23 which is where they would go to be able to see, like, how I
24 referred to the weekly updates earlier. That's where they
25 would go. It's where if they want to make any -- it's

1 basically our internal intranet that is available at the store
2 level for partners to go and engage with for really a variety
3 of any needs they might have, so they can find resources. I'm
4 trying to think of examples to provide clarity for everyone.
5 Like, if they needed recipe cards, they could print -- go and
6 find them on the hub.
7 Q Do they need to --
8 A If they needed this, they could go find it on the hub by
9 typing it in to a search bar.
10 Q Do they have unlimited access to that intranet, or do they
11 need permission to go into the hub to look for a document?
12 A They have permission at store level. So if they use their
13 same information that they use -- each partner has partner
14 numbers, which is what they're able to leverage to get into any
15 of our internal systems at the store level.
16 Q So a partner, a barista, or shift supervisor at the
17 Willamette Street store can go to the back of the house, can
18 use their partner credentials, go into the intranet, and find
19 all the documents in the -- I'm sorry -- we called it a daily
20 records book; is that your testimony?
21 A Yes, sir. Yes. They could find -- they could find the
22 documents in -- from the daily records book on the hub from the
23 back-of-house. Yes.
24 Q Thank you.
25 MR. IGLITZIN: I -- I -- I maintain my objection, Madam

1 Hearing Officer, to this document coming in unless Starbucks is
2 going to produce the entire daily records book. I think
3 it's -- it's patently unfair, inappropriate to let a party put
4 in only one part of a coherent document -- of a whole document
5 and refuse to -- you know, if they were going to provide me
6 with the whole document, they could put in an excerpt from it.
7 But it's patently unfair to let them put in one page of a
8 document that this witness has described exists without, for
9 some reason, being willing to let counsel for the Petitioner
10 see it.
11 HEARING OFFICER DEVLEMING: Okay. Well, I am going to
12 overrule the objection for a few reasons, one of which is we
13 have testimony that this is in existence as a standalone
14 document in some places; another is that even arguendo it
15 wasn't, the Employer has a right to put on their case as they
16 see fit. This is not one page of a two-page frequently used
17 contacts document. It's one page of what sounds like a lengthy
18 binder with unrelated documents throughout it.
19 And additionally, I do think that it's quite clear now
20 that the entire daily records book binder is very relevant to
21 this case in that the Employer is introducing a part of it in
22 its case-in-chief, so I will let you know that I -- my
23 inclination, and I assume the Regional Director will support it
24 fully, is that absolutely this is responsive to the
25 Petitioner's subpoena and needs to be provided to the

1 Petitioner for its use, if it so chooses, on its case.
2 MR. GROW: So --
3 HEARING OFFICER DEVLEMING: With that understanding -- and
4 we can revisit the subpoena issues later. With that
5 understanding, the objection is overruled. Employer Exhibit 4
6 is admitted.
7 **(Employer Exhibit Number 4 Received into Evidence)**
8 MR. DILGER: Okay. And -- and just at this point, I do
9 want to just state for the record that the Employer does not
10 believe that this is covered, that the entire book, the daily
11 records book, is covered by Petitioner's subpoena. And to the
12 extent that the Union argues that it is, it's certainly subject
13 to the petition to revoke. So I just want to flag that issue.
14 Dmitri, I think it's an issue that we can certainly talk about,
15 and we obviously should. And we'll leave it at that.
16 HEARING OFFICER DEVLEMING: Yeah. And again, I would
17 prefer if you guys can resolve it yourselves rather than us
18 having to litigate the subpoena on a separate record, but we
19 are not going to litigate the subpoena on this record. So if
20 you can --
21 MR. DILGER: Correct.
22 HEARING OFFICER DEVLEMING: -- talk about that over the
23 weekend and let me know Monday morning if it remains a
24 disagreement, and I'll get you a ruling and order from the
25 Regional Director to provide it.

1 MR. DILGER: Very good.

2 MR. IGLITZIN: Thank you.

3 HEARING OFFICER DEVLEMING: Okay. Please continue, Mr.

4 Grow.

5 MR. GROW: Okay. Thank you.

6 **RESUMED DIRECT EXAMINATION**

7 Q BY MR. GROW: Jessica, I've got one more exhibit here.

8 It's going to be Employer Exhibit 5. We'll put that up, and I

9 just want to see if you can identify that document.

10 All right. Can you -- can you see -- can you see what --

11 the document in front of you?

12 A Yeah. This looks like a single card from the Clean, Safe

13 and Ready system. It's indicating here that it's for the

14 espresso station for the afternoon, or as it indicates here,

15 p.m.

16 Q Okay.

17 A And it -- it shows here what -- if I was -- if partner's

18 responsible for this card, they pull the card and see for this

19 station what they are to check and then what they're to clean.

20 Q Okay. So what -- and you've made reference to the Clean,

21 Safe and Ready system in your testimony today on a few

22 occasions, so I thought it would be helpful to -- to show this.

23 So to be clear, give -- give us a -- a -- a good understanding.

24 Is this -- is this how you maintain cleanliness in the -- in

25 the store, or is it a tool for you to do that? Or how -- what

1 is -- how does this -- maybe give us a little more detail,
2 granularity on -- on how these cards are used and how they
3 work.
4 Q Okay. The Clean, Safe and Ready, or CSR, is what I would
5 classify as a program. It's the way that we keep our stores
6 clean, safe, meaning all -- from both cleanliness and from a
7 facilities perspective, safety, and ready to use. So there are
8 CSR, or Clean, Safe and Ready, cards, like this that throughout
9 the day partners leverage to check and clean different parts of
10 the store, different equipment. So that's the Clean, Safe and
11 Ready cards. It's like, one of the elements of the system.
12 The -- another element of the system is the actual station
13 assessment, and that's where a particular part of the store
14 would be assessed by a partner in the store to say was it
15 cleaned to standard. And then there's the clean play, which
16 is, like, the third element of this program or system, that is
17 actually where once or twice a week on average, stores will
18 have labor invested, noncoverage time invested to -- typically
19 after close, to like, deep clean parts of the store.
20 Q Okay. That -- that's -- that's -- that's helpful. So --
21 so -- so the card is, I take it, again, the mechanism by which
22 the partners in the store keep track of the -- of the -- the
23 cleanliness of the store throughout the day; is that -- is
24 that --
25 A Yep.

1 Q -- a -- an accurate statement? Okay.
2 A Yes. That's an accurate statement. So in essence, I
3 could -- or any partner could take a look and see throughout
4 the day the -- the cards visually that are left to be pulled
5 from the Clean, Safe and Ready cards. Once they've been
6 executed, then they get placed in a different place, so you can
7 kind of be able to see visually throughout the day how the --
8 how the cleaning and the checking is -- is going.
9 Q And -- and just one follow-up -- quick question -- are
10 these completed every day in the -- in -- in a store?
11 A Yes.
12 Q Okay.
13 MR. GROW: All right. With -- with -- with that, I --
14 Employer would move to admit this document, Employer Exhibit 5.
15 HEARING OFFICER DEVLEMING: Any objection?
16 MR. IGLITZIN: Sorry. Yes. If I could voir dire the
17 witness briefly?
18 HEARING OFFICER DEVLEMING: Yes.
19 **VOIR DIRE EXAMINATION**
20 Q BY MR. IGLITZIN: Is this document generated by the
21 Starbucks corporate headquarters?
22 A Yes. So a star -- store would order a set of these cards,
23 and they keep the cards in -- in their store.
24 Q And are the stores required to order sets of these cards?
25 A Yes.

1 Q And is that nationwide?
2 A Yes.
3 Q Was this policy developed by any particular district?
4 A This policy was not. No. This is a national program.
5 Q The -- all right.
6 MR. IGLITZIN: I have no objection.
7 HEARING OFFICER DEVLEMING: Okay. Employer Exhibit 5 is
8 admitted.
9 **(Employer Exhibit Number 5 Received into Evidence)**
10 MR. GROW: Okay. Thank you.
11 **RESUMED DIRECT EXAMINATION**
12 Q BY MR. GROW: Let's see. Moving along, I want to look,
13 Jessica, at that -- at the products for sale in the stores,
14 just briefly.
15 Who is responsible for what products are being sold, for
16 instance, at 29th and Willamette, or just in District 156?
17 Obviously, those who have been in the stores, you're selling
18 more than just coffee. There's cups and tumblers and things of
19 that nature. So could you tell us a little bit more about who
20 is responsible for what is being sold at, let's say for
21 instance, 29th and Willamette?
22 A Sure. So basically, there's different teams or groups at
23 the SSC, the Seattle Support Center, that are responsible for
24 different categories. So beverage would be, like, the beverage
25 category. We have a -- like, a marketing team that would help

1 identify, you know, what product would be coming in for -- for
2 like, our retail cups, et cetera. So there's, in essence,
3 the -- whatever the assortment is is what's -- is what's to be
4 featured or sold for us in -- in this case, in -- in our
5 region. That's determined by different teams in the SSC.
6 Q Okay. Thank you. I know this has been addressed in -- in
7 a previous hearing, so I'm going to be -- I'm going to keep
8 it -- keep our discussion to this limited for everybody's sake.
9 But Jessica, can you tell me what -- what the Siren's Eye
10 program is or -- as it relates to, again, the marketing of --
11 of merchandise in the -- in the store?
12 A Sure. So I would call that a tool. The Siren's Eye is,
13 like, a tool. And so six -- about six, sometimes seven times a
14 year, there's different planning periods or promotional
15 periods. And with each different planning and promotional
16 period, there are new products, new schematics for how we want
17 our food or our retail to be -- our menu boards to be
18 displayed. And that tool that we use to show us how -- how
19 stores should display their product from -- it's not -- from
20 drive-thru menu boards to signs on the windows, to food, to
21 retail product, is mapped out for us in -- in a resource called
22 the Siren's Eye.
23 Q Okay. Is the same Siren's Eye, just to make sure we're
24 clear here, used nationwide for all stores?
25 A Yes. So the Siren's Eye is used nationwide. If there is

1 any sort of specific promotion or something that's happening in
2 a particular part of the country, like maybe there's a test or
3 something happening, they would receive an addendum that
4 they're supposed to use, and that would be issued by the SSC.
5 Otherwise, we all receive the same Siren's Eye. And then the
6 stores would just take a look at their particular store type
7 and follow along in the Siren's Eye.
8 Another way to explain it might be, like, a guide, to take
9 a look through the guide to be able to see based upon your
10 store type and -- and the product that you're looking to
11 display, how should I do that.
12 Q Okay. Thank you. I'm going to show a document -- share a
13 document here, Exhibit -- Employer's Exhibit -- excuse me -- 6.
14 When that comes up, I want to see if you could tell me what
15 that -- what that is, and we can maybe talk through it for a
16 second.
17 MR. GROW: Thank you. There we go.
18 Q BY MR. GROW: All right. Could you tell us what that is?
19 A Sure. This looks like -- like the -- the front page of a
20 Siren's Eye for the current promotion that we're in -- for the
21 current planning period we're in, which is winter. And it's
22 for -- this one looks like, by the title, that it's for U.S.
23 and Canada stores. So this one, where it says winter lobby,
24 this would be, like, the way things would look inside the
25 store, like the customer part of the store. Like, it would

1 include things like the wall bays where the retail is at.
2 Q Okay. Okay. So there's a launch date here. It says
3 "U.S. stores", and then below that. So tell me a little bit --
4 so tell me a little bit about the launch date real quick. So
5 that's -- that's -- that's when it goes in existence, and then
6 you rotate through these various themes?
7 A Yeah. That's correct. So when it launches, that's the
8 beginning of that particular promotion and planning period.
9 And then it would be winter, in this case, until it becomes
10 spring. I think spring launches on March 1st where we would
11 get a fresh Siren's Eye to --
12 Q Um-hum.
13 A -- change the display. But yeah. So there would be --
14 similar to how there's generally six or seven planning periods
15 per year, we would see, like, six or seven core Siren's Eyes
16 like this that would show us how we would want to display, you
17 know, different items like you see in this picture here.
18 Q Okay. Yeah. And -- and we are -- yeah. We've --
19 we'll -- we're just going to pick a -- we're going to move here
20 in a minute for the entire Siren's Eye in its totality to be
21 intr -- introduced into evidence. We'll just pick a couple of
22 pages.
23 MR. GROW: I guess maybe even go to page -- page 3.
24 Q BY MR. GROW: Tell us -- I guess, just give us an overview
25 of what we see here going on in this -- in this page, on page

1 3.
2 A Okay.
3 Q If you wouldn't mind.
4 A No. I don't mind at all. So this --
5 Q Thank you.
6 A -- is -- well, you can take a look, and you can see, like,
7 up at the top where it says -- "coffee" is highlighted, so this
8 is showing us that this is the coffee section. And then it's
9 showing like down below this is the overview. So we're
10 seeing -- this is probably like the -- the highest view.
11 Q Um-hum.
12 A And it's showing in general --
13 HEARING OFFICER DEVLEMING: Yeah. One second. We had
14 some weird interference there. I'm not sure why. Maybe just
15 continue. I don't see any reason for it, so --
16 THE WITNESS: Okay.
17 A -- in general that this is how it would look so you can
18 see the seasonal coffee up above, and then you can see core
19 coffee is identified below, and it's -- it's basically showing
20 you, like, principles that you would use to be able to -- to
21 display your -- your coffee, so like it says here, just
22 basic -- basic principles, and then, as, like, through the
23 promotion, there might be seasonal updates throughout, like,
24 one existing promotion, so if that happens, then there's
25 updates to -- that the partners in the store would use to be

1 able to then click on that or turn to that page and be able to
2 see what the change might be. So for example, we might launch
3 our holiday launch with Thanksgiving, and a couple weeks in,
4 then feature Christmas blend, so the seasonal update would be
5 relevant in that case.
6 Q BY MR. GROW: Can the store manager in a location refuse
7 to participate or -- or just not utilize the Siren's Eye tool
8 or program, here?
9 A No. I mean, this is just generally how it's expected that
10 we execute our set, so this would just be the tool that the
11 manager would be leveraging with their teams to -- to display
12 the -- the store or the product. You know, if there was
13 missing product, as an example, or they weren't able to execute
14 it, that's why it's referred to -- there's, like, principles
15 but these are just our fundamental, like, visual presentation
16 expectations that are in place across all of our stores.
17 MR. GROW: Okay, thank you. We're going to -- Employer
18 would like to move to admit that Exhibit 6.
19 HEARING OFFICER DEVLEMING: Any objection?
20 MR. IGLITZIN: No objection.
21 HEARING OFFICER DEVLEMING: Employer Exhibit 6 is
22 admitted.
23 **(Employer Exhibit Number 6 Received into Evidence)**
24 MR. GROW: Madam Hearing Officer, the Employer would
25 request a ten-minute break, if possible.

1 HEARING OFFICER DEVLEMING: I think that's a good idea.
2 Let's maybe -- let's call it 15, and come back at --
3 MR. GROW: 15, sounds --
4 HEARING OFFICER DEVLEMING: -- 3:40.
5 MR. GROW: -- good. Thank you.
6 HEARING OFFICER DEVLEMING: Thanks a lot. Off the record.
7 (Off the record at 3:25 p.m.)
8 HEARING OFFICER DEVLEMING: Thank you so much. All right,
9 back to you, Mr. Grow, for continued direct -- direct
10 examination.
11 MR. GROW: Thank you, Madam Hearing Officer.
12 **RESUMED DIRECT EXAMINATION**
13 Q BY MR. GROW: All right, Jessica, let's -- I'm going to
14 shift gears a little bit and like to talk about the -- the
15 inventory ordering process at Starbucks and then talk a little
16 bit about for stores in your district, you know, what
17 essentially happens when they run out or if they ever run low
18 or just -- on items, talk about that and just kind of look at
19 how inventory is -- is managed in -- in a typical Starbucks
20 location. So I guess first off, if you could tell me if you're
21 familiar with the IMS system and tell us what that stands for
22 and kind of what you know about it.
23 A Yes. So the IMS system is our -- well, IMS is inventory
24 management system, and it's basically the -- the internal
25 computer system that we use to be able to, like, order,

1 receive, and track our inventory. So that could be, like,
2 food. It could be milk. It could be toilet paper, cups that
3 we're going to sell, pretty much anything that's coming into
4 our stores. Most things that are coming into the stores are
5 going to go through IMS, and then IMS basically works with our
6 point-of-sale system to be able to track what we sell and use,
7 and there's, like -- like, algorithms that are created that
8 help identify what should be ordered. So in -- in the store --
9 in all the stores in the -- all the retail company-operated
10 stores in -- in the U.S. use this system --
11 Q Okay.
12 A -- and in -- in Area 40, which includes District 156, we
13 are all part of automated ordering, and so that means that the
14 daily orders that come in of, like, food and beverage and high-
15 volume items are coming in through the automated ordering
16 system, which means that products are being delivered based
17 upon basically what this program has identified and forecast as
18 it is needed, and then that product is -- is sent to the store.
19 And so once it's sent to the store, then, like, store partners
20 could, like, receive the product through the receipt through
21 IMS. You know, like, if the system said you received two boxes
22 of espresso but we only actually received one, they -- a
23 partner could go in and modify so that we could be clear on
24 what was actually received, and IMS keeps, like, track of that,
25 and that's really how some of our daily product comes into the

1 store.

2 And then -- and that comes to us through what we call a

3 CDC, which is like a -- like a central distribution center, and

4 the CDC that services Area 40 and District 156 is in the

5 Portland area, specifically in Tigard, but in the greater

6 Portland area, and product comes into there, and then those

7 drivers deliver it to the -- to the stores usually overnight,

8 and then when the stores open, they get that. It could change,

9 you know, with weather or something, but that's typically how

10 it works.

11 Q And talk --

12 A And then there's -- oh, sorry.

13 Q Go ahead.

14 A Go ahead.

15 Q Go -- couple quick clarifying questions before we move on

16 for some more foundation here. So just to be clear, so -- so

17 can a partner place an order for more product through IMS in

18 one of your stores?

19 A Yes and no. Not for, like, food or milk or the general --

20 for most of the items that we're selling, but partners --

21 Q Uh-huh.

22 A -- could place a item from the roasting plant, which is a

23 order --

24 Q Okay.

25 A -- they get once a week, and that's other less frequently

1 used items. Like if they were going to order, you know, a new
2 pricing gun or if they were going to order, you know, toilet
3 paper, they could use -- those are a couple items that you
4 could order off of the roasting plant, and then that -- that's
5 not auto-generated.
6 Q Okay. If I am a -- a barista at 29th and Willamette, how
7 am I going to -- how do I access the IMS system in that store?
8 A As a barista, you probably don't. It would likely be the
9 store manager, or if there's a shift supervisor who's engaging
10 with IMS, they would use that, but --
11 Q Okay.
12 A -- usually a -- in most cases, a barista wouldn't be
13 interacting with it. The -- the system itself, like I said, is
14 auto --
15 Q Uh-huh.
16 A -- automated ordering is where most of our -- the bulk of
17 our products comes through, but then that weekly order happens,
18 and there's, you know, tools and resources to help the store
19 manager set up the right kind of pars that helps them better
20 track, like, usage and what they should be ordering, so that
21 when it comes time to place the order, that can be, you know, a
22 quick and easy process for them.
23 Q Okay.
24 HEARING OFFICER DEVLEMING: Let me interject really
25 quickly, just a gentle reminder not to talk over each other

1 because every time we have an "okay" in the middle of
2 testimony, now that testimony is going to be very split and
3 choppy in the record, so let's be careful.
4 Q BY MR. GROW: Jessica, you -- you referenced a -- a --
5 the -- a location with respect to the distribution schedule
6 that applies to -- to the district. Could you ju -- just
7 for -- for clarity's sake here tell us where the product is
8 coming from with respect to -- or going to with respect to
9 Region 156 stores? I believe there was -- I believe there was
10 a location you mentioned. I just want to make sure we get that
11 clearly on the record.
12 A Yes. So the daily order, this -- this -- this -- this
13 district gets daily orders for their CDC, and that's coming
14 from the Portland area, I believe the specific address is in
15 Tigard, which is a suburb, but basically the Portland area, and
16 that comes every day. And then there's a weekly order --
17 Q Yeah.
18 A -- and that one is called the roasting plant or the RP
19 order, and the roasting plant that supports us in Area 40 and
20 District 156 is Kent, which is in Washington, and so that's
21 generally where our products are coming from. Of course, like,
22 this inventory crisis we've been seeing, there's times where
23 sometimes we'll get product from, you know, a different
24 roasting plant if there's, you know, big outages or something,
25 but for the most part, we're assigned to the Kent roasting

1 plant and the Portland CDC.
2 Q Could you tell me what the -- what -- what CDC stands for?
3 A Uh-uh. It's either consolidated or -- or centralized
4 distribution center. It's --
5 Q Okay.
6 A -- basically what we use internally to differentiate from
7 the roasting plant.
8 Q If -- you just mentioned that with the issues of supply
9 chain and getting stuff, if -- if a -- if your store, 29th and
10 Willamette, partners there run out of cups at -- at 10 a.m.,
11 and they -- they obviously need to sell coffee, what are their
12 options to -- to get cups?
13 A Yes, the primary option would be if there's a neighboring
14 store that has product that they actually get it from there,
15 and they could either send a partner to go get it, have another
16 partner from the other store bring it to them, or like, any --
17 any partner could do that. District manager could do that. I
18 could do that. Basically, going to another location getting
19 the product is -- is what we would try to do, and then, of
20 course, like, if that didn't work, there could be situations
21 where then we escalated that through the internal process to
22 see what we could do to make adjustments on their next order to
23 get more in for them.
24 Q Have you personally picked up product recently while
25 you've been a regional director, for instance, brought it to

1 one store or another based on a -- a need like this where
2 there's not enough product in the store?
3 A Yes, I -- unfortunately, I referenced earlier we're just
4 having like a major inventory crisis I think everywhere, not
5 just in this industry or Starbucks, and so it's common for me,
6 if I'm working in a store and I realize because partners in
7 that store tell me that they have a need, for me to be able to
8 shuffle the product, so to speak. And then there's been times
9 where there's been like a really big outage. So for example,
10 over the summer, we had a major issue with our ice venti cups,
11 and we were literally almost out or out in every store, and so
12 the other thing that we can do is pick product up from a -- a
13 neighboring store that may have them -- some stores have bigger
14 back rooms or might have more space -- and -- and drive it. So
15 there's been times where I've -- you know, like over the summer
16 and certainly into the fall, where I've had to drive product
17 from one store to another or deliver it from -- from one
18 district to another.
19 Q I'd like to -- to shift gears now and talk a little bit
20 about partner rela -- partner relations from the standpoint
21 of -- from the ground level at the 29th and Willamette store
22 going up. How frequently are stores in the -- in the -- in
23 this district, 156, how frequently are they hiring new baristas
24 or shift supervisors for open positions?
25 A The stores here are -- are hiring fairly frequently. I --

1 I would say that for sure each week we're seeing in the
2 district at least one or two hires at the district level, and
3 then there's partners who transfer in and out, as well, from
4 other districts. Most recently, we've had a number of partners
5 transfer in from other geographies because a lot of our
6 students -- a lot of our partners in Eugene are students, so
7 oftentimes they transfer out to work in other stores, like
8 maybe where their families are, where they're going to be over
9 winter break, and then transfer back in once school starts back
10 up again.
11 Q Who is responsible for promoting or hiring the -- the
12 baristas in the store from the -- from the standpoint of the
13 local level?
14 A Yeah, so store managers hire baristas and shift
15 supervisors.
16 Q Okay. Does the store manager play any role when they're
17 determining if they, for instance, say an assistant store
18 manager should be placed in his or her store?
19 A No, that decision's really made by the district manager
20 and sometimes in partnership with myself and partner resources,
21 as well, because like I said earlier, the assistant store
22 manager role is really one for training and development of
23 future bench for needs that we have for store managers, and so
24 the district manager or like I said, potentially, myself and
25 partner relations manager would work together to identify

1 where's the best place for those leaders to be to provide
2 support for the stores and get the right kind of development
3 based upon what their individual needs are.
4 Q Regarding the assistant store manager classification, are
5 they promoted from the shift supervisor position? That happen
6 in 156?
7 A Uh-huh, yeah, it sure does. So assistant store managers
8 are promoted from shift supervisor to assistant and can also be
9 hired, as well, from -- directly into the role.
10 Q Okay, I'd like to transition to a few remaining questions
11 to training and orientation. What if -- if you know, what --
12 what is the -- is the first step of orientation for a -- for a
13 new partner coming in to the company? What -- what -- on their
14 first day, what does that look like?
15 A Yeah, so on your first day, you are -- you come in and you
16 are able to meet the team. So if I'm a brand-new barista, come
17 in and -- and typically my manager's there. If not, like,
18 maybe a neighboring store manager if the neighboring store
19 manager hired me, and I'm able to sit down, have some coffee,
20 go through a first sip, and actually get my partner numbers,
21 you know, of course, share my -- go through, like, what you
22 would call, like, paperwork, like share my eligibility to work
23 in the U.S., get all of that taken care of.
24 That's where my partner numbers are, like -- that's like
25 our employee identification numbers are generated, and then

1 really go through a first sip, which is like a conversation
2 with the store manager talking about our mission and values and
3 benefits that are available and confirming my -- you know, the
4 barista's availability to work and going through a lot of that
5 and then jumping into -- usually at that point, then jumping
6 into a training plan where they start to work through different
7 training blocks, and that's usually done with a barista trainer
8 to support them.
9 Q Who creates the training plan, if you know?
10 A The training plan is created by the store manager, and
11 also there's also a program that's called My Learning, and it
12 is the computer platform that is used to generate a training
13 module for new hires. So that's where they would go to be able
14 to watch, like, digital training modules and complete some of
15 their digital training before they went to practice on the
16 floor in the store.
17 Q Do -- do store level managers have the ability to change
18 the written training modules that are happening at this time?
19 A No, the My Learning -- are you referring to the My
20 Learning?
21 Q Yes.
22 A Yeah, no, the My Learning is just generated, so if I am
23 hired as a barista, it auto-populates what my modules are. If
24 I'm promoted or hired as a shift supervisor, it auto-populates
25 what the requirements are, and then, there -- you can't, as a

1 store manager, remove any of that. You've got to be able to
2 complete that, show completion in -- in your training profile.
3 Q Is the -- from -- from your position as a regional
4 director, based on your knowledge, is the first day of
5 orientation, is that going to be the same for all first day
6 baristas nationwide?
7 A Yes, it's actually using -- we use the same partner
8 handbook. We use the same training plan, which is like a
9 template where you fill in the specific partners' names and
10 dates that they're going to be going through training. There's
11 the auto-generated My Learning, and so that -- that's really
12 going to look the same. Now, a barista's first day might
13 differ from partner to partner based upon, like, their
14 availability and how long their first day is going to be or how
15 many modules they go through, but it's all the same modules
16 that you're supposed to go through in the same fashion with the
17 material that populates the My Learning or the -- like I said,
18 the training plan or the first day, you know, handbooks that
19 are delivered.
20 Q Shifting to the barista training for a minute, are you
21 familiar with a -- with a classification of a barista called a
22 barista trainer?
23 A Yes. The barista trainer is a partner who has -- is -- is
24 owning in their -- the dimensions of their approach. They're
25 competent in their role, and they're partners who want to train

1 and help new partners as they come in. And so barista trainer
2 actually has modules in My Learning that they go through to be
3 trained to be a barista trainer, as well, and then, a barista
4 trainer would be matched up with a new partner going through --
5 specifically, a new barista going through their training plan
6 to be, like a -- like a coach, like a on -- on-the-job coach.
7 Q Does every -- does every store in District 156 have a
8 barista trainer?
9 A Yes.
10 Q How does a -- a partner become certified or -- or I guess
11 eligible to be a barista trainer?
12 A There is like some basic criteria for being a barista
13 trainer, then they go through the -- the learning of My
14 Learning, and then they're certified by their store manager to
15 be a barista trainer.
16 Q To your knowledge, is there any -- any type of pay premium
17 or some other type of promotional reward for someone that
18 becomes a barista trainer?
19 A Yeah, so a barista trainer, once training has been
20 completed, then they get a training bonus for each of the
21 partners that they train.
22 Q So is the bonus amount -- would it be the same for every
23 eligible trainer in the district if he or she receives it? The
24 amount --
25 A Yes.

1 Q -- is the same?
2 A Yeah, that's right. So it's basically a bonus that can be
3 submitted that the store manager submits, and it's like -- like
4 a -- like when I've submitted training bonuses, like a dropdown
5 option that you can choose what kind of bonus you're
6 submitting, and then it auto -- like, once you select it's for
7 a barista trainer, then -- then that's how it gets submitted.
8 So you don't, like, enter different amounts. You enter what --
9 enter what the bonus is for.
10 Q Can a barista who wants to be -- say they want to become a
11 shift supervisor, do they apply for the shift's job --
12 supervisor openings? Can they -- if they wanted to do that at
13 a different store, could they do that?
14 A Yeah, they sure can. So there's shift supervisor postings
15 for stores in the district in that system that I was talking
16 about earlier called Taleo, and so if a barista's interested in
17 becoming a shift supervisor, they go into Taleo and sign in and
18 then they can take a look at the job posting for shift
19 supervisor and apply there.
20 Q In looking at the -- at the actual operations, the hours
21 of operation for a second in -- in District 156, who has
22 responsibility for setting the hours of operation for the
23 stores in your district? You know, when they'll be open on a
24 daily basis, who makes those calls?
25 A The district manager sets that up. So like, in -- in a

1 new store when it's opening, the district manager sets that up
2 in the store's profile that -- that they fill out
3 electronically in the IMS system, the inventory management
4 system. They identify what the store hour are going to be, and
5 then throughout the life cycle of the store, throughout however
6 you want to look at it, the year, the month, the week, if
7 there's any changes that are to be made to the -- the permanent
8 hours of operation, then the district manager submits it there,
9 and if there's temporary changes, then the, like -- in -- in
10 the day or in the moment, then the store manager would let the
11 DM know that they needed to make a change so the DM could
12 approve that and then make the change in -- in IMS, and then
13 that's what communicates the change to customers. So like, if
14 customers are using the mobile app, they'll see that the hours
15 have been changed or -- and that, you know, the store isn't
16 open, as an example.
17 Q Is there a -- a -- like, a general practice or procedure,
18 say, if a store manager goes out on what may be a lengthy leave
19 of absence or FMLA leave? What happens, if anything, at the
20 store level in -- in your district with respect to, you know,
21 that specific store where that manager resides?
22 A Uh-uh. Yeah, so if -- if a manager leaves the store for
23 any reason, including like a -- an LOA, leave of absence, we
24 would place another store manager there, and if -- to be able
25 to lead the store, and in the event that there wasn't an

1 immediate store manager because one needed to be trained or
2 hired or -- or transferred, then that's where we would use at
3 the district level an assistant store manager to come in to
4 provide that leadership until the -- another store manager
5 could get there. So that's pretty common, as well as then --
6 even, like, depending on the store, the circumstances, even
7 vacation coverage, even if it's just a couple of weeks, it's
8 typical to assign, you know, a store manager proxy, and to have
9 that store manager proxy come and work in the store and provide
10 support, as well, while even just on vacation -- while a
11 manager's out on vacation.
12 Q Okay, thank you. Would like to move just briefly into
13 the -- into how your locations are staffed and -- and -- and
14 look at that from -- from your district perspective. What
15 happens, for instance, if a store in your district does not
16 have enough employees from a staffing perspective, the --
17 the -- the needs are not being met? What -- how does that
18 work? Do we -- how do we -- how do we -- do you shift? How do
19 you -- how do you make it all work and make that location go if
20 you're down on a -- from a staffing perspective?
21 A Yeah, I would say that there might be different reasons
22 for why a store might not be actually staffed. So you know, if
23 a store doesn't have enough partners to work it for a short
24 period of time, like based upon COVID exposure isolation, as an
25 example, then the district manager would basically fill out a

1 form and send that. That comes to myself and -- and like, my
2 coordinator, and it basically indicates that we've had an
3 exposure and there's not enough partners to staff, so we're
4 going to make this short-term change.
5 Maybe they're going to shorten the hours of operation
6 or -- or close for a day or two, and when that happens, then
7 that's a flag for me to actually, like, reach out to the
8 district manager, find out what's happening, and if it's a
9 short-term issue that's going to be resolved briefly, then --
10 and that -- and then that's all there is to it, but if it's
11 something that's a little bit larger issue, particularly if
12 there's other competing shortages in the rest of the district,
13 then I would work with the district manager and make some
14 recommendations for what stores should be closed or collapsed
15 to be able to staff other stores in the district.
16 So that may be the district manager may propose that to me
17 or ask or we might talk about -- talk about over on the phone
18 but then make a decision, and once that's been made, then the
19 district manager would go ahead and communicate that to the
20 impacted store managers and start making changes, then, like I
21 said, IMS with the hours of operation, and then I would notify
22 my regional vice president that we are -- we are moving to an
23 extended store closure or store closures depending on the
24 circumstances.
25 Q Do you ever staff stores with partners from other

1 locations?
2 A Yeah, we do, particularly if there's, like, a COVID
3 impact. Oftentimes, we'll take a look, and if due to
4 isolations a stores is going to be closed, oftentimes we'll
5 take a look at a lower volume store and ask the partners from
6 that store to work together in -- in another store to be able
7 to keep the busier store open. Or there's times there's been,
8 you know, if a store's going to be closed for a renovation
9 where, to keep those partners at work, we would ask -- we would
10 provide the opportunity for those partners to work at
11 neighboring stores.
12 And then there's times in District 156, also, where you
13 know, the stores on campus will close, the -- meaning the U of
14 O campus. I indicated I've got two stores there, and if those
15 stores close for any reason, then -- then those partners from
16 that store go and work in neighboring stores. All the stores
17 in Eugene are really close in geography and in, like,
18 partnership, so it's pretty common for partners to go work at
19 other stores if there's any kind of closure or hours-of-
20 operation impact.
21 Q With respect to how shifts are covered, and -- and you --
22 you mentioned COVID, and that's something we might -- that
23 might segue into here, in your district, with -- with respect
24 to shift coverage, is -- is -- is every shift voluntary from
25 the standpoint, if you're on the schedule, are you expected to

1 work or just -- or do you have the ability to direct partners
2 to work at another store?
3 A Yeah, so if you're on the schedule, then -- then you're
4 expected to work, and if asked to work at a neighboring store,
5 the general approach that we've taken has been, if that store
6 is within a reasonable commute or a reasonable distance, which
7 all of the stores in Eugene are, or -- and -- and I should any,
8 and that of course it would meet, like, your availability. So
9 typically, if there's been a closure, usually it's, like, you
10 know, if the stores going to close and I had, you know, 20
11 hours and I'm a morning partner, then I'd be asked to go work
12 at a neighboring store, and I'd get to keep those 20 hours
13 within my availability.
14 Q During the -- the COVID-19 pandemic, did you close any
15 stores in -- in -- in 156 and District 156 or even temporarily
16 put them -- temporary closed them?
17 A Yes. There were all of the cafe stores, meaning the
18 stores and kiosks, so the stores without a drive-thru, all
19 closed for a period of time in 2020, so that -- that would've
20 been Oakway Store 449. It would've been our store just off
21 campus, Store 459, that I mentioned has now since permanently
22 closed. It would also be the store on campus at -- at EMU.
23 Those stores all closed, and then the -- the drive-thrus
24 remained open but just with drive-thru only, not cafes. And --
25 and then we reopened all of the stores, and EMU stayed closed

1 for a little bit longer become the university wasn't
2 operational yet on campus, but eventually they all reopened.
3 And after that, from a sales volume perspective, we just
4 never financially recovered from the Store 459 off campus, and
5 that was a cafe store, and so we just never -- the business was
6 never the same, and so we did end up closing that store
7 permanently as -- as a direct result of the impact of COVID.
8 Q What happened to the partners that were working at the --
9 at the stores what were impacted or closed during COVID?
10 A They went and worked at other locations unless they didn't
11 want to work, and some partners actually left. Some partners
12 transferred to different markets altogether. There was a lot
13 of shifting that was happening, particularly for our student
14 population, and like, actually going to their -- to their
15 home -- back to their hometown versus their university or
16 school town. There was a lot of shifting that happened. Some
17 partners left, and then partners worked at other -- other
18 neighboring stores.
19 Q Did -- you mentioned earlier in your testimony that
20 partners have worked at -- at other stores on occasion, that
21 they'd be borrowed from the stores in the district. Did the
22 pandemic impact the amount of borrowed partners within the
23 district?
24 A I can't say for sure about that one.
25 Q Okay. With respect to -- if -- if I want to -- if I'm a

1 partner in -- in one of your stores in this district, what's
2 the process for a partner transferring if I put a request in?
3 Do you have any visibility into that, people moving through
4 the -- throughout 156? Is that a formal process or how does
5 that work?
6 A Uh-uh. Yeah, there is a formal transfer process. So if a
7 barista or shift supervisor wants to transfer to any other
8 store in district or out of district, any other company-
9 operated store, they fill out a transfer request form, and on
10 the transfer request -- request form, it kind of identifies the
11 process and what they should expect. So they fill out the
12 transfer request form and give it to their district manager,
13 and then their district manager produces it for the district
14 manager for where the partner wants to transfer, and then based
15 upon staffing needs, it's identified if and where that partner
16 can go.
17 So of course, if it's happening in a district where the
18 partner wants to transfer in their own district and it's the
19 same district manager sending and receiving, then that's what
20 happens. They fill out a transfer request form and then the
21 district manager receives it and then knows, based upon
22 staffing level, where there's openings and then, you know,
23 works with the store manager where the partner's transferring,
24 and the -- the transfer is either approved or denied based upon
25 staffing needs.

1 Q All right. Okay, and I'd like to talk a little bit
2 about -- about scheduling with respect to how that -- how that
3 works from a -- from a -- from the store's standpoint in -- in
4 1 -- 156. Take just -- just try and if you could give me kind
5 of a -- a overview of how the -- the partner planning process
6 works and -- and what's involved there.
7 A Yeah, you bet. So when I take a look at District 156, I
8 take a look at the store managers and the assistant store
9 managers there, and -- and that plant partner planning process
10 really is identifying how many needs do we think we're going to
11 have in the next year. So we're typically looking -- when I
12 say "we", it's the district manager, it's myself, and the
13 partner resource manager, and sometimes we bring neighboring
14 district managers in neighboring geographies if -- if the two
15 districts share close geography.
16 So once a month, we take a look at the current staffing
17 levels, at the salary levels, meaning the store manager and
18 assistant store manager, and forecast what are the needs going
19 to look like at each month update what that forecast looks like
20 to make the decision around if there's a need to -- to hire or
21 promote more partners based upon what we think the needs are
22 going to be. And so that happens at the hou -- at the monthly
23 level at the salary level, and then -- at the area level with
24 regards to store managers and assistant managers.
25 And then, at the district level, with the store -- with

1 the DM and the store managers, they've got a monthly process
2 also where they come together as a team, usually in one of
3 the -- their weekly huddles that I referenced earlier today,
4 and will talk about their staffing needs, and they will have
5 the same similar conversations, only instead of looking, like,
6 a year at a time, they're typically looking more like a quarter
7 at a time to see what their staffing needs are for barista and
8 shift supervisor, and we'll work together within the district
9 to determine what's needed. That's a place where the district
10 manager can share if they've received transfer requests, you
11 know, in or out of the district, and they talk about that as a
12 team, and so that's done also monthly.
13 And then there's what I would consider, like, ad hoc
14 partner planning conversations that happen more based upon when
15 district managers would be having a store visit or development
16 conversation with individual store managers about how staffing
17 is looking, and they get -- in -- in any given store, and then
18 the same thing for me with my DM. If I'm connecting time them
19 individually, one of the things that I would be looking at with
20 them as part of their business responsibilities is how are
21 their staffing levels at the district level and by store, not
22 only salary, but down to hourly, and would take a look at how
23 is each store doing with their staffing levels and their
24 partner planning process, as well.
25 Q Thank you. I'm going to show you now what's been marked

1 as Employer's Exhibit 7. When that -- when that comes up, I'll
2 go from -- will ask you a question there.
3 MR. GROW: Thank you. Okay. Aly, can you move that up?
4 Q BY MR. GROW: Okay, Jessica, could you please tell me what
5 this document is, if you know what it is?
6 A Yeah, this is the partner guide, and this one says it's a
7 U.S. store edition, so this is the -- the guide or handbook
8 that all new partners get when they are coming into Starbucks,
9 and there's a lot of information inside of it, but this is,
10 like, what is delivered at the first impression. It -- it
11 talks about lots of different things and is like a resource for
12 partners to be able to refer back to in the future. So it
13 talks about how we communicate. It gives a overview at a high
14 level of dress code, talks about time and attendance, benefits,
15 and you know, like some of our policies, our -- our anti-
16 harassment policies, et cetera. So there's quite a bit of
17 information in here, and it's really useful because it's what
18 partners are introduced to on day 1, but then oftentimes refer
19 back to as they -- as they go through their journey.
20 Q Are -- to the best of your knowledge, are the -- the
21 policies and procedures that are contained here in this edition
22 of the partner guide, do they apply to all partners nationwide?
23 A Yes, they do.
24 MR. GROW: Thanks. I'd like to -- to move for
25 introduction or to admit this Exhibit 7, Employer's Exhibit 7.

1 MR. IGLITZIN: No objection.
2 HEARING OFFICER DEVLEMING: Employer Exhibit 7 is
3 admitted.
4 **(Employer Exhibit Number 7 Received into Evidence)**
5 MR. GROW: Thank you.
6 Q BY MR. GROW: Okay, I'd like to turn to partner
7 compensation for a few minutes. Who sets the wage rates for
8 baristas in District 156?
9 A Compensation team from the SSC sets all of our hourly and
10 salary wages and for -- for the U.S., including, of course,
11 Area 40 and District 156.
12 Q Are the wage rates the same across the district for -- for
13 baristas?
14 A Yes.
15 Q Okay. Are there written performance evaluations for
16 partners in your -- in your district in 156?
17 A No, we don't have -- we don't have written performance
18 evaluations. We have PDCs that are called partner development
19 conversations where partners meet a couple of times a year to
20 talk about their -- their performance and development plans
21 and -- and how they're doing in their role and what they're
22 interested in next from a developmental perspective, but no
23 evaluation.
24 Q Do assistant store managers receive a written performance
25 evaluation?

1 A No, they don't -- they don't either receive that. They
2 have PDPs in performance, which are the performance development
3 plans that they would be working on for their development, but
4 no written evaluations.
5 Q Okay. Does -- does Starbucks maintain any kind of a
6 protocol for store managers with respect to partner discipline?
7 A Yeah. Yes, so in regards to partner discipline for store
8 managers, if there's been a violation of policy, you know,
9 procedure, there's a behavioral issue, the first place that
10 store managers would go to would be a virtual coach, and it is
11 basically like a decision logic that's available on the Partner
12 Hub that they go to, and depending on what the -- the
13 infraction or the issue was, it's a digital tool that they
14 click through where they can receive guidance, so that the
15 guidance that we're providing around corrective action and
16 performance management is consistent across the U.S.
17 And so they would go there first, and if they needed
18 further support, they could also partner with the Partner
19 Resources Support Center, the PRSC, which is the partner
20 relations team. They could call in there to be able to ask for
21 help there. There's, like, partner resources, professionals,
22 like, partner resources managers who staff that that -- that
23 call line to be able to provide help, or they would -- could
24 seek help from their district manager.
25 Q Okay. I'm going to ask to have Employer Exhibit 8 shown

1 on the screen and when that comes up, Jessica, if you could
2 please identify the document. I'd appreciate that.
3 Okay, could you identify what you see on the screen?
4 A Yes, this looks like what I call, like, a screenshot,
5 looks like from the Partner Hub, and it looks like it's
6 identifying here how one would get to the virtual coach. So
7 you'd go to Partner Hub, select the category on the -- the
8 left, which is partner resources, and then sort what you were
9 trying to find, which would be under corrective action
10 separation, and then there's the link there to the partner
11 relations virtual coach.
12 Q Okay. And does -- does the virtual coach apply to your
13 employees here in -- in this district -- in your district?
14 A Yes, the virtual coach is intended for all of the company-
15 operated stores to be able to leverage, so that would include
16 my stores and my partners and District 156.
17 MR. GROW: Thank you. I'd like to move to introduce
18 Exhibit 8, virtual coach corrective action resource screenshot.
19 HEARING OFFICER DEVLEMING: Any objection?
20 MR. IGLITZIN: No objection.
21 HEARING OFFICER DEVLEMING: Employer Exhibit 8 is
22 admitted.
23 **(Employer Exhibit Number 8 Received into Evidence)**
24 MR. GROW: Thank you.
25 Q BY MR. GROW: All right, Jessica, I -- I want to show you

1 another document that's also containing -- that I've marked as
2 Employer Exhibit 9, and we'll -- we'll get that one up here in
3 a second.
4 Okay. Could you tell me if you -- could you identify this
5 document and tell me if you -- if you recognize it, and if so,
6 what it is?
7 A Yes, I've seen this before. This is our benefits
8 overview, and this is, like, an at-a-glance view of some of the
9 benefits available to our partners, so it lists, like, some of
10 the medical benefits, some of the financial benefits, and then
11 some of the PTO, as well as -- well, it's cut off for me, but
12 some of our mental health benefits, like through therapy and
13 counseling.
14 The last thing I see says "Lyra", okay. And now that
15 you've moved the -- the screen, I can see where there's
16 additional mental health benefits, including, like, the
17 Headspace app. It goes on to show, like, other resources for
18 caring for children and -- and adults through care.com or
19 Care@Work, rather. Talks about, like, time off, some of our
20 benefits that are partners supporting partners through The Cup
21 Fund, some of our education benefits through the Starbucks
22 Coffee Academy, Greener Apron, and the SCAP -- or stal --
23 Starbucks College Achievement Plan, and then there's a --
24 several of our perks that are indicated there at the bottom
25 that are some other miscellaneous perks available for partners.

1 Q Do -- do partners receive the same vacation or PTO
2 benefits across the district?
3 A Yes, they do. That -- that's the consistent approach also
4 similar to wages. It's the -- it's the same vacation benefits
5 or PTO benefits that are set at the compensation level at
6 the -- through the SSC.
7 Q If I'm a barista in Cambridge, Massachusetts, do I still
8 get access to tuition at Arizona State?
9 A Uh-uh, yeah, you sure would, if you qualified. There's a
10 pretty brief qualification period when you're first hired, but
11 then you'd have access to that, like -- like anyone else.
12 Q Do all partners -- do they receive the same -- have they
13 been receiving the same COVID benefits across 150 -- District
14 156?
15 A Yes, all of the COVID benefits and -- and PTO is the same
16 for all of the partners in District 156.
17 Q Do -- District 156 store managers, do they have the
18 authority to just willy-nilly, under -- unilaterally, increase
19 wages for -- for any of the -- the partners in their store
20 location who might be in their home store?
21 A No, all of the wage rates are determined through, like,
22 the compensation team at the SSC, and so if a manager attempted
23 to change that, they would -- anytime there's a -- a change in
24 pay as an example, they would submit that through MSS, which is
25 our internal -- internal system for changing -- you know, like,

1 if a partner was going to transfer someplace -- changing any
2 details around a partner, and if they tried to do that, it
3 would actually be flagged and have to go to partner relations,
4 like our PRM, partner resources manager, for approval.
5 MR. GROW: I'd like to move to admit Employer Exhibit 9.
6 HEARING OFFICER DEVLEMING: Any objection?
7 MR. IGLITZIN: Give me a moment. No objection.
8 HEARING OFFICER DEVLEMING: Employer Exhibit 9 is
9 admitted.
10 **(Employer Exhibit Number 9 Received into Evidence)**
11 MR. GROW: Thank you.
12 Q BY MR. GROW: Okay, Jessica, in moo -- in -- in moving on,
13 I want to get back to the store operations for a second and --
14 and wanted to ask you if you're aware of any type of tool or
15 tools that are commonly used in District 156, used to instruct
16 a partner who might be in charge of the operation with respect
17 to running the operation and assigning -- assigning employee --
18 partners who are working in that store throughout the store.
19 Do -- are you aware of any -- any tools out there, anything
20 that -- that the company has?
21 A Yeah, I -- if you are a -- a shift supervisor, an
22 assistant, or a store manager in District 156, you're coming
23 into, like, run the -- run the play, lead -- lead of the day.
24 We have through our iPads in the store a tool that's called the
25 Playbuilder, and in essence, it is -- has information that is

1 generated from the store's scheduling system, and all of the
2 stores across the -- across the U.S. have this tool, and it is
3 linked to each of their scheduling systems, which is called
4 Starbucks Partner Hours.
5 And so in essence, a partner, like shift supervisor, ASM,
6 SM, would come in and take a look and say, all right, it's 4:30
7 on a weekday and can go and select the -- the play, is what we
8 call it, for that time of day, and is it a weekday or a
9 weekend, and the -- it pulls up information, and then you would
10 take a look at and say how many partners are working right now,
11 and you would select there's four partners working, and then it
12 identifies and maps where those four partners should go based
13 upon the data that has been pulled from the Starbucks Partner
14 Hours system.
15 So it takes a look at sales mix and the number of
16 customers typically served during that day and day part and
17 then makes a recommendation through this app, in essence, about
18 where those partners should be deployed, and then those
19 partners are, in essence, mapped out on this app where they
20 should go, and so you would see a little picture of a person at
21 the POS, the point of sale, in the cafe, or you would see
22 another picture at the bar, another picture, perhaps, in the
23 drive-thru, another picture that might appear of a person in a
24 ca -- a barista in a apron in a cafe who might be on customer
25 support, and that's a position where partners, you know, clean

1 the store and replenish the store and -- and help keep the
2 other partners able to serve customers, so that would be the
3 main tool that we would be leveraging.
4 And as a shift supervisor, ASM, a store manager, once
5 you've done that, then you actually can even see the partners
6 who are working at that time, and you can assign their names to
7 that particular play as well, so now, instead of even just
8 seeing, you know, a little apron, you'd be able to see partner
9 names associated with that.
10 Q Okay. Thank you.
11 MR. GROW: Is -- let's -- might be easiest. I'm going to
12 ask to have Employer Exhibit 10 -- have that screenshot put up
13 on the -- on the screen. Okay. Thank you.
14 Q BY MR. GROW: All right, if -- if you could, take -- take
15 a look at the screenshot that's marked -- again, it's marked as
16 Employer Exhibit 10, here. What -- to the best of your
17 ability, Jessica, what is the -- the screenshot that's up
18 there -- what is -- what is this depicting, or can you describe
19 what's going on here, basically?
20 A Yeah. So this is depicting what I was just describing,
21 probably a more effective way. So this is -- this is a
22 screenshot of a Playbuilder. And when I'm taking a look at
23 this, I can see at the bottom left that I'm looking at store
24 29th and Willamette, and then, when I look at the top, I can
25 see that this is a screenshot of a four-partner play between 2

1 to 4 on a weekend. And I can even see, like, the product mix,
2 so like, as a -- as a shift supervisor, ASM, or store manager,
3 I'd know a little bit about, like, what's informing this play,
4 so I can see what percentage of our business is in each
5 category and each channel. Like, this store's a drive-thru, so
6 it shows, like, the percentage of our store that -- of our
7 customers that we're serving through the drive-thru versus the
8 cafe versus MOP, or here it says MO and P, but that stands for
9 Mobile Order and Pay.
10 And then, you can see little baristas that I was
11 describing and their aprons, and so I see that we've got four
12 partners, and they're deployed to the drive-thru register, the
13 register, the bar, and customer support. And then towards the
14 bottom, it also identifies where it might be a good time to
15 complete some of the disruptive tasks that would take up
16 part (audio interference) --
17 Q Okay. Just -- just for -- for further under --
18 A -- handle some tasks.
19 Q Sorry. Just for further understanding, are there -- like,
20 are there primary or -- or maybe secondary tasks or
21 responsibilities going on in this -- in this play that's going
22 on here?
23 A I'm sorry. My -- I just got an indication that my
24 internet was unstable.
25 Q Well --

1 A I heard you say --
2 Q I can repeat the question.
3 A -- and then I lost you.
4 Q Yeah, I -- I was just curious in looking at this diagram,
5 if -- and trying to understand what's going on here, do the
6 ind -- do the individuals depicted here in the diagram, A, B,
7 C, D -- are -- do they have primary or secondary tasks or
8 things of that nature in this -- in this depiction? How do --
9 how --
10 A Each --
11 Q I'm trying to get a better understanding of the -- the
12 picture.
13 A Sure. So if you take a look on the right, on the top, and
14 it says, like, A, so that partner is deployed at the drive-thru
15 register. And their primary routines that they're going to be
16 responsible for are the drive-thru order routine and the drive-
17 thru register routine. And so partners are trained on what
18 that is, but in essence, that means they are, like, planted
19 there in that space, for the most part, and they're going to be
20 tendering transactions at the drive-thru and taking orders. So
21 that's what -- that's what they're doing.
22 And so if you look down by partner, where it says A, B, C,
23 and D, you can see, like, in bold, it shows where they're
24 deployed, which is kind of like what position they're deployed
25 to, and then underneath, in smaller font -- it's kind of hard

1 to see, but you can see, like, what rou (audio interference) --
2 HEARING OFFICER DEVLEMING: We've -- you froze, Ms.
3 Borton.
4 A -- together.
5 HEARING OFFICER DEVLEMING: We lost the middle of your
6 answer there, so I think from when you said "what was" to
7 onward, or if you can maybe repeat the last sentence.
8 THE WITNESS: Sorry. I (audio interference) --
9 HEARING OFFICER DEVLEMING: Yeah, we're still having some
10 tech difficulties.
11 THE WITNESS: Yes. Tell me again where I left off?
12 HEARING OFFICER DEVLEMING: The last words I heard were
13 "what was", but it might be better if -- especially if you
14 can't remember, to just kind of start over from wherever you
15 remember last. Repeat the last couple sentences.
16 THE WITNESS: Okay. So you can see at the top right,
17 where it says A, B, C, and D, going down vertically, those are
18 partners. And then the bold letters identify what position
19 they're deployed to, and then the -- the smaller font
20 underneath identifies what routines they're responsible for.
21 And then each of them has primary routines they're responsible
22 for and then collectively, they all work together to keep the
23 store running smoothly.
24 Q BY MR. GROW: Thank you. So is it safe to say that --
25 that at different times of the day, there -- there are

1 different plays in place?
2 A Yes. So there would be, during different times of the
3 day, depending on how many partners are working -- there would
4 be different plays, because there'd be more partners when there
5 was a higher customer demand and fewer partners when there was
6 a lower customer demand.
7 Q Okay. Thank you.
8 MR. GROW: I'm going to go ahead and request -- move to
9 admit the Employer's exhibit here.
10 MR. IGLITZEN: No objection.
11 MR. GROW: Thanks.
12 HEARING OFFICER DEVLEMING: Employer Exhibit 10 is
13 admitted.
14 **(Employer Exhibit Number 10 Received into Evidence)**
15 Q BY MR. GROW: Okay. Now Jessica, we -- we just looked at
16 a four-partner play from what you've described as a Playbuilder
17 program. Are there other types of plays involving different
18 numbers of -- of partners?
19 A Yes. So there could be, at any store at any given time,
20 different numbers of partners working. So that -- that play
21 was, like, I think, an afternoon play that we were looking at.
22 There were fewer partners working. Oftentimes, in -- in this
23 district in the mornings, there would be a bigger partner play,
24 meaning, like, maybe instead of four partners, we'd see five,
25 six, or sometimes even seven partners working at a time. And

1 so that would be, as a play -- as a Play Caller, or in this
2 case, a shift supervisor, ASM, or store manager, if I was
3 leading or running a morning play, I would likely have more
4 partners.
5 And so I would indicate through the Playbuilder what day
6 it was and what -- whether it was a weekday or weekend and then
7 what time, and then that would pull up different data. And
8 then, I'd identify how many partners I have on the floor right
9 now to work with, and then, based upon that information, the
10 app would generate the most relevant information for how the
11 store should be deployed to meet the customer demands of that
12 particular store at that particular time and day, because the
13 sales mix might look different, as an example, on a Sunday
14 morning than it would on a Monday morning. Or might have more
15 partners on a -- on an a.m. day part versus a p.m. day part.
16 Q Okay, I'm going to ask for Exhibit -- Employer Exhibit 11
17 to be shown on the screen, and once that's up, Jessica, could
18 you please identify the document and just -- and just tell me a
19 little bit about what you -- you see going on -- what -- first,
20 what it is, and secondarily, kind of what's going on.
21 A Sure. So this is an example of just that. So this looks
22 like -- if there were seven partners on from 2 to 4 on a
23 weekend, this is how you would deploy those seven partners. So
24 again, you can see the product mix, but the example here,
25 there's many more partners available, and so you can see with

1 more partners available, they're responsible for fewer
2 individual routines. And there's some additional routines that
3 are here, based upon what the needs of the business would be
4 with this many partners staffed.
5 So you can see, again, on the side, A -- on the right
6 side -- A through G -- those would be the seven partners, and
7 you can see the different positions where this app is
8 recommending those partners be deployed, based upon the
9 information that's been generated over weeks and months in this
10 store's specific scheduling system, which is Starbucks Partner
11 Hours. And then the responsibilities or the routines that they
12 would primarily be responsible for during this play.
13 You can see that -- I guess something I didn't mention on
14 the previous screen that was relevant there. It's relevant
15 here too -- is that if on this play partners are in a green
16 apron, that means they're going to primarily be planted there.
17 They're going to be busy enough to just stay in that spot. And
18 if partners are in a white apron -- like, you can see in this
19 picture, partner B and partner F and partner G -- they would be
20 responsible for their routines, but they would have a little
21 bit more capacity to be able to flex in and help their fellow
22 partners in -- in some of the different routines, based upon
23 what might be happening at any given moment.
24 Q Okay. Let's see here. Who can be a Play Caller in -- in
25 a store in -- in this district? Who -- who is able to have

1 that -- that role?
2 A Play Callers are -- when we refer to Play Callers, we're
3 talking about shift supervisors, ASMs, or store managers. A
4 barista could pull this up and take a look at it, but that's
5 not their responsibility. It's the responsibility of the
6 partner running the play -- managing and leading the play to
7 leverage this to -- to execute the -- the plan. And that's --
8 that's how it is District 156 and in the rest of the districts
9 in my -- my area, that's the general expectation for the use of
10 this tool.
11 Q Do the -- the shift supervisors, assistant store managers,
12 or store managers -- do they receive training on the -- the
13 Playbuilder program or Play Caller program -- excuse me --
14 to -- prior to utilizing it? Is there any training offered
15 there?
16 A This is training that could be offered through the shift
17 supervisor training plan, and for some shift supervisors, they
18 would've been -- or ASMs or store managers -- they would've
19 been in a role already when this tool was introduced, and so
20 this is an example of something that would be introduced
21 through, like, a weekly update on the hub that I was referring
22 to earlier, where they would have seen that this is a new tool
23 we're going to able to use. Here's how you reference it.
24 And then, it's built into our Steps to Excellence, which
25 are our operational policies and procedures that we use for all

1 levels, barista through store manager, to be able to go and
2 reference how to effectively leverage different tools and
3 routines across different dimensions of work. This one would
4 be part of staffing, scheduling, and deployment.
5 Q Okay. As the -- as the director over this district, what
6 is your expectation for -- for your stores here, in terms of
7 using and following the Playbuilder tool?
8 A It'd be my expectation that they're leveraging this to the
9 best of their ability to bring the play to life as identified
10 is necessary through the -- our staffing system, so I would
11 expect that the stores would be leveraging this.
12 MR. GROW: Okay. Thank you. Madam Hearing Officer, I
13 have nothing further at this time.
14 HEARING OFFICER DEVLEMING: Okay.
15 MR. GROW: Oh, actually, I -- I apologize. I'd like to
16 request to admit that Employer Exhibit -- I believe it was
17 11 -- into the record, please.
18 HEARING OFFICER DEVLEMING: Yes, thanks. They were so --
19 MR. GROW: Thank you.
20 HEARING OFFICER DEVLEMING: -- similar-looking, it was,
21 like --
22 MR. GROW: Yeah.
23 HEARING OFFICER DEVLEMING: -- confusing me --
24 MR. IGLITZEN: I was going to see -- I was going to say,
25 isn't there one more thing you want to do?

1 HEARING OFFICER DEVLEMING: Yeah. Any objection to
2 Employer 11?
3 MR. IGLITZEN: No. Thank you.
4 HEARING OFFICER DEVLEMING: Okay.
5 MR. GROW: Thanks.
6 HEARING OFFICER DEVLEMING: Employer 11 is admitted.
7 **(Employer Exhibit Number 11 Received into Evidence)**
8 HEARING OFFICER DEVLEMING: Seems like a good place to
9 break on a Friday evening, so we'll go off the record.
10 **(Whereupon, the hearing in the above-entitled matter was**
11 **recessed at 4:53 p.m. until Monday, January 31, 2022 at 9:00**
12 **a.m.)**
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1 **C E R T I F I C A T I O N**

2 This is to certify that the attached proceedings before the
3 National Labor Relations Board (NLRB), Region 19, Case Number
4 19-RC-288594, Starbucks Corporation and Workers United, held
5 via Zoom videoconference at the National Labor Relations Board,
6 Region 19, 915 2nd Avenue, Room 2948, Seattle, WA 98174, on
7 January 28, 2022, at 10:14 a.m. was held according to the
8 record, and that this is the original, complete, and true and
9 accurate transcript that has been compared to the reporting or
10 recording, accomplished at the hearing, that the exhibit files
11 have been checked for completeness and no exhibits received in
12 evidence or in the rejected exhibit files are missing.
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15
16
17 JACQUELINE DENLINGER
18 Official Reporter
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OFFICIAL REPORT OF PROCEEDINGS

BEFORE THE

NATIONAL LABOR RELATIONS BOARD

REGION 19, SUBREGION 36

In the Matter of:

Starbucks Corporation, Case No. 19-RC-288594

Employer,

and

Workers United,

Petitioner.

Place: Portland, Oregon (Via Zoom Videoconference)

Dates: January 31, 2022

Pages: 162 through 342

Volume: 2

OFFICIAL REPORTERS
eScribers, LLC
E-Reporting and E-Transcription
7227 North 16th Street, Suite 207
Phoenix, AZ 85020
(602) 263-0885

UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

REGION 19, SUBREGION 36

In the Matter of: STARBUCKS CORPORATION, Employer, and WORKERS UNITED, Petitioner.	Case No. 19-RC-288594

The above-entitled matter came on for hearing, via Zoom videoconference, pursuant to notice, before **ELIZABETH DEVLEMING**, Hearing Officer, at the National Labor Relations Board, Region 19, Subregion 36, 1220 Southwest 3rd Avenue, Suite 605, Portland, Oregon 97204-2818, on **Monday, January 31, 2022, 9:05 a.m.**

1 **A P P E A R A N C E S**

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1 **I N D E X**

2

WITNESS	DIRECT	CROSS	REDIRECT	RECROSS	VOIR DIRE
Jessica Borton		168			
Matthew Marjenka	197,245	283	306	309	243
Jacob LaMourie	316	336			

1 **E X H I B I T S**

EXHIBIT	IDENTIFIED	IN EVIDENCE
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1 **P R O C E E D I N G S**

2 HEARING OFFICER DEVLEMING: We are back on the record
3 Monday morning with Starbucks Corporation, Case 19-RC-288594.
4 We are resuming with, I believe, beginning cross-examination of
5 the witness, Jessica Borton.
6 Before we do that, can I just go around and ask my same
7 question from Friday, which would be, I guess, starting with
8 Ms. Borton, is anyone else in the room with you today?
9 MS. BORTON: No one else is in the room with me, no.
10 HEARING OFFICER DEVLEMING: Excellent. And just a
11 reminder that the oath still applies. You're still under oath
12 today. Thank you so much.
13 How about for Mr. Iglitzin, is anyone in the room there
14 with you?
15 MR. IGLITZIN: There is not.
16 HEARING OFFICER DEVLEMING: Okay. And Mr. Grow, same
17 folks in the room with you, and can you remind us who those
18 are?
19 MR. GROW: Correct. We've got Mr. Dilger, here -- here to
20 my left, and Alyson is to my right here.
21 HEARING OFFICER DEVLEMING: Great. Thank you so much.
22 Okay. So I will turn it over -- correct me if I'm wrong,
23 but I believe we were starting cross-examination. So Mr.
24 Iglitzin, your witness?
25 Whereupon,

1 **JESSICA BORTON**

2 having been previously sworn, was called as a witness herein

3 and was examined and testified, telephonically as follows:

4 **CROSS-EXAMINATION**

5 Q Thank you. Good morning, Ms. Borton, how are you?

6 A Good morning. I'm great, thank you.

7 Q So it's been a long weekend and I'm going to now ask

8 you -- to repeat everything you said on Friday because I may

9 not remember it, but I'll try not to be too -- too repetitive.

10 I did want to ask you to remind me, or clarify in case I

11 missed it, when did you become the regional director for Area

12 40?

13 A I became the regional director for Area 40 about seven

14 years ago. Between six to seven years ago.

15 Q So what calendar year would that have been?

16 A That would have been -- well, let's see we're in '21

17 (sic), so six. I think that was actually 2016, I believe.

18 Q Okay. And Starbucks operate -- has a fiscal year; is that

19 correct?

20 A Yes, that's correct.

21 Q And what is the fiscal year?

22 A This fiscal year that we're in now is fiscal year 2022.

23 Q But does it go from January 1 to December 31, or is there

24 some other --

25 A Oh, I see what you're saying.

1 Q -- period that it goes by?
2 A No, the fiscal year runs from October -- beginning in
3 October is our fiscal period one.
4 Q To the end of September I take it?
5 A That's correct, yes.
6 Q And on behalf of the court reporter, I'm going to remind
7 you, even if you know where I'm going with my question, to wait
8 for me to finish just so she can transcribe it properly.
9 So do you recall whether you were regional director during
10 the fiscal year 2016, or was it already fiscal year 2017?
11 A No, I would have been already the regional director for
12 2016.
13 Q I have learned from other Starbucks witnesses in other
14 cases about something that's referred to as a district
15 realignment. Do you know what that is?
16 A Yes.
17 Q And call you tell the hearing examiner what exactly a
18 district realignment is?
19 A Yes. A district realignment is when there is change in
20 existing organizational structure of stores.
21 Q And does that happen at a certain time period in the
22 fiscal year?
23 A No.
24 Q It can happen any time?
25 A Yes.

1 Q There's not an annual realignment?
2 A No.
3 Q Okay. Do you remember how many stores were in District
4 156 when you first became regional director?
5 A Yes. If you give me a moment here, I can think back to
6 that. Without having notes in front of me, visually, to be
7 able to keep tally, I -- I can't. So I'll say no, although I
8 do know the stores that have transitioned --
9 Q Okay.
10 A -- or realigned.
11 Q Oh, since you arrived at the district?
12 A Yeah.
13 Q All right. Why don't you tell us -- and let me just break
14 it down. During the time you've been regional director -- and
15 I apologize if I get the nomenclature wrong, just correct me,
16 please -- but during your time as a regional director, how many
17 stores that at any time were in District 156 have simply been
18 closed down?
19 A Yeah, so are you referring to permanently closed or
20 temporary closed?
21 Q Let's start with permanently closed.
22 A Okay. So we have had, since I've been enrolled, three
23 stores that have been permanently closed.
24 Q And which stores were those?
25 A We closed a store downtown. And we closed a store on 18th

1 and Pearl, and we also closed a store just off of campus that I
2 referred to on Friday, Store 459.
3 Q Do you remember what fiscal years the downtown store was
4 closed?
5 A No.
6 Q What about the 18th and Pearl store?
7 A No.
8 Q Do you have an estimate? I should have asked that of the
9 downtown store.
10 A Yes.
11 Q What's your rough estimate --
12 A Yes.
13 Q -- (Indiscernible, simultaneous speech) --
14 A My rough estimate for the downtown store was fiscal year
15 2020.
16 Q Pardon me just a second. And what was your rough estimate
17 to the 18th and Pearl store?
18 A The 18th and Pearl store my rough estimate would be 2017.
19 Q Okay. What about the store which you describe as being
20 just off campus?
21 A Yes, the store just off campus would have been fiscal
22 year -- end of fiscal year 2020, or beginning of 2021.
23 Q Okay. What about temporary store closures?
24 A Yes, we've had a number of temporary store closures during
25 my time as a regional director in District 156.

1 Q By number, can you give me a number?
2 A Yeah, it's pretty common if there's any sort of staffing
3 challenges that we would close a store. So a store could be
4 closed for an afternoon or a day, or an extended period of
5 time. So I could get closer to a number if you can identify
6 what -- what type of closure you're looking for, for the length
7 of time.
8 Q Actually, let me move on to new stores that have been
9 added into districts during the time you've been regional
10 director. How many new stores have been added into districts
11 in Area 40?
12 A Since I've been a director for Area 40, the number of new
13 stores that have been added to District 156 are two.
14 Q And which stores are those?
15 A Junction City and Knight Campus. Oh, and I'm sorry, one
16 more -- three -- Coos Bay.
17 Q When was Junction City added?
18 A Junction City was added approximately two years ago.
19 Q And Knight Campus?
20 A Knight Campus was added at the end of September, 2021.
21 Q And what about Coos Bay?
22 A And Coos Bay was added in October of 2020.
23 Q And the decision to add those stores was made at the area
24 level not at the district level; is that correct?
25 A That's correct.

1 Q I want to take a look at some -- sorry, we have some
2 production challenges. I want to have you take a look at some
3 exhibits but they're not -- they don't seem to be in the folder
4 yet. I'm going to jump around a little bit.
5 HEARING OFFICER DEVLEMING: Mr. Iglitzin, let me stop you
6 while you're kind of at a breaking point. I do hear just a
7 little bit of background voices and I want to isolate where
8 it's coming from so we can at least know. Mr. Iglitzin, could
9 it be you? Is there anybody outside your office talking or --
10 okay. So it's probably coming from the court reporter. Let's
11 go off the record for a minute and just chat about it.
12 (Off the record at 9:16 a.m.)
13 HEARING OFFICER DEVLEMING: Your witness, Mr. Iglitzin.
14 MR. IGLITZIN: Sorry about that. I seem to have frozen
15 for a minute. Can people hear me now?
16 THE WITNESS: I can hear you, yes.
17 MR. IGLITZIN: I'm going to share my screen and show you
18 what's been marked Petitioner Exhibit Area -- Petition
19 Exhibit -- Petitioner's Exhibit 4. So I'm going to try to do
20 that, which should be in everyone's ShareFile by now.
21 MR. GROW: I do not see it in my share folder --
22 MR. IGLITZIN: And I can't hear whoever is speaking now.
23 MS. DIECKMAN: Mr. Iglitzin, I -- I can handle this. I
24 just extracted them to -- Littler Team to the hearing exhibits
25 folder on the W drive.

1 MR. IGLITZIN: Okay.
2 MS. DIECKMAN: I apologize. We only have Exhibits 1
3 through 3, Mr. Iglitzin.
4 MR. IGLITZIN: The others should be -- if they're not
5 loaded this moment, they should be loading soon.
6 MR. IGLITZIN: Well, let's --
7 **RESUMED CROSS-EXAMINATION**
8 Q BY MR. IGLITZIN: Ms. Borton, maybe I could ask you some
9 questions about this document while we're waiting. Do you
10 recognize this document?
11 A Yes.
12 Q And what is it?
13 Q This is a spreadsheet that shows the movement for stores
14 that were realigned at the beginning of fiscal year '21.
15 Q And is the second column, does that relate to District
16 156?
17 A That's correct.
18 Q And how is it that you know that?
19 A I recognize Donay Cherry's name as well as the store
20 numbers listed in each of the rows in that column.
21 Q I notice it says Donay Cherry - 406. Can you tell us what
22 that 406 references?
23 A Yes, I noticed that to. It -- 406 references a
24 neighboring -- or not a neighboring, but another district to
25 the right here where it says Alex Wright - 406 to the column to

1 the right.
2 Q Um-hum.
3 A It just appears as though it is a typo.
4 Q And it should say 156?
5 A That's correct. It should say -- it should read Donay
6 Cherry - 156 in both of those purple cells. All three --
7 the -- the three purple cells there.
8 Q And so what we see here is 5, 10 -- it looks like 13
9 stores listed under Donay Cherry's name; is that correct?
10 A Under the top box, yes.
11 Q Right.
12 A That's correct.
13 Q And my understanding is that there are not currently 13
14 stores in District 156; is that correct?
15 A That's correct?
16 Q So can you explain -- it looks like some colorings --
17 light orange coloring on some of the stores or what we're
18 looking at here?
19 A Sure. So what you see is the initial stores in District
20 156 at the top. And then you see at the next box that looks
21 like it begins at -- at row 49, you can see what the new
22 realignment is. So the three stores that are highlighted in
23 the light orange in rows 7, 10, and 16, are the stores that
24 were realigned to a different district at the beginning of
25 FY -- fiscal year '21.

1 Q Got it. And then in the -- underneath that where it says
2 fiscal year '21 district alignment future, I see some new
3 stores; Valley River Drive in Eugene, University of Oregon, and
4 then Coos Bay. What is the significance of those items?
5 A Row 53 is not a new store, it's the same. It was also
6 included in the top box. As was row 57, it was also included
7 in the top box. Coos Bay in the blue listed in row 60 is a new
8 store. So the blue is indicating a new store.
9 Q That's a store that has been added or is being added?
10 A Coos Bay is a store that was to be added that fiscal year,
11 yes.
12 Q And was it, in fact, added during that fiscal year?
13 A Yes.
14 Q And why -- do you know why the Valley River Drive and the
15 University of O stores are listed -- show up in the yellow
16 font?
17 A Is there anything if you scroll? I don't know other than
18 perhaps this is an older document. If you scroll any direction
19 is there a key for the font anywhere?
20 Q Let me see if I can do that, hold on a second. I do not
21 see a key.
22 A Okay. Then -- then, no. I don't know why row 53 and row
23 57 are highlighted with different color font.
24 MR. IGLITZIN: I would offer Petitioner's Exhibit 4.
25 HEARING OFFICER DEVLEMING: Any objection? You are on

1 mute, Mr. Grow. I don't know if you answered already. Or are
2 we waiting -- would you prefer to wait to see it in the
3 ShareFile?
4 MR. GROW: Yes, thank you.
5 MR. IGLITZIN: Is it still not in the ShareFile?
6 HEARING OFFICER DEVLEMING: I don't think I've seen it.
7 MR. GROW: I'm sorry. We're having a lot of break up. I
8 can't hear anybody -- it's showing a -- getting a lot of -- a
9 lot of static, I'm sorry. I couldn't hear that before.
10 MS. DIECKMAN: Your Honor, can we take a five-minute
11 recess while I --
12 MR. GROW: Yeah.
13 MS. DIECKMAN: -- go find our tech support help person?
14 HEARING OFFICER DEVLEMING: Yes.
15 MS. DIECKMAN: Thank you.
16 HEARING OFFICER DEVLEMING: Let's go off the record.
17 MR. GROW: Thank you.
18 (Off the record at 9:26 a.m.)
19 HEARING OFFICER DEVLEMING: As we broke for technical
20 difficulties, the Petitioner had offered Petitioner Exhibit 4.
21 I believe all parties have had a chance now to review that in
22 Petitioner's ShareFile. Any objection from the Employer?
23 MR. GROW: No objection from the Employer.
24 HEARING OFFICER DEVLEMING: Okay. Petitioner Exhibit 4 is
25 admitted.

1 **(Petitioner Exhibit Number 4 Received into Evidence)**

2 HEARING OFFICER DEVLEMING: Back to you, Mr. Iglitzin.

3 MR. IGLITZIN: Thank you.

4 **RESUMED CROSS-EXAMINATION**

5 Q BY MR. IGLITZIN: Let's take a look at some of the

6 exhibits you looked at on Friday. Let us start with --

7 actually, before we do that, let's take a look at Petitioner's

8 Exhibit 5, which I will share. Do you see this document?

9 A Yes.

10 Q And do you know what it is?

11 A This is a store roster.

12 Q And what is a store roster?

13 A This is a document that shows stores and districts. I'm

14 waiting for you to scan it to make sure that I can see --

15 usually it shows the stores in a district -- there it is. And

16 then it shows at the top the district, the coordinator support,

17 the Partner Resources manager, regional director, and regional

18 vice president.

19 Q Great. And I notice up here in column J it says last

20 updated September 29, 2021.

21 A Yes, I see that.

22 Q Do you know if this is an accurate copy of this district

23 and store roster -- accurate as of September 29, 2021?

24 A My assumption would be that it was updated through

25 September 29th, 2021, when that data was pulled. That that

1 would have been the most recent --
2 Q Great.
3 A -- date of accuracy.
4 Q And I'm going to scroll -- at the middle of my screen here
5 you see it says Donay Cherry and it has a number of stores?
6 A Yes, I see that.
7 Q I just want to make sure -- have you confirm -- is this a
8 currently accurate list of the stores in District 156?
9 A I'm looking.
10 Q Yeah.
11 A It looks accurate to me, yes.
12 Q Now, in your earlier testimony you had said that there
13 were different kinds of stores in the district. There were
14 stores that are both drive-thrus and cafes, stores that were
15 cafes only, a kiosk store, and a pickup store; did I recall
16 that correctly?
17 A Yes.
18 Q So on line 38, Oakway mall; is that a cafe only?
19 A Yes, that's a cafe store.
20 Q All right. And the next five stores, are those drive-thru
21 stores?
22 A Yes, that's correct.
23 Q And -- but it lists on line 43, 29 through 11, I thought
24 you said that -- when you say a drive-thru, is that a drive-
25 thru and cafe, or drive-thru only?

1 A When I say drive-thru, I'm referring to drive-thru and
2 cafe. And if there's no cafe, then I'll refer to it as a
3 drive-thru only.
4 Q Got it. And then line 44, the University of O store,
5 that's not a drive-thru, that's a cafe only?
6 A That is a -- line 44 is a kiosk.
7 Q So even -- it says cafe but it's actually a kiosk?
8 A I'm looking to see where you're seeing.
9 Q Column J.
10 A Oh, I see what you're saying. Yes, yes. I -- that's
11 correct. It's a kiosk.
12 Q All right. The next three stores are drive-thrus; is that
13 correct?
14 A No, that's not correct. The next three stores are drive-
15 thrus.
16 Q Yes, that's what I thought I said but that's fine. And
17 then the Knight Campus is a pickup store?
18 A That's correct.
19 Q And tell us again what the difference between a pickup
20 store and a drive-thru is?
21 A A pickup store does not have a drive-thru, and its primary
22 purpose is for mobile order and pay.
23 Q Okay.
24 MR. IGLITZIN: We would offer Petitioner's Exhibit 5.
25 HEARING OFFICER DEVLEMING: Any objection?

1 MR. GROW: No objection.
2 HEARING OFFICER DEVLEMING: Petitioner's Exhibit 5 is
3 admitted.
4 **(Petitioner Exhibit Number 5 Received into Evidence)**
5 MR. IGLITZIN: At this time I would ask if the Employer
6 has had a chance to look at Petitioner's Exhibits 1, 2 and 3,
7 and confirm that these are the same exhibits that we introduced
8 in Seattle 1?
9 MR. GROW: Yes, we had looked at 1, 2 and 3 and -- and
10 have confirmed that, and would -- would stipulate to -- to
11 their introduction here.
12 MR. IGLITZIN: Great, thank you.
13 HEARING OFFICER DEVLEMING: Okay. Petitioner Exhibit 1, 2
14 and 3 are admitted.
15 **(Petitioner Exhibit Number 1, 2 and 3 Received into Evidence)**
16 Q BY MR. IGLITZIN: Ms. Borton, you testified that there are
17 weekly huddles between -- if I understood correctly, between
18 the district manager and the stores managers in their district?
19 A Yes, that's correct.
20 Q There are not weekly huddles between the district manager
21 and the barista and shift supervisor partners in the stores,
22 are there?
23 A No.
24 Q And you testified about something which I think you
25 referred to as a Workplace app?

1 A Yes.
2 Q Can you tell us again what exactly the Workplace app is?
3 A Yes. Workplace is a platform similar to Facebook. It's
4 actually run by Facebook in a sense, but it is designed
5 specifically for the workplace. It's called Workplace, and
6 it's for Starbucks only. And there's a way that you can access
7 it from, you know, like your computer or from your phone, and I
8 was -- when I refer to the app, I was likely referring to what
9 I use on my phone.
10 Q And do you use that app to talk to district managers?
11 A Yes.
12 Q Do you use that app to talk to store managers?
13 A Yes.
14 Q Do the -- to your knowledge do the district managers use
15 that app to talk to store managers?
16 A Yes.
17 Q But you're aware that the district managers do not use
18 that app to talk to baristas and shift supervisors?
19 A That's not fully correct.
20 Q So you believe that some district managers have used that
21 app to talk to baristas and shift manag -- shift supervisors?
22 A To some baristas and some shift supervisors.
23 Q You have no knowledge that the district manager in
24 District 156 has ever used that app to talk to any baristas or
25 shift supervisors in Store 30 -- in store -- in the 29th and

1 Willamette Street store, do you?
2 A Say it one more time.
3 Q You have no knowledge that the district manager for
4 District 156 has ever used that app to communicate to baristas
5 or shift supervisors at the Willamette sto -- and 29th store,
6 do you?
7 A Oh, I see. Only if they were students for ASU would they
8 have access. So baristas and shift supervisors do have access
9 to the app. And so they could connect with their district
10 manager or the district manager could connect with them, but
11 not the full population.
12 Q But you have no knowledge that that has ever actually
13 happened at this store with this district manager, do you?
14 A Oh. No, you're correct.
15 Q It's a theoretical possibility if there were students, but
16 so far as you know it's never actually happened?
17 A There are students, but so far as I know that hasn't -- I
18 can't confirm if that has or hasn't happened.
19 Q I think you testified that there was not a store specific
20 budget for supplies and renovations; did I understand that
21 correctly?
22 A That's correct.
23 Q Is there a district specific budget for supplies and
24 renovations?
25 A No, there is not.

1 Q It's -- is it an area wide budget that you were
2 referencing?
3 A Yes, that's correct.
4 Q You know, you talked a little bit, as I recall, about
5 barista trainers; do you recall that?
6 A I do.
7 Q And if I understand correctly, a store manager has the
8 discretion to decide to designate or certify, and correct me if
9 I'm using the wrong word, to appoint a barista, or a shift
10 supervisor, to be qualified to be a barista trainer; is that
11 correct?
12 A Yes, that's correct.
13 Q And that store manager also has the discretion in an
14 individual basis to say I would like you now to train this
15 particular barista. Meaning, giving the barista trainer the
16 opportunity to do barista training; is that correct?
17 A Yes, that's correct.
18 Q And each time that happens, the barista, who is now the
19 barista trainer, would get some financial premium for that?
20 A That's correct.
21 Q A bonus?
22 A Yes.
23 Q And I think you said that the store manager then actually
24 goes through the -- the process of getting that bonus into the
25 system; did I understand that correctly?

1 A Yes, that's correct.
2 Q And I believe what you said was they sort of pick through
3 a code for which bonus to provide?
4 A Yes.
5 Q It made it sound like there are other bonuses that a store
6 manager might be able to designate to have be provided to
7 baristas or shift supervisors; is that correct?
8 A Yes.
9 Q What are those other bonuses?
10 A Another bonus that could be selected would be for a
11 referral bonus.
12 Q And what is a referral bonus?
13 A A referral bonus is if a partner recommends another
14 partner for employment and they're hired. Once they've gone
15 through their training, or met a 90-day qualification, then
16 they are subject to a bonus.
17 Q And is it the store manager's discretion to decide whether
18 those events have happened and authorize that bonus?
19 A The store manager usually works with the district manager
20 because the district manager would have to approve a
21 discretionary bonus.
22 Q Would the store manager recommend that discretionary bonus
23 in that circumstance?
24 A Yes. So the partner, once they knew that the referral
25 that they had recommended had made through, then they would

1 notify their store manager, who could enter it into the system,
2 and then the district manager approves it.
3 Q To your knowledge, has the district manager at District
4 156 ever rejected a recommendation -- a recommended bonus --
5 referral bonus recommended by the store manager of the
6 Willamette Street store?
7 A I don't know.
8 Q Were there other bonuses that a store manager might
9 recommend or authorize for the baristas or shift supervisors in
10 his or her store?
11 A No, not that I can think of right now.
12 Q Does Starbucks allow tips at -- at its store in your area?
13 A Yes.
14 Q And so are tips allowed at all the stores in District 156?
15 A Yes.
16 Q And are tips pooled among the workers in the store?
17 A Yes.
18 Q Are they pooled just among the baristas and shift
19 supervisors?
20 A They are pooled amongst the baristas and shift supervisors
21 who have worked in that store that week.
22 Q So they are pooled on a weekly basis?
23 A Yes.
24 Q And are you aware that tips are better at some stores than
25 others in District 156?

1 A Yes.
2 Q So that working a given number of shifts -- so you've
3 already testified that the actual wages are set by national
4 corporate Starbucks, right?
5 A Yes, that's correct.
6 Q The wages are uniform for baristas and shift supervisors
7 throughout your area?
8 A Throughout the district, 156.
9 Q And -- but -- because tips are different at the stores
10 throughout the district, the actual amount of money that
11 baristas and shift supervisors work for a given number of hours
12 might be different from one store to another within District
13 156, right?
14 A That's correct.
15 Q I'm sorry, did I cut out?
16 A I think you may have --
17 Q I think you did.
18 A -- or I did. I didn't hear you after the tip. I heard
19 just through the tip question.
20 Q Did the -- do the hours of store operation differ among
21 the stores in District 156?
22 A Yes.
23 Q I'm going to take a look at some of the exhibits that we
24 looked at on Friday, as promised. Let's see if I can find a
25 more efficient way of doing this. Give me a second.

1 You were shown this, which was Starbucks -- the Employer's
2 Exhibit -- Employer Exhibit 3. This facility's reference
3 guide. Do you recall that?
4 A What I see right now is a list of your files on my screen.
5 I do recall the quick reference guide but I don't see it right
6 now.
7 Q Okay. I'll have to go back to the other way I did this
8 then. How about that?
9 A Yes, I can see that now.
10 Q This is a document that is produced by Starbucks at a
11 nationwide basis; is that correct?
12 A That's correct.
13 Q It was not produced at the district wide level?
14 A That's correct.
15 Q And I'm going to show you -- I hope -- do you see
16 what's -- was marked as Employer Exhibit 4, the Helpline and
17 Email Reference Guide?
18 A I can see it highlighted, sir, but I just see it
19 highlighted as a file.
20 Q All right. Let me try that again. How about that?
21 A Yes, I can see that.
22 Q This is also a document generated by Starbucks nationwide;
23 is that correct?
24 A Yes.
25 Q I'm showing you what's been marked as Employer Exhibit 5,

1 the -- I think you call it the Clean, Safe and Ready Guide?
2 A Yes.
3 Q Is this also a nationwide Starbucks document and policy?
4 A That's correct.
5 Q Now, I'm going to show you what's been marked as Employer
6 Exhibit 6, what I think you referred to as the Siren's Eye. Do
7 you recall this?
8 A I do.
9 Q Is this also a document and program that is rolled out by
10 Starbucks nationwide?
11 A Yes, it is.
12 Q Does an area have the authority to refuse to implement
13 this program?
14 A No.
15 Q Does a district?
16 A No.
17 Q Do you recall looking at what was Starbuck's Exhibit 7,
18 the Partner Guide?
19 A Yes.
20 Q And that's also a nationwide document that Starbucks uses
21 uniformly; is that correct?
22 A That's correct.
23 Q The area does not have the authority to not use that
24 guide?
25 A No.

1 Q And the district does not?
2 A Yes. All -- all stores, areas and districts use this.
3 Q And they use it by, in fact, providing it to all new
4 partners, right?
5 A That's correct.
6 Q Is the same true of Employer Exhibit 8, the Virtual Coach
7 document and program?
8 A Yes. This is available to all -- all stores -- all U.S.
9 company operated stores.
10 Q And is it your testimony that all store managers are
11 directed to become familiar with this program?
12 A Yes.
13 Q But they are not required to use it, are they?
14 A Yes.
15 Q They are required to use it?
16 A Yes.
17 Q And are they required to act in strict conformity with it,
18 or do they have some discretion about when and how they use it?
19 A If they don't act in conformity, then they are instructed
20 to work in partnership with their district manager or partner
21 relations, if they don't act in conformity with the resource.
22 Q But they do have the discretion to reach out to partner
23 relations or their district manager if for some reason they
24 don't want to act in strict conformity with it, right?
25 A Yes.

1 Q We previously looked at the summary in Employer Exhibit 9
2 of the -- the benefits package; do you recall that?
3 A I do.
4 Q Do you see it now?
5 A Yes.
6 Q And these are all benefits rolled out by Starbucks at a
7 national level; is that correct?
8 A That's correct.
9 Q The area does not have any discretion to not provide any
10 of these benefits?
11 A I don't think -- I don't think so, no.
12 Q And the district certainly doesn't have that authority,
13 right?
14 A That's right.
15 Q Starbucks Exhibits 10 and 11 were the diagrams relating to
16 Playbuilder; do you recall those?
17 A I do.
18 Q Those are also rolled out at a national level, correct?
19 A Those -- yes, those are using the Starbucks Partner Hours
20 systems -- system, which is associated each store nationally.
21 Q Meaning it's a national system that provides services to
22 all stores in the country?
23 A That's correct.
24 Q It is not designed or created by the area?
25 A No.

1 Q Not designed or created by District 156?
2 A No.
3 Q You -- a few minutes ago, you said that -- that wages and
4 benefits are uniform throughout District 156, but you seem to
5 suggest that they were not uniform throughout your area. Did I
6 understand that correctly?
7 A I said that wages were uniform throughout 156. But they
8 do vary, yes. You understand correctly, through the area.
9 Q So some districts have different wage rates?
10 A The wage rates are determined by compensation based upon
11 certain geographies, so they're not necessarily associated by
12 district.
13 Q So does that mean that some stores in some districts have
14 different wage rates than other stores in that same district?
15 A Yes.
16 Q And at what level are those determinations made by
17 Starbucks?
18 A By the U.S. compensation team.
19 Q So if I understand you correctly, it happens that all the
20 stores in District 156 have the same wage rates but not all of
21 the -- same thing is not true of all of the stores in all of
22 the districts in your area?
23 A That's correct.
24 Q The districts don't have the authority to set those wage
25 rates for the stores within the district, correct?

1 A That's correct.
2 Q You talked a little bit about the first day, first sip
3 policies. Those are also nationally uniform policies, correct?
4 A Yes.
5 Q They were not designed by the area?
6 A No. There's some additions that are added at the area
7 level at times but they're supplements.
8 Q They're not designed by the district?
9 A They may be designed by the district, but the policy
10 itself is national, and then there's supplements that can be
11 added.
12 Q You have no knowledge that District 156 has designed any
13 particular supplements or varied deviations from first sip, do
14 you?
15 A No.
16 MR. IGLITZIN: If we could take about a five-minute break,
17 Hearing Officer?
18 HEARING OFFICER DEVLEMING: Sure. Let's go off the
19 record.
20 (Off the record at 10:20 a.m.)
21 HEARING OFFICER DEVLEMING: During the break, the parties
22 discussed a stipulation to certain Petitioner exhibits, so I
23 will turn it over to Mr. Iglitzin to summarize that
24 stipulation.
25 MR. IGLITZIN: Great. Thank you. I believe that the

1 parties are stipulating that Petitioner Exhibits 6 through 11
2 are true and accurate copies of authentic nationally produced
3 Starbucks training policies that are -- I'm going to add
4 something, Thomas, I'm not trying to slip one in on you here --
5 that are also currently in effect.
6 HEARING OFFICER DEVLEMING: Any thoughts, Mr. Grow? Do
7 you agree?
8 MR. GROW: One second.
9 HEARING OFFICER DEVLEMING: Sure.
10 MR. GROW: No objection from -- from the Employer to -- to
11 the stip there.
12 HEARING OFFICER DEVLEMING: With that stipulation,
13 Petitioner Exhibits 6, 7, 8, 9, 10, and 11 are admitted.
14 **(Petitioner Exhibit Numbers 6, 7, 8, 9, 10 and 11 Received into**
15 **Evidence)**
16 MR. IGLITZIN: With that, we have no further questions for
17 Ms. Borton.
18 HEARING OFFICER DEVLEMING: Excellent.
19 Any redirect for the Employer, Mr. Grow?
20 MR. GROW: No redirect at this time. Thanks.
21 HEARING OFFICER DEVLEMING: All right. Well, that means,
22 Ms. Borton, thank you so much for your time, both today and on
23 Friday, but you are free to go. I'd ask you not to discuss
24 your riveting testimony with any other witness until the
25 hearing does close later this week, just in case you're

1 recalled. But with that, thank you for your time, and you can
2 leave us.
3 THE WITNESS: Thank you.
4 HEARING OFFICER DEVLEMING: Thanks a lot.
5 MR. IGLITZIN: Thank you.
6 HEARING OFFICER DEVLEMING: Mr. Grow, is the Employer
7 ready with your next witness?
8 MR. GROW: Yeah. We're going to -- if we could have five
9 minutes just to retrieve, and then we'll be ready to go.
10 HEARING OFFICER DEVLEMING: Sounds good. Let's go off --
11 MR. GROW: Thank you.
12 HEARING OFFICER DEVLEMING: -- the record.
13 (Off the record at 10:32 a.m.)
14 HEARING OFFICER DEVLEMING: So the Employer -- well,
15 first, over to you to call your next witness, please, Ms.
16 Dieckman.
17 MS. DIECKMAN: The Employer calls Matthew Marjenka.
18 HEARING OFFICER DEVLEMING: Hi, Matthew. My name is Liz
19 DeVleming. I'm the hearing officer with the Labor Board
20 assigned to today's hearing -- this week's hearing, I should
21 say. Before we go much further, could I ask you to raise your
22 right hand?
23 Whereupon,
24 **MATTHEW MARJENKA**
25 having been duly sworn, was called as a witness herein and was

1 examined and testified, telephonically as follows:
2 HEARING OFFICER DEVLEMING: Okay. A couple things.
3 First, it looks like we have your name there, Matthew, but can
4 you spell -- state and spell your full name for the record?
5 THE WITNESS: Yeah. My first name is Matthew,
6 M-A-T-T-H-E-W; last name, Marjenka, M-A-R-J-E-N-K-A.
7 HEARING OFFICER DEVLEMING: Great. And is there anyone in
8 the room with you where you're testifying from today?
9 THE WITNESS: No.
10 HEARING OFFICER DEVLEMING: Awesome. So a couple kind of
11 tips. Creating a transcript from any hearing is always a
12 little difficult because we tend to -- in normal
13 conversation -- slightly interrupt each other, but here through
14 Zoom it's even more difficult. So I've asked counsel, and I'll
15 ask you, if you can try your best to take a two- to three-
16 second pause after hearing a question before you begin your
17 answer, both to make sure that we have a clear tran -- written
18 transcript of the question and then the answer separately, and
19 also to give counsel a chance to interject with an objection if
20 they might not like the question posed.
21 If you do hear the word objection, don't answer the
22 question quite yet. Just stay silent for a minute while the
23 attorneys duke it out, and ultimately, I'll make a ruling and
24 either direct you to answer the question or direct counsel to
25 move on to a new one.

1 THE WITNESS: Okay.
2 HEARING OFFICER DEVLEMING: Does that all make good sense?
3 THE WITNESS: Yep.
4 HEARING OFFICER DEVLEMING: Awesome. Okay. Well, I will
5 turn it over then to Ms. Dieckman.
6 Your witness.
7 **DIRECT EXAMINATION**
8 Q BY MS. DIECKMAN: Hi, Matthew. I am going to remind you,
9 because I've met you, and I know that you speak pretty quickly,
10 that we're going to try to speak slowly so that the court
11 reporter can catch everything that you're saying. And I
12 promise I'll try to do the same because I've been yelled at by
13 many a court reporter over the years.
14 So let's start with your -- with your background. Where
15 are you currently employed?
16 A I work at Starbucks as a store manager at the 29th and
17 Willamette location.
18 Q Can you kind of walk me through your history at Starbucks,
19 starting from when you were first hired to now, the stores
20 you've worked at, what your -- what your roles have been?
21 A Yeah. So I was hired in at Starbucks a little over five
22 years ago -- 2018, 2017, whatever that would have been -- in
23 December. And I started off in the San Francisco Bay area. I
24 was hired in as an assistant store manager.
25 I started off working at the store in Lafayette. I

1 trained there for about a month. And then I went to the store
2 in Alamo, and then I continued my training there for about two
3 months. And then at the end of that two months, I was promoted
4 to a store manager, and I had transferred to the location in
5 Orinda. I worked there for about a year and a half. And then,
6 at that point, I moved to Oregon, where I've been at the 29th
7 and location (sic) ever since. And that would have been July
8 of, I think, 2018 was when I started here.
9 Q And can you explain what you did -- what your role was
10 like as an assistant store manager, what your responsibilities
11 were?
12 A Yeah. Pretty much the same as -- as a store manager
13 except basically with a little bit of having to check in.
14 Essentially, the assistant manager role with Starbucks is like
15 a store manager in waiting or in training, so it's not that
16 your description of what you're doing in your job actually
17 varies at all; it's the same job. It's just that you have
18 somebody else that you're working underneath that you can go to
19 any time you have questions. So it would vary a little bit.
20 For me, the first month when I was at the Lafayette store,
21 it was basically just going through learning how to be a
22 barista and a shift supervisor at Starbucks. Anyone who works
23 in retail, they kind of require that you go through the
24 training of each of the positions, so that was my first month
25 there.

1 And then at Alamo, I went through training for one month
2 to just learn what are the additional responsibilities of a
3 store manager. And then my next month while I was there was
4 essentially running the store but with another store manager,
5 who was actually kind of -- I guess you could say like they
6 would take the fall if I made a mistake since they were
7 checking all of the work for you.
8 HEARING OFFICER DEVLEMING: Ms. Dieckman, you're on mute.
9 MS. DIECKMAN: Sorry. Thank you.
10 Q BY MS. DIECKMAN: Can you explain what your
11 responsibilities are as a store manager, then?
12 A Yeah. So I guess like the biggest one that absorbs the
13 most time is usually, like, writing and maintaining the
14 schedule, planning for any kind of company events. You're also
15 in charge of, like, staffing -- staffing; so making sure that
16 you have enough people hired. Checking that as availabilities
17 change, you're still able to meet the demands of the business,
18 have people available to work the different days, the different
19 day parts, hire as needed.
20 If there's any issues around their time and attendance or
21 performance or any of those things, you would be having
22 coaching conversations. If things weren't getting corrected,
23 then you'd be issuing corrective actions and doing follow-up
24 with them as well.
25 And then you're just sort of getting direction from the

1 district manager in terms of what are the, like, area goals,
2 district goals, company goals, and then kind of setting a plan
3 for your store that fits within those parameters.
4 Q You mentioned that you report to the district manager.
5 How does that supervisory relationship work? So what kinds of
6 things do you report to your district manager? Everyone here
7 knows her name is Donay. What sort of things do you report to
8 her, and how do you interact with each other on kind of a
9 day-to-day basis (Indiscernible, simultaneous speech) --
10 A It can vary a lot. I think one of the biggest and like,
11 kind of cut and dry examples would be any time you're
12 separating somebody or any time you're putting somebody onto a
13 final corrective action where essentially, like, their next
14 mess up means that they would be at risk of losing their job,
15 any time we do that, we have to confirm with her before we
16 actually issue the corrective action, actually process their
17 separation. She has to confirm that kind of everything is
18 aligned correctly and that we have all the required
19 documentation and that we're being consistent.
20 Outside of that, she's usually at the store at least for
21 two planned visits a month, and then those would just depend on
22 what the exact situations of why she's there, but most of them
23 are related to planning, checking in on the store, checking
24 with partners. Kind of just walking around and doing an
25 assessment. Like, it's kind of different now because with

1 COVID and all the supply line issues, inventory isn't really
2 something that we're in as much control, but it used to be they
3 would walk around and look at, do you have way too much
4 inventory sitting on you shelves, do you need to make
5 adjustments to how you're ordering stuff, and all of those
6 things.
7 And then for the most part, she wouldn't be actually
8 making those adjustments. She would just be kind of noting
9 anything that needs to be addressed with those things and then
10 asking if I need assistance with it. Directing me to one of my
11 peers who might be better at one of the aspects where it looks
12 like my store needs some help.
13 And then, we also do basically development conversations
14 where it would be more of just talking about me, what things I
15 want to work on on the store that may not fit exactly within
16 those parameters of what things we're focused on as a district
17 and what -- what support I need for those things as well.
18 Q So in -- you -- you mentioned that part of her role is to
19 help you coordinate with other store managers. Can you discuss
20 how that function works?
21 A Yeah. That one's really flexible and really, really
22 depends. But for example, at the start of this year, Jesse,
23 who's an assistant manager, was taking over a different
24 location while they're figuring out the long-term plans since
25 that store manager left the company. And so I was partnering

1 with Jesse; that I would be there each week on Monday. So it
2 was kind of talking to Jesse, talking to Donay, figuring out
3 what support does Donay think that Jesse needs from me that I'm
4 able to do, and then also talking to Jesse to see if there's
5 any additional support that she needs.
6 And then, like, that would be kind of one extreme of,
7 like, a very structured, very hands-on. But then it also can
8 be things like a district meeting. We were just discussing
9 that with COVID and everything, the store managers in general
10 feel really disconnected from everyone, and so then we
11 discussed what different things might be available for us to
12 start feeling more connected. And we decided on a book club;
13 that we're reading a Brene Brown book that the company sent out
14 to all the store managers. So we meet once a week either
15 virtually or in person just for store managers to kind of feel
16 more connected to each other where there's not like a set
17 agenda of exactly what we're working on, but Donay is looped in
18 on it and knows what chapters we're working on each week and
19 things like that, too.
20 Q And as it relates to employee supervision and tra -- and
21 discipline, what is Donay's role?
22 A She's kind of, I guess you could say, like, the -- the
23 figurehead that goes at the top of all of it. So if we have a
24 question that we can't get resolved through one of the, I
25 think, resources that's available digitally, we would contact

1 her. Or even sometimes with going through those, we'll
2 sometimes reach out to her and just confirm if it's something
3 that we haven't personally dealt with and essentially say, this
4 is the situation, I ran it through the tools, this is what it's
5 recommending, is that in line with what we've been doing, is
6 that -- is that correct. And then she would confirm or, in
7 some cases, say, like, well, it looks like there's
8 circumstances that aren't really captured in the tool of what
9 you're able to put in there, and then she might provide a
10 recommendation for something else based on that.
11 Q Okay. And we'll get into all that stuff in a little more
12 detail later. Can I ask you to explain the operations of your
13 store? Specifically -- why don't we just start with the --
14 with your location. Where are you located, and what services
15 are offered at your store?
16 A Yes. So we are the 29th and Willamette location. We're
17 technically actually at the corner of, I think, it's 27th and
18 Willamette. We're a drive-thru location, so most of our
19 business goes through drive-thru. We do also have a cafe.
20 Right now, with COVID stuff, our seating's all closed, but
21 we're open for grab-and-go orders. People can come inside,
22 place their order, and then take it with them to go, but
23 there's no actually like eating or seating onsite for
24 customers.
25 We also have delivery available, as well as mobile order,

1 and both of those come essentially kind of through the same
2 channel where there wouldn't actually be a customer in the
3 store while the order's kind of being placed or arriving into
4 the store. We prepare it. We have it ready for hand-off,
5 depending on whether it's a mobile order, a drive-thru -- or a
6 delivery order. The preparation's a little bit different in
7 kind of what you do, but you're essentially preparing the
8 same -- the same products. It's just if it's a delivery, it
9 essentially all goes into a bag. If it's a mobile order or
10 pickup, it just goes onto a counter. Yeah. Does that answer
11 your question?
12 Q Somewhat. Yeah. How -- how do you receive the mobile
13 orders?
14 A They print out. So we have sticker machines, which is how
15 the people who are actually preparing any food or drink would
16 typically become aware of any items that are being placed,
17 whether it's in the cafe or through mobile order or delivery.
18 And so it would just print out kind of the same way. And then
19 it prints out as a sticker with each individual item and then a
20 ticket that has the complete order summarized on it.
21 Q Are those orders received through the Starbucks app or
22 made through the Starbucks app?
23 A Yes.
24 Q Okay. And what about delivery orders? Are they also made
25 through the --

1 A Delivery isn't -- I don't think it's technically through
2 the Starbucks app. I know initially it was, I think, just Uber
3 Eats, but I think now, if -- I don't really fully know. But I
4 think Uber Eats now owns one or two more kind of delivery apps.
5 So different apps all get processed the same way, though.
6 Q Okay. And are those relationships managed at the store
7 level with Uber Eats or --
8 A No.
9 Q -- do you know where those --
10 A No. We -- we have a, like, tablet that we kind of
11 installed, but outside of that, I -- I've had nothing to do
12 with really, like, setting up or anything.
13 HEARING OFFICER DEVLEMING: Just an initial reminder to be
14 careful about waiting until the question is finished just
15 because our transcript will be messy. I know it feels very
16 natural; that's how we speak normally, but take that pause even
17 if it feels weird.
18 MS. DIECKMAN: I saw you about to make that comment. I
19 was about to make it myself. Thank you.
20 Q BY MS. DIECKMAN: So -- sorry. I'm finding my place in my
21 notes. Can you explain what the different roles are for
22 partners in your store and what they -- how -- how they
23 function within your store and how they report vertically
24 within the Starbucks organization?
25 A Yes. So most of the partners in the store would be at the

1 barista position, and they would be essentially doing most of
2 the kind of task work of making drinks, making -- preparing
3 food, ringing in transactions, handling cash exchanges with
4 customers. In drive-thru, they would also be, like, handing
5 things out through the window, all of those things. All roles
6 we can -- can be expect to be, like, connecting and like, kind
7 of conversing with the customers as well.
8 And then the next position up from there would be the
9 shift supervisor position. My store currently has eight, which
10 is a very large number typically, but most of my shift
11 supervisors are students or in some other way only working part
12 time. Typical for my volume would be more, like, four or maybe
13 five shift supervisors.
14 And then shift supervisors essentially act as keyholders,
15 as well as -- we call it, like, deployment leaders, so they
16 would be the person who is in charge of kind of looking at --
17 we call it the daily coverage report. And so they look at
18 that, figure out where the breaks need to be, and kind of
19 document when those are happening. Mark them off as they're
20 happening to make sure that we're in compliance and that no
21 one's not having their breaks.
22 And then for deployment, they're in charge of essentially
23 planning out the floor, figuring out which partners are going
24 to be in the different roles, like, if they're going to be a
25 barista for this period of time, or if they're going to be on

1 register, or just where each of the partners is going to be.
2 The shift supervisors would take care of that aspect. And then
3 while they're doing those things, the shift supervisor is also
4 typically part of the floor, so they would actually be acting
5 in one of those roles, as well, themselves.
6 And then there is different -- different things at
7 different day parts, like Clean, Safe, Ready cards, we call it,
8 and it's essentially almost like index cards that have the
9 different tasks, depending on which role you're in or which
10 area you're working in, of what things need to happen at
11 various points throughout the day. And so it would be the
12 shift supervisor's responsibility to be distributing those
13 cards and then verifying that the work is being completed.
14 MS. DIECKMAN: I'm getting a notification that my internet
15 connection is unstable, and I did not hear Matthew's quest --
16 Matthew's answer to my question. Can we go off the record for
17 a moment?
18 HEARING OFFICER DEVLEMING: Sure. Let's go off the
19 record.
20 (Off the record at 10:59 a.m.)
21 HEARING OFFICER DEVLEMING: And I know there had been an
22 offer, if we need it, that the court reporter could read the
23 last response in, or would you like to just pick off -- ask the
24 question you had asked last and start over?
25 MS. DIECKMAN: Could you please read the -- the answer in?

1 I apologize.

2 THE COURT REPORTER: Sure.

3 The question was: "Can you explain what the different

4 roles are for partners in your store and how they

5 function and how they report vertically?"

6 "Answer: Yes. So most of the partners would be at

7 the barista position. They would be doing most of

8 the kind of task work, making drinks, preparing food,

9 ringing in transactions, handling cash exchange with

10 customers. In drive-thru, they would be handing

11 things out through the window. Connecting and

12 conversing with the customers as well.

13 "And then the next position, shift supervisor,

14 my store currently has eight. Most are students" --

15 MS. DIECKMAN: Jacque (phonetic throughout) --

16 THE COURT REPORTER: -- "only working" --

17 MS. DIECKMAN: -- Jacque --

18 THE COURT REPORTER: -- "part time" --

19 MS. DIECKMAN: Jacque, I hate to --

20 THE COURT REPORTER: Yes.

21 MS. DIECKMAN: -- I hate to interrupt you, but I'm -- I'm

22 still having the same issue. Let me go see if I can track down

23 our tech guy again. I apologize. Oh. Tom's -- Tom's grabbing

24 him for me.

25 HEARING OFFICER DEVLEMING: Let's go off the record.

1 (Off the record at 11:23 a.m.)
2 HEARING OFFICER DEVLEMING: Okay. So we are having some
3 continued technical difficulties with Ms. Dieckman's Wi-Fi
4 connection. So she now, I understand, has tech support in the
5 room with her, who is also a Littler employee, and hopefully we
6 will be in better shape.
7 Your witness, Ms. Dieckman.
8 MS. DIECKMAN: And Jacque, his name is David, D-A-V-I-D,
9 Denova, D-E-N-O-V-A.
10 HEARING OFFICER DEVLEMING: And maybe we can try one more
11 time having Jacque read the last -- the witness' last response
12 into the record and make sure Ms. Dieckman can hear that
13 response.
14 THE COURT REPORTER: Would you like me to start from the
15 beginning or where we left off?
16 HEARING OFFICER DEVLEMING: I'm not sure Ms. Dieckman
17 heard it, so maybe start from the beginning, if you don't mind.
18 MS. DIECKMAN: Thank you, Jacque.
19 THE COURT REPORTER: Sure.
20 The question was: "Question: Can you explain what
21 the different roles are for partners in your store
22 and how they function and how they report
23 vertically?"
24 "Answer: Yes. So most of the partners would be at
25 the barista position. They would be doing most of

1 the kind of task work, making drinks, preparing food,
2 ringing in transactions, handling cash exchange with
3 customers. In drive-thru, they would be handling --
4 handing things out through the window. Connecting
5 and conversing with the customers as well.
6 "And then, the next position, shift -- shift
7 supervisor, my store currently has eight. Most are
8 students only working part time. And then, shift
9 supervisors act as keyholders, deployment leaders.
10 They would be the person who is in charge of the
11 daily coverage reports. Figure out where the breaks
12 need to be, document when those are happening, mark
13 them off as they're happening to make sure that we're
14 in compliance.
15 "For deployment, they're in charge of planning
16 out the floor, which partners are going to be in the
17 different roles, barista, register. The shift
18 supervisor is also typically part of the floor. They
19 would actually be acting in one of those roles. And
20 then there's different things at different day parts,
21 like Clean and Safe, Ready cards. It's essentially
22 almost like index cards that have the different
23 tasks, depending on which role or area you're in. It
24 would be the shift supervisor's responsibility to
25 distribute those cards and verify that the work is

1 being completed."
2 MS. DIECKMAN: Thank you, Jacque.
3 THE COURT REPORTER: You're welcome.
4 **RESUMED DIRECT EXAMINATION**
5 Q BY MS. DIECKMAN: Matthew, I'm going to -- I'm going to
6 continue asking questions now. So can you explain to me
7 whether there's any difference between a shift supervisor's
8 role when you're in the store as opposed to when you're not in
9 the store?
10 A No. There wouldn't be.
11 Q When -- you worked in multiple stores, as you testified
12 earlier, correct?
13 A Correct.
14 Q Is there any difference in the functioning of stores in
15 different -- the different stores that you've worked at
16 personally?
17 A In terms of, like, operations, not really. There --
18 there's some -- like all the stores I've worked at prior to
19 here were cafes. They didn't have a drive-thru, so like
20 there's that difference. But generally speaking, they're all
21 using, like, those same systems, those same positions, the
22 same -- all the -- all the different, like, tools that are used
23 when you're troubleshooting the operations would be the same.
24 It would just be which -- which exact one actually applies to
25 your store.

1 Q Okay. Were the -- so the work -- it sounds like the work
2 duties for the different positions were all the same at the
3 different stores you worked at, correct?
4 A Correct.
5 Q Were the -- was the division of handling workplace issues
6 between the store manager and district manager the same in all
7 of the stores that you worked in?
8 A Yes.
9 Q Did you use the same equipment in all of those stores?
10 A It could vary slightly. Like, as they do upgrades on some
11 of the machines, some stores will have it before others. But
12 generally speaking, over the course of time, yeah, we all have
13 the same equipment.
14 Q Okay. The same -- the same beverages and food were
15 served?
16 A Correct. Yeah. And the same with that, there might be
17 some -- like we have some regional things. Like one of the
18 bagels is different in California versus here, but generally
19 speaking, it's all the same.
20 Q Okay. And the -- the work schedules are similar between
21 the different stores?
22 A In what way?
23 Q So are the different -- do different stores have different
24 hours --
25 A Yes.

1 Q -- of operation? Okay. What are the hours of operation
2 for your store?
3 A My store is open from 5:30 a.m. to 7 p.m. every day, and
4 then our lobby closes at 6 p.m. every day.
5 Q Is your store -- are your store's operating hours
6 different from other stores' operating hours in your district?
7 A Yes.
8 Q Who sets those hours?
9 A It's kind of like a mixed thing. So I don't know how they
10 get determined initially, like, when a store is first opening.
11 I -- I've never been involved in that. But essentially over
12 the course of time, there is reports that Donay runs that would
13 show things, like, what is the average number of customers or
14 the average amount of money that's being made in your first
15 half hour or hour. And then I think it's twice a year, but
16 occasionally when we do meetings, she kind of pulls up that
17 report and looks at it and then will not -- I guess kind of
18 make a recommendation based on what information is there.
19 Based on the numbers on this report, it looks like maybe we
20 should close your store half an hour earlier or it might make
21 sense to have it be open half an hour later, or something like
22 that.
23 And then we would discuss together and decide if that's
24 something that really does seem like it make sense, or is there
25 something that in some way isn't being captured in that report

1 that maybe we don't make the adjustment.
2 Q Ultimately, who makes the decision, you or Donay or
3 someone other than Donay?
4 A Ultimately, I honestly don't fully know. I know that I
5 kind of give my opinion, and then Donay takes that down, and
6 then I'm not sure what happens after that. I know we have had
7 adjustments after that, and we have had it decided not to make
8 adjustments after that, but I'm not sure outside of that
9 conversation what -- what the next determinant is.
10 Q Okay. I'm going to go back to the line of questioning I
11 was in before. Do all of the stores that you've been at have
12 the -- the same policies?
13 MS. DIECKMAN: I'm not sure who Paul Bodan (phonetic
14 throughout) is, but can you please mute?
15 HEARING OFFICER DEVLEMING: Just muted him.
16 Q BY MS. DIECKMAN: Do -- did all -- do all of the different
17 stores that you've worked in have the same workplace policies?
18 A Yes.
19 Q Do they all have the same workplace procedures?
20 A Yes.
21 Q And do they all have the same benefits available to
22 partners?
23 A Yes.
24 Q I'm going to switch gears here. So let's talk a little
25 bit more about how store operations interact with your district

1 manager. How often do you talk to your district manager?
2 A Generally, a few times a week in some form. That could be
3 phone call. We call it Work Chat. It's like -- kind of like
4 Facebook Chat but internal. Or there's typically at least one
5 or two conference calls a week. So it would depend on, like,
6 what capacity, but I would say several times a week, typically.
7 Q What do you guys talk about?
8 A It -- it varies. Kind of recapping results for the
9 district as a whole. Sometimes that will also involve, like,
10 going into individual store results to discuss what things may
11 have either gotten in the way or what things may have caused a
12 certain store to have, like, an exceptionally good week. And
13 then, we do another recap call where it's after she has her
14 area call. I don't know what exactly go on, on that, but
15 she'll kind of call out anything that the district, in relation
16 to our area, did really well, and she'll kind of go over those
17 things, and then call out anyone who was like -- their store
18 wasn't especially like strong contributor to whatever metric
19 that might have been.
20 And then outside of that, it really -- it -- it varies a
21 lot. Sometimes it's, hey, I just want to loop you in on an
22 incident that happened with a customer that may end up
23 reporting in in a way that it comes to you, or sometimes it
24 might be -- like right now there's a lot of little things.
25 Like even just, let's say, if we have callouts and we have to

1 adjust our operations, like turning off mobile order and pay
2 for a short period of time, I would contact her and let her
3 know, like, this is the person who called out, we're turning
4 off mobile order, this is when we think it's coming back on,
5 just to make sure that she's aware because she has to kind of
6 report in those things as well if there's stores that have, I
7 guess, our channel shut down for a period of time.
8 And then depending different, like, partner situations,
9 too, if there's something that I either have to put somebody on
10 to a final written warning or think that there's a chance that
11 I might need to separate someone over something that's
12 happening, I would be contacting her to discuss those things as
13 well.
14 And then sometimes she'll just kind of call to check in in
15 general. If she feels like it's been a little while since
16 we've had a conversation, she'll just call in, ask how I'm
17 doing, ask if there's anything going on at the store that needs
18 support or anything like that as well.
19 Q So when you -- when -- okay. Awesome. Do you call her
20 regularly to talk about issues related to facilities?
21 A Most facility issues would be dealt with more digitally.
22 We have an app on our iPad where we basically scan a QR code on
23 whatever device it is that's having issues, and then it kind of
24 walks us through, and we do what's called a digital incident
25 report. And then any time we fill one of those out, it does --

1 it sends an email to her, as well as to our facilities manager,
2 so that they're aware.
3 And then her -- the amount of contact I have with her on
4 those really depends. In a perfect world, I don't really have
5 a ton of contact with her, but for example, right now, we've
6 had ongoing issues with one of our ovens, I feel like for
7 almost a year, where it's kind of, like, it gets better and
8 doesn't have issues for a while, and then all of a sudden, it
9 has issues, and we're opening tickets after ticket after ticket
10 and just having a tech out a lot. And so with those, we've
11 kind of had more conversations where I'll kind of go into my
12 emails and see all the different emails that I can find showing
13 that we opened reports, and then kind of making notes of
14 anything that I remember of, like, what did the tech say or
15 what did they do while they were there, how long was their
16 actual visit. And then she kind of compiles that information,
17 adds some comments to it, and then she would forward that on to
18 our facilities manager.
19 Q Okay. And -- so moving on to issues with staffing. When
20 would you reach out to her as it relates to a staffing or
21 coverage issue?
22 A Coverage, I mean, if -- I think you're kind of asking two
23 questions. So coverage, I'm thinking of, like, if there's
24 just, like, a call out or like, a temporary sort of issue.
25 That, we would reach out to her any time that we're kind of

1 identifying a pattern of, like, a specific person is calling
2 out every Saturday morning or something like that, we would
3 loop her in because that's a situation where we do a corrective
4 action.
5 And like, let's say somebody just, like, calls out five
6 days in a row. That's a really easy set in stone, like, you
7 called out five days in a row, where if someone's working four
8 or five days a week, and they call out three Saturdays in a
9 row, that's a pattern where we would want to loop her in to
10 make sure that she's of the same opinion that that is actually
11 a pattern of -- we call it irregular attendance, that it's not
12 a majority of their shifts that they're missing, but it's --
13 for example, with Saturdays, it's a day that it's very likely
14 that somebody would call out, not necessarily because they
15 aren't feeling well, but perhaps like more because they had
16 other plans that sounded like more fun than being up at 5 in
17 the morning. So we would loop her in on that to make sure that
18 she agrees that that is actually a pattern that's already been
19 established.
20 And then we would also be contacting her any time that we
21 have to make an adjustment to our operations. So if you have,
22 like, one person call out, and it's really busy, and you have
23 to turn off mobile order and pay, or you have two people not
24 come in, and now you have to shut down your lobby and only have
25 your drive-thru open, or a closer calls out, so you're actually

1 going to have to close earlier than you normally would, all of
2 those would be things that you would be notifying her as soon
3 as you're aware and kind of letting you know -- letting her
4 know, hey, this is what's happening, this is what my plan is,
5 and then getting verification from her that that's fine.
6 In terms of staffing, mainly, you would kind of be letting
7 her know -- so that would be part of the planning visit, that
8 she's kind of looking at your staffing and discussing with you,
9 do you have enough people for your different day parts and all
10 of those things. And frankly, I -- I haven't really had issues
11 with staffing in quite a while, so I -- I haven't had to
12 discuss it more in depth with her. I know other managers have
13 had to, like, send a weekly plan of, like, this is the day that
14 I'm reviewing applicants, this is the day that I have open for
15 interviews, or whatever it is. Like, they'll have to do things
16 more in depth, but since I -- I haven't really had issues with
17 that. I -- I don't really know what exactly that looks like
18 because I -- I haven't had that issue since having Donay or
19 really any point in working at Starbucks.
20 Q Well, that's good. What about when you're dealing with
21 COVID isolations? How do you work with Donay on coordinating
22 that piece?
23 A So again, I've only had, like, two or maybe three total,
24 so I'm not super, super familiar with it. I know -- it's,
25 like, there's a digital form that we use. We obviously talk to

1 the partner and kind of explain to them the -- what's happening
2 on their side, too. But in terms of with Donay, there's a
3 digital form that we fill out where the store manager's
4 capturing information of who was the partner, what was the last
5 day they worked, I think, and then what was the day that they
6 either had symptoms or had a positive test. And then we submit
7 that. And then we would basically contact Donay again. And
8 then this is another part where I don't know what exactly it
9 looks like on her side, but I know that she kind of pulls a
10 report.
11 And for me, I've been really, really lucky. All of my
12 isolations have been in situations where no one else had to
13 isolate, but I know that other managers, like, when they call
14 in, it's basically -- she'll ask questions about did any of
15 these people have shifts that got covered or any of those
16 things, and then that tells you who else you have to contact.
17 But for me, it's always been how the dates fall, like, no one
18 else actually is impacted.
19 Q Again, that's pretty lucky. When -- when and if you need
20 to change hours of operation, is that something that you would
21 contact Donay about? For example, if you had a bunch of folks
22 call out and you would need to, like, shut the store early or
23 something?
24 A Yeah. That would be something that we would contact her
25 about.

1 Q And who would have the final say in that situation about
2 changing the hours of operation?
3 A I'm not 100 percent sure. I -- I would think maybe it's
4 Jessica. I know that any time we contact her with that, she
5 says she has to reach out to Jessica, although now it's
6 actually I think technically Casey (phonetic throughout), but
7 the regional director. But I'm not sure that that's the final
8 person, or if that's just her next step that she's going to.
9 Q Okay. What about in situations with major discipline?
10 A Do you mean like in -- can you kind of give me an example?
11 Q So if you were to -- if you were to -- to decide that you
12 need to discharge a partner, is that something that you would
13 need to coordinate with Donay?
14 A Yeah.
15 Q And how would that work?
16 A So I've had that happen, I think, probably, like, twice,
17 and it -- it can vary a little bit. So sometimes -- actually,
18 I guess, I've had that a few times. Sometimes, it's fairly cut
19 and dry, for example, ongoing time and attendance issues. I
20 would basically contact Donay initially when I put them onto
21 the final written warning, and then at that point, Donay would
22 ask for any previous corrective actions that the person has as
23 well. And then she would essentially be verifying that we have
24 the document to coaching, the written warning, the final
25 written warning, that all of those things have actually been

1 issued, and that we have them basically available and that
2 they've already been signed and everything by the partner who's
3 involved.
4 And then at that point, she would kind of give the go
5 ahead that, yes, we can give the final written warning. And
6 then once the final written warning is distributed -- let's say
7 in that case, the person is like five or ten minutes late to
8 their next shift -- I would reach out to Donay again and say,
9 hey, this is that same person, they were now five or ten
10 minutes late, here's the notice of separation that I have
11 drafted, and this is the next date that they work, and my plan
12 for giving it to them.
13 So my -- one of my dogs is very interested in what's
14 happening outside of my door. I don't know if you can hear
15 that. Huskies are known for being vocal. We did not know that
16 when we adopted a Husky.
17 So -- yeah, we would then confirm with her that all of
18 that stuff is in line. She would kind of just go through and
19 make sure, again, that we have all of the documentation.
20 Now, she's actually asking that we provide her with the
21 contact information for the partner just in case there's
22 anything that she needs to follow up on after. But we would
23 then kind of tell her what the plan is for when we're giving it
24 to them. She typically will ask, do you think it's going to be
25 fine, like, do you want someone else to be there in case --

1 like, do you think the partner might retaliate or get upset,
2 which I've never had a situation like that either, but then
3 basically it's just issuing the corrective action in person to
4 the partner the next time they work.
5 One of the other ways it can work that's like a little
6 more advanced, I had a partner who is -- who made some comments
7 that involves swearing about -- and their opinion about police
8 officers on the sales floor that was overheard by another
9 partner, and so with that, we kind of call it like generalizing
10 language because he said all cops are, fill in the blank.
11 And so with that I notified -- at that point it was Curtis
12 (phonetic throughout) who was our district manager, and
13 basically confirmed with him that that was something that we'd
14 actually want to call in, just to make sure that we were doing
15 it correctly, and because generalizing language of any kind can
16 fall under, like, our ethics and compliance policies.
17 And so with that, I basically had to call in to our
18 Partner Resources department. Kind of explain to them what the
19 situation was, give them the different information. And
20 then -- this was a while ago, but they -- they then contacted
21 me and almost had, like, interview guides, I guess you could
22 say, where it was, like, we -- we need you to ask these
23 questions of the partner who informed you of what was being
24 said, these questions of the person who it was reported was
25 saying the things, and these things of any other partner who

1 was working at the time, just to kind of collect more
2 information.
3 And in that situation, the partner who made the comments
4 fully admitted to it, said that they stood by it, and so I
5 basically reported that information back in. And then I don't
6 know exactly what happened from there, but I was essentially
7 informed by Curtis, my district manager, that he was -- that
8 that partner was being separated. I was given the document,
9 kind of fully made and filled out with all of the verbiage of
10 what they wanted, and it was just my responsibility to actually
11 issue it to the partner. And then Curtis was aware of when it
12 was happening. It was kind of somewhere a few blocks away in
13 case it somehow escalated, which it didn't, but that was how
14 that went.
15 Q And when you said call in, I just want to clarify. You
16 meant to call in to the Partner Resources department? You said
17 it the first time.
18 A Yes.
19 Q And then the second time, you -- you clarified?
20 A Yeah. All the calls -- all the calls -- basically, I
21 called Curtis to kind of let him know, and then all of my
22 future communications were to Partner Resources, and then they
23 communicated whatever it was to Curtis, who then communicated
24 it to me at the end.
25 Q Okay. So that decision was made at kind of the district

1 level it sounded like?
2 A The district or possibly higher. I'm not -- I'm not
3 honestly 100 percent sure because I -- I was really at that
4 point only providing information and then getting information
5 from Curtis at the end.
6 Q Okay. Let's pivot a little bit. Let's talk about kind of
7 how interviewing and hiring goes. So how is it determined that
8 you need to hire more baristas or shift leaders?
9 A So baristas, there's, like, a tool that we use that
10 essentially you, like, put in your store, and then in our
11 scheduling program, as long as you're updating everyone's
12 availabilities and have all that information current to what
13 people are actually able to work, there's another tool that you
14 basically use that kind of knows what your business levels are
15 at certain points throughout the day, and you just tell it what
16 store you are, you run it, and then it gives you numbers.
17 And it -- it -- it basically tells you, like, here are day
18 parts where you might have more partners available to work than
19 you actually need, and then here are day parts or days that you
20 may actually need more partners, and then you would kind of use
21 that as your guide. But kind of the main trigger is really
22 just am I having a hard time scheduling.
23 So if you are having a hard time getting enough people at
24 those different points in the day where you need people, that
25 would be your first sign, then you would run that report in

1 order to see and kind of get confirmation. And like, if you're
2 just sort of having trouble in general, and you're not sure
3 what are the parts of the day, that report would actually say,
4 like, Saturday afternoons you only have three people to work
5 and you need five people working, or whatever those numbers
6 might be. It just sort of spits out the number at you.
7 Does that answer your question? I feel like there might
8 have been a second part to it.
9 Q That -- that does answer my question. So when you -- once
10 you determine that you need more partners for different days or
11 different day parts, what's the process for actually posting an
12 open -- so -- sorry. Skipping a step.
13 You -- so you realize that there's an issue with filling
14 days or day parts. Then how do you go about making the
15 decision or who makes the decision to post a job?
16 A That's a great question. I have never actually had to
17 post a job. I know that it -- the system we use for soliciting
18 applications is kind of always collecting them. I know there
19 are managers who have had to do something to have a job like
20 actually kind of posted, at least for the barista level. I've
21 never had to do that. I've always had applicants available, so
22 I'm -- I'm not really sure how that works. It's all just sort
23 of streamlined in a way where I've never had to post a job for
24 the barista level.
25 Q Okay. Once the -- so is there some sort of triggering

1 event that says, hey, Matthew, look at job applicants to fill a
2 position, or how does that work?
3 A Not really a triggering event. So we -- we call it store
4 manager approach. So basically, our weekly calendar should
5 have space where we're going in, and we're checking
6 applications, and if we see people who could be a good fit,
7 reaching out to them and setting up interviews.
8 Especially right now, like even if my store doesn't
9 personally need partners, there's other stores that do. And so
10 the idea right now is that as a district, everyone's just kind
11 of creating space to be able to follow up with people. And
12 then, in those conversations, finding out, hey, these are our
13 other district stores, like which ones of them would you be
14 interested in working at if they have a space, and then we kind
15 of pass that information on to one another.
16 Q So you sort of answered this question but not in its
17 entirety. What is your role in interviewing candidates and
18 hiring candidates?
19 A So I would be going in to the system -- it's called
20 Taleo -- and basically just going through -- there's different
21 ways to sort it based on, like, availabilities. It's kind of
22 the main thing that you do because, like I said, that's kind of
23 where you see that you have a need usually.
24 So we'll go in, pull up the different applicants, pull up
25 their profiles, and see, like, what their work experience is

1 and everything. And then our pool is kind of shared. I don't
2 know if it's the full district or if it's just, like, kind of
3 clusters of stores, but in some way, our pool of applicants is
4 sort of shared across different locations. And so let's say if
5 I'm setting up an interview with somebody, I would click on one
6 of the buttons to say that I'm setting up an interview, and
7 then that creates visibility for other managers that that
8 person's already kind of been contacted.
9 And then as we go through the process, we would set up the
10 interview, we'd interview them, and then through that same kind
11 of program, we would put any notes that we have about the
12 person as we're doing it. There's kind of some yes or no
13 questions at the end of, like, did they demonstrate, like,
14 teamwork, did they demonstrate coaching, did they demonstrate
15 these different, like, kind of qualities that we look for in a
16 partner.
17 Q Um-hum.
18 A And then after you answer those, you click on yes or no
19 for whether or not you recommend them for hiring. And then
20 after that, you can almost, like, send them to another store
21 sort of. Like, you can send their information to a different
22 store manager if you don't have space. Or if you do have
23 space, kind of through the same system, you would click through
24 several steps to start a background check process. Once the
25 background check comes back as being cleared, you would do

1 another step to send them a job offer letter.
2 Once we have the confirmation of them accepting the job
3 offer letter, you would click through to another step to send
4 them -- I don't know -- like, more documents where it's, like,
5 our dress code, like, kind of the basics of what you need to
6 know for your first day. Yeah. Does that answer your question
7 fully?
8 Q It -- it does. If you have -- if you don't have a space
9 in your store, but you find an applicant that's going to be
10 interesting to another store leader, how do you -- do you only
11 ask that applicant about stores in your district, whether --
12 whether they would be interested in other stores in your
13 district, or do you expand that out at all?
14 A Here, it would -- well, here, I've never -- actually,
15 I'm -- I'm suddenly coming to the -- the realization that
16 there's also the Springfield stores that aren't technically in
17 our district, and I have interviewed people who end up going to
18 those stores even though they're not in our district. But I
19 was going to say here, because of how kind of concentrated
20 the -- the district is and there's not really the sprawl,
21 generally, you don't have as many people interested in working
22 outside the district.
23 Back when I worked in the San Francisco Bay area, there
24 was a lot of asking of those things just because -- I mean,
25 I -- I worked about 30 or 40 minutes from home in a district

1 that started with the store that was closest to my house, and I
2 drove through, like, three or four districts just to get to my
3 store just because of how interconnected and interspersed they
4 were.
5 Here, we're kind of a little more isolated, so there's not
6 as much likelihood, like, that someone's going to want to work,
7 like, an hour north of here or an hour south of here to get to
8 one of those other districts, other than Springfield and --
9 yeah. Does that answer your question? That was a very
10 roundabout answer.
11 Q Yes, it does answer my question.
12 MS. DIECKMAN: I am going to ask for one second that we go
13 off the record.
14 HEARING OFFICER DEVLEMING: Okay. Let's go off the
15 record.
16 (Off the record at 12:02 p.m.)
17 HEARING OFFICER DEVLEMING: We are resuming from our lunch
18 break. Ms. Dieckman I know has just sent over some exhibits.
19 But I'll turn it over to you. I don't know if that's
20 where you wanted to pick up or not.
21 **RESUMED DIRECT EXAMINATION**
22 Q BY MS. DIECKMAN: So Matthew, the last set of questions
23 that I was asking you were about how applicants are selected
24 for -- are selected for jobs in your store and in your
25 district. I want to specifically talk about the interview

1 process as it relates to baristas. So I'm going to share my
2 screen with you as soon as I can pull up this exhibit.
3 Do you recognize this document, Matthew?
4 A Yes.
5 Q What is it?
6 A That's, like, our interview guide for doing any barista
7 interview.
8 Q Are -- are you expected to ask the questions that are
9 included in this interview question list?
10 A Yeah. So there's, like, the opening conversation part, so
11 we just kind of start there. And just almost, like, an
12 icebreaker, and then also just sort of discussing the role in a
13 little more detail, like, what -- what are the daily tasks kind
14 of involved, because a lot of people don't realize when they're
15 applying that, like, we clean our own bathrooms. It's, like,
16 one of the ones that I always make sure I mention because once
17 in a while you'll have an interview that literally just ends
18 there because someone says they're not comfortable cleaning,
19 like, a kind of public bathroom.
20 So you start off there, and then when you get down to the
21 other section, it has --
22 Q This section, or should I keep scrolling?
23 A Yeah. That section. So it has like the different, like,
24 the Starbucks experience, so you don't have to necessarily ask
25 every question, but you have to ask questions kind of from

1 within each of those, like, big subject headings. So I'm not
2 used to actually seeing a printed one because this is done
3 digitally now, so it's, like, a little bit weird seeing it this
4 way.
5 Q I apologize.
6 A No. That's okay. But yeah. It's -- it's all the same
7 information on that one, just set up with, like, little boxes
8 where underneath each set of questions you can kind of enter
9 your notes of either why they do exemplify that kind of part of
10 our mission and values, or what it is that would be missing.
11 And then you'd basically do at least one question from each of
12 the sections.
13 Q So do you follow these -- this questionnaire when you're
14 interviewing candidates for barista positions?
15 A Yes.
16 Q Do you ask applicants any questions that are not on this
17 sheet?
18 A Not, like, directly. Like, let's say -- because at the
19 end you ask them if they have other questions, and so some -- I
20 guess that wouldn't really be me posing questions. But you
21 might be talking about things that aren't necessarily on there,
22 depending on what their questions are at the end. But you
23 wouldn't be asking them other questions, really.
24 Q Okay. And do you -- do you ever cointerview applicants
25 with other store managers?

1 A Yeah. Usually -- so if it was -- for a shift supervisor
2 position, there would always be somebody else. And then for
3 baristas we, as much as possible, try to do them in pairs. I
4 want to say that was something that started just before COVID,
5 and that's why it's, like, as much as possible. I think they
6 had wanted us to start doing them in pairs, and then with COVID
7 it kind of became as much as we're able to, but it's not always
8 possible to have three people sitting at a table together to do
9 them.
10 Q In your experience, do the other store managers in your
11 district, when you're cointerviewing with them, stick to these
12 questions that are included in this document?
13 A Yeah. The way that we typically do it, if we're doing
14 like a cointerview, which is how most of mine have been -- and
15 I've done it with, like, a variety of different store
16 managers -- it's usually one person is, like, the question
17 asker, and then the other person is the one who's taking down
18 the notes.
19 Q Okay.
20 A You would just be following along through that.
21 Q Got it. And then at the end of an interview, do you have
22 the authority to offer a position to a barista?
23 A I guess so. Like, pending -- pending the background check
24 and then other steps that it goes through. Typically, we don't
25 do it immediately. Typically, we would like -- since we're

1 doing it in pairs, you would actually discuss after, but yeah.
2 I guess, technically speaking, you could, pending the
3 background check, offer a job.
4 Q Does the district manager have the authority to override
5 or disagree with your decision?
6 A Yes.
7 Q What happens if they disagree with your decision?
8 A They would basically override it. The only time I know of
9 that actually happening wasn't actually involving my store
10 specifically, but it was a rehire situation where it was
11 somebody who had previously worked either in or out of our
12 district. I'm not totally sure; I don't know all the details.
13 But there was a manager made the job offer, Donay saw the
14 information come through, recognized the name as somebody that
15 there had been some kind of major corrective action with at
16 some point in time, and said, no, we're not actually moving
17 forward with that.
18 Q Okay.
19 MS. DIECKMAN: I would ask to move Exhibit 14 into the
20 record.
21 MR. GROW: No objection.
22 HEARING OFFICER DEVLEMING: Okay. Employer Exhibit 14 is
23 admitted.
24 **(Employer Exhibit Number 14 Received into Evidence)**
25 Q BY MS. DIECKMAN: Hold on one second. I'm going to open

1 another exhibit here. Do you recognize this document?
2 A Yes.
3 Q What is it?
4 A That's the interview guide for a shift supervisor
5 position.
6 Q All right. One moment. My computer's misbehaving.
7 Do you -- is this a similar document to the document for
8 barista interviews but just for shift supervisors?
9 A Yes.
10 Q So likewise, are you expected to kind of follow along with
11 the questions included in this document?
12 A Yes.
13 Q And do you?
14 A Yes.
15 Q Do the other store managers in your district?
16 A As far as I know. I mean, this one is one that we, I
17 guess I would say, like, almost always, if not always, do do,
18 like, two store managers. Basically, the way it works is,
19 like, two managers have to actually sign off before someone can
20 be promoted or hired in as a shift supervisor. So I would say,
21 yeah. Everyone -- everyone's using it because you're, again,
22 in pairs with one person taking notes and one person asking the
23 questions.
24 Q Do you ever ask any questions that are not on this
25 interview questionnaire?

1 A No.
2 Q Do you -- to your knowledge, do any other store managers
3 ask any questions that aren't on this?
4 A No. Not that I know of.
5 Q If you -- can you have -- do you have the --
6 MS. DIECKMAN: Strike that.
7 Q BY MS. DIECKMAN: Do you have the authority to hire a
8 shift supervisor if you and the other store manager both sign
9 off on the hire?
10 A Hire in a shift supervisor? I'm honestly not 100 percent
11 sure. I've never done that. I've only ever promoted, and that
12 has to run past Donay. So my guess would be that if you're
13 hiring someone outside in to shift supervisor, it has to run by
14 her as well. But I've never personally done that in my time at
15 Starbucks.
16 Q Okay. So that -- do you have the authority to promote
17 someone into the shift supervisor role, or does that need to be
18 routed through Donay?
19 A That gets routed through Donay.
20 Q Okay. Have you been involved with hiring any assistant
21 store managers?
22 A I have not.
23 Q Okay. I'm going to stop sharing.
24 MS. DIECKMAN: I'd ask that we admit -- that the Hearing
25 Officer admit Employer Exhibit 15.

1 MR. GROW: No objection.

2 HEARING OFFICER DEVLEMING: Employer Exhibit 15 is

3 admitted.

4 **(Employer Exhibit Number 15 Received into Evidence)**

5 Q BY MS. DIECKMAN: Can you explain how training is done at

6 the store level?

7 A Yeah. So we have a training plan that essentially is,

8 like, different blocks of time that have hours allocated for

9 them for the barista, as well as the person who's training

10 them. And it basically breaks down what they're working on on

11 each of the days and each of the shifts. And then each of

12 those shifts or blocks would have, like, its own kind of

13 packet. It's all digital now, but that would essentially walk

14 the partner through -- I don't know -- everything from, like,

15 bringing in drinks on the register to how you brew coffee to

16 how we make drinks, and sometimes it will kind of reference

17 other, like -- we call it roles and routines.

18 So like let's say it's the day that you're doing espresso

19 bar training. Whoever the barista trainer is who's assigned to

20 be working with that new barista would have the iPad where they

21 have the packet open, and it's going to say -- I haven't

22 actually gone through it in a while -- but like, for example,

23 way back when I have looked at it -- and it's probably fairly

24 similar -- it would say that you start off kind of being off

25 the floor. You ask them if they have any experience with,

1 like, making drinks or anything in a prior job. You talk
2 through kind of recipe basics of, like, how many shots of
3 espresso go into different sizes of drinks, how many pumps of
4 syrup would go into the different sizes of drinks. You kind of
5 just talk through all of those things.
6 And then you move on to the actual bar. And then you
7 have -- like, it's called the milk steaming routine where it's
8 showing, like, you purge your steam wand, you center the steam
9 wand in this way, you open up the valve to start steaming, you
10 hold the pitcher in this way so it makes the sound. Like, it
11 kind of just breaks down everything step by step by step.
12 And so you have, like, one document that's kind of walking
13 you through, this is when you use these different documents,
14 and then you would get that document to be able to talk through
15 how you do each of the kind of individual tasks.
16 And then I also forgot to mention, before you actually do
17 any of the hands-on stuff, you would have, like, module, like,
18 on-the-computer training where it's kind of, in theory, just,
19 like, kind of reading, sometimes little clicking quizzes and
20 stuff like that, to introduce you to the information before the
21 trainer actually partners with you. Kind of does a knowledge
22 checkup of what you just went through, and then moves into the
23 hands-on portion.
24 But it's all very, very, like, structured, very broken
25 down of, like, two hours on the espresso machine -- I don't

1 know -- like, three hours on cold beverage or whatever it might
2 be. But it's kind of just all broken down in allocated time of
3 what you're doing in each spot and what resources you use along
4 the way.
5 Q Okay. Is there a -- is there additional training that
6 folks go through after their additional training? That sounds
7 like it was initial training, correct?
8 A Oh, yeah. So that would be initial training, and then
9 there is -- there is other training along the way, and it
10 varies. I mean, there's things as small as, like, our weekly
11 updates where it's, like, every Monday, a document that's a few
12 pages long, that would kind of just have more basic things of
13 this is a promotion happening this week, this is a new drink
14 that's launching soon, just, like, kind of smaller, in-the-
15 moment sorts of things, or like lately it's just been a lot of
16 kind of updates around vaccine mandates and stuff like that to
17 make sure the partners are all aware.
18 And then outside of that, there's -- I'm pretty sure it's
19 monthly, or maybe it's, like, every two months or so, but
20 there's always, like, some kind of safety training, and that
21 one's done on the computer. So it would be, like, the same
22 thing, sort of a module where you click through, and you are
23 saying, like, that you know how to move boxes so that they're
24 not in the way and helping prevent trips and falls, or that you
25 know where the fire extinguisher in the store is, or whatever

1 it is, different things like that.
2 And then there's -- there's other training sometimes.
3 Like, it -- it really just varies a lot. Sometimes it will be
4 the manager gets, like, a conversation guide. I don't feel
5 like I've really had one of those in a while, but in kind of
6 the early days of COVID, there was a lot of stuff where it was
7 conversation guides, where it was the manager kind of had a
8 packet of information that we were talking through with each
9 partner to make sure that they understood kind of as things
10 were changing really rapidly and navigating COVID. Yeah. I
11 think that -- I think that hits most of everything I can think
12 of.
13 Q And are the trainings -- are the trainings anything that
14 you have any discretion over, the content of the trainings?
15 A No.
16 Q Who -- who has discretion over the content of those
17 trainings?
18 A The actual content would be some -- people, like, within
19 our training department.
20 Q Okay. But that's not done at the store level?
21 A No.
22 Q Okay. So I want to turn back to promotion for a minute.
23 I know that we've already discussed it in -- in some detail,
24 but are you aware of who makes a decision to hire -- or to
25 promote someone to an assistant store manager role?

1 A Not fully. Like I'm -- I'm assuming it's Donay, and I'm
2 sure that she partners with somebody else at or above her
3 level, but I've never personally been involved in that.
4 Q And then for all promotions, if a person -- if a -- if a
5 person of some -- if -- if somebody applies for a promotion in
6 a specific store, whether or not it's the store that they're
7 currently working in, are they given, like, a preference based
8 on --
9 A I wouldn't necessarily say a preference, but we have,
10 like, a career progression policy that started at some point in
11 the midst of the pandemic. Sorry. I'm not -- once the
12 pandemic started, every day is the same, and every day is
13 different.
14 So at some point in the midst of the pandemic, a career
15 progression policy went into place. So with that, if somebody
16 already works for Starbucks and they apply for a promotion, at
17 least within the retail level, they're guaranteed an interview
18 at least. So if somebody at -- I don't know -- the Delta store
19 applies for a shift supervisor position that I've said has been
20 at my store, even if it's, like, their first week and they
21 haven't completed training at the time that they apply it,
22 technically, I -- I still interview them. They're not very
23 likely to get it. They don't have, like, any kind of
24 preference on it, but they would at least be getting
25 interviewed since they already work for the company. Does that

1 answer your question?
2 Q Okay. It does.
3 A Okay.
4 Q And is it different if someone is applying to a store
5 that's inside or outside of their district that they're
6 currently working in?
7 A Not as far as I know. I don't think so. I haven't had
8 any applicants from outside the district before for the
9 promotion positions, and so I've never actually -- I would
10 probably check with Donay on that and make sure that I am
11 correct. But my understanding would be that we would still at
12 least give them the interview.
13 Q Okay. I'm going to pivot to partner discipline. Do you
14 have the authority to coach partners in your store verbally?
15 A Yeah.
16 Q Do you have the authority to issue written warnings to
17 partners in your stores -- in your store?
18 A Yeah.
19 Q I'm going to show you an exhibit that has been marked as
20 Exhibit 12. Now, the -- the actual content on Exhibit 12 is
21 not important. I just want to ask you about the form itself.
22 A Okay.
23 Q So do you recognize this form?
24 A Yes.
25 Q What is it?

1 A That's the corrective action form.
2 Q And is this the same corrective action form that's used at
3 all of the stores in District 156?
4 A Yes.
5 Q Do you have the authority to make any changes to this form
6 other than to fill it in?
7 A No.
8 MS. DIECKMAN: I'm going to ask to move Exhibit 12 --
9 Employer -- what's been previously marked as Exhibit 12 into
10 the record.
11 HEARING OFFICER DEVLEMING: Any objection?
12 MR. IGLITZIN: Actually, let me voir dire the witness, if
13 I may?
14 HEARING OFFICER DEVLEMING: Yes.
15 **VOIR DIRE EXAMINATION**
16 Q BY MR. IGLITZIN: Good afternoon, Matthew. Nice to meet
17 you.
18 A Hello.
19 Q Is it your understanding that this is the same form use --
20 used in all Starbucks stores across the country?
21 A It may have been, like, slightly modified over time,
22 nothing I've ever noticed. But yeah, ever since I started
23 working here, this would be the form that we use, at least in
24 all the stores that I've worked in.
25 Q Thank you.

1 MR. IGLITZIN: I don't object to this exhibit.
2 HEARING OFFICER DEVLEMING: Okay. And just for the
3 record, I believe we established in the Seattle hearing that
4 nobody -- no member of the public could take a partner number
5 like this and figure out a name associated with that. That's
6 everybody's understanding?
7 MS. DIECKMAN: That -- that's accurate. We just -- we
8 removed the -- the name because it's --
9 HEARING OFFICER DEVLEMING: Right.
10 MS. DIECKMAN: -- more likely that someone on this call
11 might know the name than this partner number.
12 HEARING OFFICER DEVLEMING: Okay. As long as everyone's
13 comfortable with the partner number being in the public record,
14 Employer Exhibit 12 is admitted.
15 **(Employer Exhibit Number 12 Received into Evidence)**
16 MS. DIECKMAN: Okay.
17 **RESUMED DIRECT EXAMINATION**
18 Q BY MS. DIECKMAN: Do you -- do you have the authority to
19 coach partners in other stores verbally outside of your store?
20 A Do I have the authority? Yeah.
21 Q Have you ever?
22 A I mean, not as -- not as much. I mean, yeah, I have. I
23 can't, like, think of specific examples. Usually, when I'm in
24 other stores, I'm not as much on the floor actually doing
25 things with all of the other partners as much. There have been

1 a couple times that I can think of where, like, there's several
2 callouts at a store, and I'll go help out another location
3 while that's happening if there's, like, not really much
4 happening at my store and we're well covered. And so yeah. If
5 you -- if I saw something happening, there would be coaching,
6 yeah.
7 Q Do you have the authority to issue a written warning to a
8 partner in another store?
9 A It's pretty uncommon that you would do it directly. But
10 let's say if -- if I was -- like, for example, in that
11 situation, what would probably have happened is I would have
12 talked to whoever the manager is about what I witnessed, if it
13 was something that should have a corrective action, and then I
14 would leave it up to them to follow up on it. But like, if --
15 somewhat recently, actually, like, if someone is, like, on
16 vacation and you're kind of their contact person that's in
17 charge of their store and there were issues happening, you
18 would be responsible for kind of issuing those. And in that
19 case, you usually kind of go through Donay as well just to make
20 sure that everything is kind of -- I don't know -- above --
21 above board, I guess you could say. Or like, in that
22 situation, it was a partner who, technically if there wasn't
23 anything issued, but they kind of contacted me to quit without
24 notice, then it was my responsibility to get in contact with
25 Donay, because I don't actually have the access to separate the

1 partner at that point. Just the way that our, like, kind of
2 permissions are when we give someone permission to access our
3 things during a vacation, they can access a lot of stuff, but
4 they can't actually, like, hire or fire someone into our
5 system, even with permission from someone.
6 So I had to contact Donay. I think it was a text message
7 maybe. I can't remember for sure, but -- how the person
8 contacted me, but I had to kind of give the information of how
9 the partner had quit or resigned to me, and then Donay was able
10 to process the paperwork aspect.
11 Q And has any other store manager ever disciplined an -- a
12 partner in your store?
13 A While they were working presently in my store? Not that I
14 can think of. There have been people who, like, have
15 transferred between stores, and while they were working in
16 another location, there was corrective action, and then that
17 corrective action kind of gets transferred in their file over
18 to my store.
19 I've had -- I've had partners end up being separated when
20 I was on vacation because of things that were happening.
21 Q What happened when that -- what happened there?
22 A That was -- I'm trying to remember. That would have been
23 when I was in California, and I really can't remember -- I
24 can't remember the details of it now. But I just remember that
25 it was I had a partner who was at the store when I was there,

1 and then I got contacted when I was returning from vacation by
2 my district manager notifying me that they had been separated,
3 but I don't -- I honestly can't remember any of the details, if
4 I -- if I even had all the details back when it happened. I'm
5 not sure.
6 Q Okay. When you're in a situation with a partner, and you
7 believe that discipline might be necessary, can you walk me
8 through the steps that you go through internally or externally
9 to actually determine whether that partner will receive
10 discipline and what level discipline they'll receive?
11 A Yeah. A lot of it would just, kind of, be initially based
12 on familiarity. Like, if this is something that I've had
13 experience with recently, and feel confident in what it is, and
14 it's, like, a fairly low level thing, like, if it's just, like,
15 a documented coaching or written warning, I would just, sort
16 of, assess, like, is that -- is this something that I feel
17 confident about? Do I know exactly what kind of policy I would
18 be citing? And honestly, a lot of times it's, like, is there a
19 corrective action that I've written for someone recently that I
20 can basically go in, and like, change -- change the name,
21 change a couple of the details. But like, the policy and the
22 information on it remains relevant. And if that's the case and
23 it's just one of those first two levels, I can usually just,
24 sort of, go ahead and do it.
25 Whereas, if it's something where I'm, like, okay, there's

1 definitely something happening that's not supposed to be
2 happening, I'm not exactly sure what policy it would be, I'm
3 not exactly sure what verbiage to use, I'm not sure if I have
4 written someone up for this action, or whatever it might be in
5 the past, at that point, I would reach out to Donay or peers,
6 usually Donay. Usually, it's, like, reach out to peers, see if
7 any of them has experience, find out if so-and-so does, and get
8 a little bit of the information. And then, contact Donay, and
9 be, like, hey, this is what's happening at my store. It's kind
10 of like what happened at this other person's store. What would
11 you recommend?
12 Or sometimes, there's also our -- I can never remember
13 what it's called, Virtual Coach. And so we can use the Virtual
14 Coach as well. And so that one is basically, like, you answer
15 a few questions, like, yes, I'm in the United States. And
16 then, like, it's around tardiness, or it's around --
17 Q Can I --
18 A -- inappropriate language or whatever it might be.
19 Q Can I interrupt you quickly and just share my screen to
20 make this a little easier for you?
21 A Yes.
22 Q Okay. Rather than have you try to remember what it says,
23 let me show you.
24 A Yeah.
25 Q Is this famil -- is this what you're -- what you were

1 (Indiscernible, simultaneous speech) --
2 A Yeah, that's the -- the link to it.
3 Q Then, this?
4 A It wants to select U.S. English.
5 Q And then, what's this?
6 A Oh. And so that's just, kind of, the first step of, kind
7 of, figuring it out. So you would click on whatever thing is
8 the closest. And sometimes, depending, you click on a couple,
9 if you're not totally sure. But most common would be, like,
10 attendance and punctuality. So you would click on that. And
11 then, it would bring up other scenarios, like, within that, so.
12 In that case, tardiness.
13 Q And then, what?
14 A And then, basically, it's just a question. Answer, Teresa
15 (phonetic throughout), so you would be answering the different
16 questions. So if the partner arrived late to a scheduled
17 shift, were there any extenuating circumstances? So like, did
18 they actually have an excuse, like -- like, was there really
19 bad weather, or something like that. But otherwise, you would
20 just, kind of, answer along. And then, it tells you at the
21 bottom. So then, at the -- and it has, like, results, so
22 "Consult your next-level leader", "further guidance is needed,
23 call Partner Relations". So -- yeah.
24 Q Sorry. Trying to figure out when you need me to scroll.
25 A No, it's okay. But yeah, so there -- there's different

1 ones. Like, this one would be if they missed three consecutive
2 shifts. That would be a situation where technically they're
3 supposed to apply for a leave of absence. So you would reach
4 out to the partner and try to make contact with them, make sure
5 that they're okay, and then, let them know that they need to
6 contact Sedgwick about a leave of absence. Obviously, that's,
7 like, outside of the -- like, if they're told to isolate,
8 because of COVID or something.
9 Q Um-hum. And then, here's another scenario. So I won't
10 make you walk through it again, but this -- but it looks like
11 deficient performance would be a similar process, correct, just
12 sort of --
13 A Yeah. They're all going to have, like, kind of, their
14 specific questions and everythings (sic). But it's -- it's the
15 same thing where you just, sort of, answer the questions along.
16 And then, it gives you a result at the end of what would be
17 consistent.
18 MS. DIECKMAN: And I just want the record to reflect that
19 this testimony was related to Employer Exhibit 8, which has
20 already been admitted to the record.
21 Q BY MS. DIECKMAN: Is the Virtual Coach something that all
22 of the store managers in the U.S. would use?
23 A Yes. There -- there's something weird with New York, but
24 I think that they still have one. I just know when you click
25 on it, at one point, it asks you if you're in New York City.

1 But yeah, we all -- we all use it. I think it's just, like, a
2 slightly different form, if you live there or work there.
3 Q Are -- are you expected to use Virtual Coach as part of
4 your job duties?
5 A Yeah. Yeah. So like, for example, as I was saying, like,
6 if we reach out to Donay, her first response is very often,
7 have you walked it through the Virtual Coach? And then
8 sometimes, she'll even go through it. Like, if you say, like,
9 this is what it is that I'm, like, not sure about. Then,
10 she'll send you screenshots and ask you to go through it too,
11 to see if you're arriving at the same, kind of, conclusion.
12 Q And do you generally use Virtual Coach, I mean, beyond
13 when you have recently issued a similar discipline?
14 A Yeah.
15 Q And do you generally follow Virtual Coach's
16 recommendations, or do you more often -- how -- how does that
17 play out?
18 A Yeah. You would -- you would generally follow it. I
19 think -- I think the one place where it gets a little bit gray
20 sometimes, is, like, one of the questions is, like, are there
21 extenuating circumstances? And so that's where there's, like,
22 you usually would end up partnering with your district manager.
23 Like one --
24 Q Can you think of an example of when that would've
25 happened?

1 A Yeah. So again, at some point in the midst of the
2 pandemic, I'm not exactly sure when, but I had a partner who
3 had time and attendance issues that she was pretty consistently
4 coming in, like, 5 to 30 minutes late maybe. And then, when I
5 was issuing her -- after talking to Donay, I issued her the
6 final written warning. Actually, I think I had given her the
7 final written warning. And then, she was late again, is I'm --
8 I'm pretty sure what happened. But it was either when issued
9 that or after issuing that when she was late again. But when
10 she came in, I kind of pulled her aside, and I was, hey, I -- I
11 just need to talk to you. Like, you know you're already on
12 whatever level of warning and you're late again. Like, what's
13 going on? And I -- when I asked her that, she, like, pulled up
14 the sleeves of her sweater and showed that she had bruises on
15 her arms. Sorry.
16 And she informed me that she was in an abusive
17 relationship, that she was trying to get out of. And that the
18 reason that she was late a lot of times is that she was either
19 just trying to placate the situation at home or cover bruises
20 or whatever it might be related to that. And so when she told
21 me that, I was, like, okay, are you comfortable with me sharing
22 this with -- it wasn't Donay, because I think Donay was on a
23 vacation -- I was, like, are you comfortable with me sharing
24 this with a different district manager, so that they can, like,
25 kind of, provide me some guidance and support of, like, what we

1 should do? Because at that point, technically, if you just
2 walked through it, and you didn't have extenuating
3 circumstances, it was, like, the next shift, she would've been
4 separated or fired.
5 And so I reached out to, I think it was Carly, but one of
6 the neighboring district managers, and kind of explained to her
7 what the situation was. And what we arrived at together was,
8 in this situation, it wasn't her behavior that we're trying to
9 correct in terms of trying to make her be on time to work, but
10 that the situation really was that she wasn't communicating
11 fully with me. And we didn't have any corrective actions
12 around that. So we gave her, like, a documented coaching.
13 Well, I gave her a documented coaching at Carly's direction,
14 basically, just saying that I needed her to be more open and
15 honest in communicating with me about things that are impacting
16 her ability to work. And yeah, she's still there. She's still
17 working. And things have been fine since then.
18 Q If -- if you had not escalated that particular situation
19 to a district manager, would you have been required to, using
20 the Virtual Coach, terminate that employee?
21 A Yeah. Like I said, there is the one question there, like,
22 are there extenuating circumstances? But if you were just to
23 ignore that one or answer no and walk through it, the next step
24 would've been separation.
25 Q And if you were to hit yes, there are extenuating

1 circumstances, what would the direction be for you to make?
2 A I'm 99.9 percent sure that it would say partner with your
3 leader.
4 Q So in that situation, no matter what, you would've
5 partnered with a district manager to make the -- the
6 appropriate decision there?
7 A Correct.
8 Q Thank you. Okay. Switching gears, give you a second to
9 breathe. Do you have the authority to discharge partners
10 without input from a district manager?
11 A No.
12 Q Can you walk me through the process that you go through
13 when you're dealing with a situation that potentially involves
14 discharge?
15 A Yeah. So basically, as soon as you're realizing that
16 there might be discharging an employee, you would be looping in
17 the district manager, and kind of informing them of what the
18 situation is. So if that's a situation of -- we have, like,
19 the three corrective actions, and this third one is now the
20 final written warning, you would be informing them before you
21 actually issue the final written warning.
22 Q Um-hum.
23 A And then, you would be informing them along the way.
24 Sometimes it's just informing that the behavior has been
25 corrected. Usually, Donay will, kind of, follow up, if she

1 knows that you have someone who's on a final written warning
2 and hasn't heard anything in a couple weeks. And so you would
3 just say, oh, there haven't been other issues, or they're
4 actually doing great now, or whatever it might be. And then,
5 if it were to go the other way and continue to be an issue,
6 again, you would just inform her, let her know they were late
7 again this day or whatever it is.
8 And then, she would, kind of, partner with you to make
9 sure that your verbiage is right in the notice of separation,
10 and kind of figure out a plan for the actual separation. And
11 if it's something she should be in the area or present when it
12 happens, if there's, like, chance of escalation, which isn't --
13 isn't really common, but -- or if it's just something where
14 you're able to do it, that you would just do it.
15 Or like I talked about earlier with the partner who made
16 the all cops are blank comment, once you know that it's a
17 situation that could result in a separation, because it's a
18 major policy violation. Or at one point I had a partner who
19 swore at me in the back room, and just immediately called Donay
20 and said, "Hey, this is what happened." But yeah, kind of, as
21 soon you know that there's something happening that you can,
22 kind of, see the path leading towards separation, you would
23 generally loop in the district manager to get their insights on
24 it and find out what next steps are.
25 Q And it sounds like you have had to use that process?

1 A I have, yeah.
2 Q I'm going to pivot to transfers. What's an employee
3 transfer?
4 A So an employee transfer would be any time that a partner
5 who's already working for Starbucks wants to work at a
6 different store from one that they're currently as their home
7 store, so like, the store that their payroll gets processed
8 through.
9 Q How do they work?
10 A We have a form. So they would contact their store
11 manager, their current store manager, and let them know that
12 they are interested in transferring. And then, kind of,
13 figuring out, like, if they're transferring within district,
14 just, sort of, looping Donay in that there's somebody who wants
15 to transfer from whatever store to whatever store. Or like,
16 let's say, again, I've had a couple people who ended
17 transferring out of state, or who transferred with the school
18 year. In that situation, we would, kind of, fill out basically
19 that top section, everything up to the "Partner's current
20 manager completes". So I would fill in my comments, their
21 current region, their current rate of pay. With them, I would
22 fill out, like, that top section.
23 And then, once it's all filled out, we email it to Donay.
24 And then, like, if it's outside of the district, Donay would
25 forward it to whatever the district manager is for that

1 district. And then, that district manager -- at least the way
2 it works is, is that district manager would then send it to, if
3 there's a specific store that's being requested, or if they
4 know there's a specific store that that person would fit into
5 that has, like, need for a partner, they would forward the
6 information and the transfer request form to that partner.
7 Q Okay.
8 MS. DIECKMAN: And I just want the record to reflect, I'm
9 showing you what's been previously marked as Employer Exhibit
10 13.
11 Q BY MS. DIECKMAN: So this is an accurate representation of
12 what a transfer form looks like?
13 A Yes.
14 Q And then, what is this? Is this page -- just the
15 instructions to the --
16 A Yes.
17 Q -- manager?
18 A Yeah.
19 Q And this outlines -- does this outline, generally, what
20 you understand to be the -- the policy and the procedure?
21 A Yes.
22 Q And then, what is this third page?
23 A That is -- that's, like, the email. So that would be --
24 oh, no, that's -- so that's, like, the confirmation that we
25 get, so. I am not sure which one that would be. But

1 basically, like, if I have a partner that I transfer in, I
2 would get an email that looks like that. Or if there's a
3 partner who currently works at my store, and a different
4 manager has now transferred them to their store, I would also
5 get one that looks like that. And I'm -- from what I'm seeing
6 there, I can't tell exactly which one it is. But it's the
7 notification that either your partner has now transferred to
8 you, or that someone who was your transfer has now transferred
9 to a different store.
10 Q And both the receiving and the giving stores would
11 receive -- the store managers for both the destination and the
12 initial location will receive the same -- generally, the same
13 notice?
14 A Correct. Yeah, there might be some variation between it.
15 But I mean, you generally know what -- what you're doing, which
16 one it is, so. I've never actually looked at it close enough
17 to know, like, how you would distinguish between them, but.
18 Q Okay.
19 MS. DIECKMAN: I'm going to ask to move Exhibit ER-13 into
20 the record.
21 HEARING OFFICER DEVLEMING: Any objection?
22 MR. IGLITZIN: No objection.
23 HEARING OFFICER DEVLEMING: Employer Exhibit 13 is
24 admitted.
25 **(Employer Exhibit Number 13 Received into Evidence)**

1 HEARING OFFICER DEVLEMING: And actually, before we go too
2 much further, it may be a good idea, just because I understand
3 the court reporter may be going back to access exhibits later,
4 if we could delete the previous version of 12 from the
5 ShareFile and replace it with the redacted version that we've
6 admitted. Just so we're all on the same page. Or to be very
7 clear, we admitted the redacted version of Employer Exhibit 12,
8 not the unredacted version currently in the Employer's
9 ShareFile account.
10 MS. DIECKMAN: Can we go off the record for just a second?
11 HEARING OFFICER DEVLEMING: Sure. Let's go off the
12 record.
13 (Off the record at 2:11 p.m.)
14 HEARING OFFICER DEVLEMING: Okay.
15 **RESUMED DIRECT EXAMINATION**
16 Q BY MS. DIECKMAN: So do you have the authority to process
17 a partner transfer from store manager to store manager without
18 involving the district manager at some level?
19 A No.
20 Q Are there certain conditions that a partner needs to
21 satisfy in order to be able to transfer?
22 A Yes.
23 Q What are they?
24 A They have to have been in a role for six months or more.
25 They have to generally be in good standing. That might be it.

1 Those are, like, the two big ones that end up usually being the
2 issue, when there is an issue of someone not being able to
3 transfer. There might be something else. But that's -- that's
4 all that comes to mind.
5 Q Okay. So then, it's my understanding also that there's a
6 difference between transferring a partner and a borrowed
7 partner. What's a borrowed partner?
8 A Correct. So a borrowed partner would basically be a
9 partner who's just working at another store for a shift or
10 several shifts. But their payroll still gets processed through
11 the original store, would kind of be the simplest way of
12 putting it. So for example, like, if someone on my team wanted
13 more hours, they could potentially, like, contact other stores,
14 or there's, like, a Facebook group that they can go on and see
15 if people at other stores are trying to get shifts covered.
16 And then, they would be able to pick up a shift at a different
17 location. They go; they work there.
18 And then, we borrow them to that store in the system. And
19 then, it's like, kind of, one of two things could happen. If
20 we borrow them before they work the shift, if we, kind of, knew
21 about it within enough notice to do that, they can actually
22 clock in and out for their shift as everything is normal. Or
23 if they can't do that, there's a punch communication log at
24 each store, so they would fill out their information with,
25 like, their name, ideally what store they're at, what the date

1 is, what their punches are that need to get entered in. And
2 then, at some point, the store manager when -- of that store
3 where they worked, would see that there's someone who's not on
4 their team. They might know what store it's at. They might
5 have it written in. Or otherwise, they would just reach out to
6 the team, and say, this partner worked at my store on this day.
7 And then, whoever that store manager is that has that person,
8 goes in and -- basically, goes to that person's profile and
9 adds that store temporarily.
10 As opposed to a transfer, would mean, you actually go
11 through a different system. And it, like, maybe that person
12 would disappear from my store's reporting, unless they got
13 borrowed. And again, because they were picking up a shift at
14 my store. Does that make sense?
15 Q Yes.
16 A Okay.
17 Q Thank you. It sounds really silly, but it helps us
18 understand. So is there anything different about a partner's
19 terms and conditions of employment when they're being borrowed
20 to another store, as opposed to working out of your store?
21 A No.
22 Q Is there anyone other than the store managers at the
23 lending and the borrowing stores who are involved in making the
24 decision for a partner to be borrowed?
25 A No.

1 Q Do -- does this happen often? Are partners borrowed
2 often?
3 A Yeah. To go back one -- one little thing. There are very
4 rarely situations where Donay will say that a specific partner
5 shouldn't be borrowed. One -- but only example, actually, that
6 I really know is, I had a partner who would pick up shifts at
7 other stores and was having some ment -- mental health things,
8 and would end up going to another store and essentially, like,
9 just having a bit of a breakdown and not being able to finish
10 the shift. And so when that happened a few times, Donay
11 basically just stepped in and said, sorry, you can't pick up
12 shifts at other stores. Which that's now, kind of, resolved
13 itself and that person is able to pick up shifts again at other
14 stores. But for a period of a couple of months, she wasn't
15 able to, because Donay just said it wasn't -- it wasn't fair
16 essentially to other stores to have that happening.
17 Sorry. What was -- what was your current question? I'm
18 sorry.
19 Q Does -- do partners get borrowed by other stores regularly
20 or frequently?
21 A Yeah, pretty regularly. I haven't had it super much at my
22 store over the past few weeks. But it's definitely -- I mean,
23 I would say typically in any given week, up until pretty
24 recently, I would have at least, like, one or two partners who
25 had covered shifts at other stores, and at least one or two

1 partners who had covered a shift at my store from another
2 store. I haven't had a ton of it in the past few weeks, but
3 definitely, like, over the holidays, in the fall, even in
4 summer. But for whatever reason, the last couple of weeks, my
5 store specifically hasn't had a lot of it. But I know I've
6 seen, like, there's still people posting that they're giving
7 away shifts or looking for shifts. So yeah, it definitely
8 happens quite often.
9 Q Okay. Do you have the authority to lay off a partner?
10 A No.
11 Q Or what about furlough?
12 A I don't even really know what that means.
13 Q Okay. If -- if an employee is laid off, do you have the
14 authority to recall them?
15 A I don't know what that would mean either.
16 Q So if a -- if a -- if a partner -- furlough, essentially,
17 is like a layoff, but is super temporary. And a -- and a
18 recall is if -- so if a partner has been laid off, do you have
19 the ability to say, I want that partner to come back to work?
20 Or is that made by somebody else?
21 MR. IGLITZIN: I'm going to object. The witness just said
22 he doesn't know what a layoff is --
23 MS. DIECKMAN: Okay.
24 MR. IGLITZIN: -- at his workplace.
25 MS. DIECKMAN: So he doesn't know what a recall is? But

1 that's all right. I'll skip ahead.

2 MR. IGLITZIN: Thanks.

3 Q BY MS. DIECKMAN: How is inventory supplied at your store?

4 A So we have an order system called IMS, inventory

5 management system. And so that would be where all of our,

6 like, inventory counts happen, our orders are placed, transfers

7 a product between stores. All of that gets processed through

8 there.

9 And then, outside of that, there's Par Builder, which is

10 essentially -- it comes out, it's every two months or three

11 months. But it's basically an Excel spreadsheet that's, like,

12 a smart sheet, where you enter your store number, enter

13 information about, like, how frequent your deliveries are and

14 things like that. And then, it basically just spits out

15 numbers at you for all the different products that we carry.

16 The only exception right now is milk. But we actually just got

17 information, us managers, that that's changing in the spring,

18 that milk will be included on it. But basically, like, for

19 everything, like, from your syrups to -- I don't know, cups and

20 all of those things, it tells you how many of them you should

21 have.

22 And then, we post the pars for the shift supervisors. And

23 then, at least for my store, most of the items would be on,

24 like, either a daily or a weekly cadence. And then, it would

25 be whoever the opening shift supervisor is who orders any of

1 the weekly items, and they would basically just walk around.
2 They have a little clipboard. They look at what's on the
3 shelf, look at what the number is for the par. And if it's
4 less than the par, they put that they're ordering however many
5 they need to bring it over the par. And then, they enter that
6 information in the computer. For the weekly order, it's
7 basically the same thing. But at most stores, including mine,
8 there's one person who generally places the weekly order each
9 week. And then, there's also the person who puts away those
10 items each week, just to, kind of, help with organization.
11 And then, the other, kind of, category would be all of our
12 food. All of our food has transitioned now to automated
13 ordering. So we don't do anything related to order the food.
14 It's all some kind of algorithm, based on we enter counts of
15 what food we currently have. I think it's twice a week. And
16 it would be the closing shift supervisor who enters that count
17 into the same system of the inventory management. And then,
18 based on that, and what we're bringing in, it just -- it just
19 creates the food order. I don't really know how that part
20 happens. But we don't have any ability to make adjustments to
21 that.
22 Q How does -- what do you do if the order's already been
23 entered and your store needs an item that they haven't -- that
24 they didn't order, or --
25 MS. DIECKMAN: Strike that.

1 Q BY MS. DIECKMAN: What happens if you -- do the stores
2 share products ever?
3 A Yeah, pretty frequently, especially right now with the
4 supply line issues. It's honestly uncommon that I would go at
5 least a week without having to either loan or borrow or both.
6 Sometimes it feels like almost daily. But yeah, it's pretty
7 common that we are, kind of, exchanging and trading things back
8 and forth. And then, all of that would get processed through
9 that inventory management system too. So that it, kind of,
10 keeps the digital record of where the inventory is.
11 Q Do you generally share products with other stores in your
12 district?
13 A Yes.
14 Q Do you ever share products with other stores that are
15 outside of your district?
16 A Here, I never have. When I was in California, there was a
17 lot more, I don't know, like, interplay, I guess, of districts
18 in terms of the locations. We did sometimes loan it outside of
19 district.
20 Q Let's -- let's just think specifically about District 156
21 for purposes of today.
22 A Yeah, here --
23 Q So --
24 A -- here, it would just be within the district that I've
25 ever done.

1 Q Do you -- is Donay involved in that process at all?
2 A Not, like, a ton hands on. We -- typically, like, if --
3 if there's, like, an ongoing issue with certain things of,
4 like, that we're constantly having to kind of train. Like,
5 let's say venti hot cups, that's the last one I can think of,
6 where it was supply-line issues, and they're just --
7 consistently weren't enough, and we were having to pretty much
8 daily be, like, who has them, who needs them, and then figure
9 out getting them around. When it's like that, we notify her,
10 like, hey, there's a big issue with venti hot cups, so that she
11 can kind of figure out if there is some kind of connection that
12 she can use or contacting someone to try to get, like, an
13 emergency shipment, would be what they call it, where they
14 would just -- from one of our other distribution centers. I
15 don't really know how it works. I just know that they come
16 from further away and it usually takes a couple of days. But
17 they'll just send, like, three or four more than what you
18 really need all at once to a bunch of different stores just to
19 make sure that you actually have the inventory available and
20 that you're not constantly trading it around.
21 But if it's, like, we forgot to order caramel, so I don't
22 have caramel, so I need to go to another store and get caramel,
23 we don't really loop her in because it's -- we just made a
24 mistake at that point.
25 Q Then just to pivot, what physical records are kept at your

1 store?
2 A Lots of them. So there's the daily records book, which is
3 basically just, like, a big spiral bound book that has, like,
4 kind of, contact information for, like, any issues you might
5 have at the front of it. And then it's, like, each day
6 essentially has its own page for planning around, like -- like,
7 the shift supervisors use it the most.
8 And so they -- they kind of have a part for each day part
9 where they can keep track of are there things out of the
10 ordinary happening, where am I at as far as my shift supervisor
11 tasks. Like, has the deposit been started, all of those
12 things. And then there's also spaces for, like, putting in a
13 note if there's some kind of promotion happening or if there's
14 training that's supposed to be happening. There's, like, a
15 space to put in any kind of training that's happening. Just --
16 just kind of all different stuff that you might want to track
17 or be aware of as you're planning the day.
18 And then within that book as well, there's documentation
19 for what we call clean, play, which is basically the weekly
20 cleanings. So once a week at most stores, you would have about
21 two hours after close where there's partners working after
22 close, just sort of doing deeper cleaning or maintenance on
23 some of the different equipment. And so there's a space in
24 there for them to kind of have their guide each week of what
25 they're actually doing. Add -- you know, if there's stuff --

1 like, if they're out of one of the cleaners that they need for
2 that or whatever might happen, that we get documented there.
3 And then that book also has the punch communication log.
4 And then for, I believe, it's the State of Oregon, we also have
5 like, stapled in there the schedule changelog. So if partners
6 are like swapping shifts around or anything, it would get
7 logged there.
8 And then -- so one more major thing there. Paid outs and
9 mileage are also in the daily records book. So if, let's say,
10 we forget to order milk or milk doesn't come, and we have to go
11 to a store, we would save the receipt and then we log in that
12 section of the book that somebody went to the store. And then
13 there's another page where they can put it, like, that store
14 was three miles away or four miles away or whatever, and then
15 they get paid out for their mileage as well. So that's
16 everything for the daily records book.
17 And then other documentation would be partner files, which
18 would have corrective actions, training plans, just sort of
19 like conversation notes. Then we also would have our DCRs, our
20 daily covered reps, as well as weekly schedules, as well as
21 WLR, weekly labor recaps. So that's, like, the breakdown.
22 And let's say, it's Monday and I'm processing payroll,
23 there is a report that comes out at the end where it's
24 basically saying you scheduled however many hours of coverage,
25 of training, of noncoverage, and now at the end of the week,

1 this is how many hours of those three types of labor you
2 actually utilized. And then it kind of gives you, like, a
3 percentage of how far over or under you were from what you
4 scheduled, what you actually ended up working, as well as what
5 you actually ended up earning. And then your goal is to be as
6 close to zero between what was worked and what actually was
7 earned.
8 And then for Oregon's, specifically, there's also, like,
9 our monthly safety meeting log, where it basically has, like, a
10 different safety topic each month. For Oregon, there's also
11 specifically the store operations assessment, which is
12 basically, in -- in most places, that one's not as frequent, so
13 it's just in your book, but here it's once a month, and it's,
14 like, trying to think what's on it. I know it's, like, are
15 your sprinklers blocked because they shouldn't be blocked. Are
16 your electrical panels accessible. Like, it's all -- all just
17 like little things like that. Has your fire extinguisher been
18 serviced in the past year? Just it's, like, 20 or so little
19 questions of, like, are all these things right. And then you
20 go through that once a month, and then we have to keep, I
21 think, it's like six years of those on file.
22 Tip report. So would have, like, the hourly -- or the
23 weekly breakdown of how many hours each partner worked as well
24 as written in what that broke down to as far as an hourly rate
25 of pay for tips. And I'm sure there's more.

1 Oh, there's like safety -- safety binders, past reports.
2 Like, whenever the pest people come in, I think, it's once a
3 month, and then every time they leave a report, if they're
4 finding anything that's out of the ordinary or bad or proof of
5 pest, they would leave it, or they would leave, like, what they
6 did. And you have all of that. And then -- yeah, that's
7 everything I can think of --
8 Q Okay.
9 A -- but a lot. I'm sure there's more.
10 Q And are all of those things, things that are kept in every
11 store in District 156?
12 A Yeah.
13 Q Who tells you what records are supposed to be kept --
14 A There's --
15 Q -- in your store?
16 A Sorry. There's a few different forms. Like, there's one
17 form where it's, like, the partner file form and it tells you
18 what should be in partner files. There -- some of them, it's
19 like, they're -- they're -- they're literally, like, labeled at
20 the bottom of how long you keep them or how many of them you're
21 supposed to have on file at a given time.
22 But then there's also -- I know there's a different form
23 that you can actually use to get the information. But there's
24 the document send back form is always what I end up using,
25 which is every planning period, they basically send the form

1 that says here are the things that you should be sending back.
2 And it -- it basically gives you the same information where
3 it's going to say any of item A that is more than six months
4 old or whatever it is. So I -- I always use that as my guide
5 because that's usually when I'm actually going through the
6 files and getting rid of it. But I know there is technically
7 some other document that just lists out how long or how many of
8 all the different things you're supposed to have.
9 Q What do you do with the documents that -- when they're
10 beyond the retention period or you need to get rid of some?
11 A They would -- excuse me, they would get sent back to
12 Seattle. There's -- you basically open a little tab from
13 somewhere on our hub for FedEx. You select documents, send
14 back, and then it basically just gives you a label that tells
15 you -- that has all the information. I don't even know exactly
16 where it goes, but I know it's Seattle.
17 Q Pivoting to payroll. What's your role in payroll?
18 A So I would be responsible for processing payroll, so that
19 would be throughout the week, checking the punch communication
20 log, seeing if there's any punches there that people have
21 already noticed they need entered and getting those entered.
22 And then looking at, it's called the daily overview, where
23 it basically just breaks down each day in our payroll system
24 and shows, like, everything that was scheduled and everything
25 that was actually punched so that you can kind of get a clear

1 picture of, like, okay, this person was scheduled to work but
2 there aren't any punches. Did they actually call out sick or
3 did they just not punch? So you can follow up with them about
4 that.
5 And then it would also show there's, like, any just missed
6 punches. And so anything that's not actually logged in the
7 punch communication log, you would follow up with that partner
8 and have them basically fill it in, and then get it typed into
9 the system. And then if there was any kind of, like, sick pay
10 or vacation that was requested, you would process that.
11 Right now, with COVID, if there's a situation where
12 someone is isolating after going through the, like, COVID
13 coach, you would enter in. It's called catastrophe pay. So
14 you would basically enter in not actual punches, but just,
15 like, an amount of time, so they get paid for any shifts that
16 were scheduled that they weren't able to work while they were
17 isolating.
18 And then on Monday, you would kind of verify all of that
19 stuff is done. You would run that weekly labor report that I
20 was talking about, which would kind of help you sometimes catch
21 if there's any kind of anomalies or something weird that you
22 may have otherwise missed. And then you approve payroll, which
23 is basically just clicking through a series of buttons where it
24 would check that there's no missed punches actually or check
25 that there is, like, predictability pay if somebody was working

1 with not enough time in between the two shifts, it would like,
2 I guess, kind of red flag it and ask you to -- to select
3 whether or not they should be getting paid out predictability
4 pay based on, like, you actually verifying the information, and
5 then you approve it.
6 Q Got it. Is -- do you know whether there's anything that
7 happens with payroll once it leaves your store?
8 A I don't know what happens after that.
9 Q Okay. How often do you have borrowed partners from other
10 stores in your store? I know you said it's often.
11 A Like I said, for whatever reason, the last few weeks, I
12 honestly can't even think of a borrowed partner in my store
13 just -- just, like, basically in the past, like, three weeks.
14 Before that, like, all through the holiday season, it felt
15 like almost daily. It was pretty -- pretty common that I was
16 seeing people working who don't actually -- aren't actually,
17 like, housed in my store. But I -- I don't have, like, an
18 exact -- an exact number, but I would say, like, up until the
19 start of January, typically, I would say pretty much at least
20 once or twice a week.
21 Q If you needed to borrow a partner and weren't able to
22 borrow a partner, what would happen?
23 A I don't know. I've never -- I've never really had that
24 happen. Probably you would have a conversation with Donay of
25 why you're in a situation where you need to borrow a partner.

1 And then Donay would probably also be having a larger
2 conversation with everyone.
3 In fact, we actually did have that happen, I think, last
4 summer where the stores weren't staffed well enough. And so
5 there was a conversation of why, as a district, we just didn't
6 have enough people available to work. I guess, there were a
7 couple of stores at that point that had to kind of modify their
8 operations because there just weren't enough people in the
9 district to keep all the stores open to full operations and
10 full-operating hours.
11 Q So what do you mean when you say they have to modify their
12 operations? What does that mean for the store?
13 MR. IGLITZIN: I'm going to object on relevance grounds.
14 Starbucks has this weird political talking point about how
15 result of unionization is going to somehow inhibit partners
16 from borrowing and being borrowed, which only Starbucks seems
17 to think is a thing. And I don't understand --
18 MS. DIECKMAN: I'm not --
19 MR. IGLITZIN: No -- let me --
20 MS. DIECKMAN: -- I'm not trying to --
21 MR. IGLITZIN: -- let me finish, please.
22 MS. DIECKMAN: -- make that poi --
23 MR. IGLITZIN: -- please, Alyson. So it seems wholly
24 irrelevant to any of the factors which the Region needs to look
25 at in deciding the community of interest questions and a

1 single-store silly presumption. So on that basis, I object.
2 HEARING OFFICER DEVLEMING: And your response, Ms.
3 Dieckman?
4 MS. DIECKMAN: It goes to the -- the -- the next question
5 has to do with who has the authority to make the changes to the
6 operations, which does go to the centralization of labor
7 control question.
8 HEARING OFFICER DEVLEMING: Okay. I'm going to allow it,
9 but I would just say, although I'm not the decision writer, I
10 hope we don't dwell too much longer on -- all these details are
11 pretty redundant is my take. But go ahead and you can ask your
12 question, but let's not, you know, take too much time.
13 MS. DIECKMAN: Okay.
14 Q BY MS. DIECKMAN: What would happen -- what does -- what
15 does it mean to modify the operations?
16 A So it would basically be, like -- the easiest example is,
17 like, shutting down your lobby. If you're a drive-thru store,
18 most of the business is coming through the drive-thru, so if
19 you don't have enough people to be, like, fully staffed and at
20 full operations, you would close your lobby for an ongoing
21 period.
22 Q And who -- are you able to make that decision
23 independently, or is that decision made by someone else?
24 A Donay would need to, obviously, like, accept the decision.
25 Q Thank you. I'm going to ask you a couple of questions

1 about what happens when you're not in the store. So if you are
2 not in the store, who's in charge?
3 A The shift supervisors would be kind of responsible for how
4 things are going.
5 Q Okay. So if there was some sort of issue with a partner's
6 conduct while you were out of the store, would the shift
7 supervisor be the one to address it?
8 A It depends on what you mean by address. Like, they
9 wouldn't be actually issuing any kind of documentation, but it
10 would be expected that -- unless it was a situation where it's,
11 like, unsafe for them to do so like, essentially having a
12 conversation with whoever isn't conducting themselves properly
13 or whoever isn't acting according to our standards, they --
14 they would be, like, addressing it in the moment and having a
15 conversation with them, and then notifying me of what happens
16 so that I can follow up if necessary.
17 Q Okay. If you're unavailable and there is something that
18 needs to be addressed immediately, who does the shift
19 supervisor bring that up to?
20 A If they can't get ahold of me and --
21 Q Yes.
22 A -- I'm not in the store? The district manager.
23 Q Okay. And what would the district manager then -- it --
24 would the district manager then try to contact you, or would
25 they address it themselves?

1 A They would probably -- I mean, it would depend on, like,
2 how pressing it is. They would definitely contact me somewhere
3 in there, but if -- if it was something where it's, like, it's
4 unsafe or whatever that might be, they would probably just
5 provide direction in that moment, and then follow up with me on
6 whatever I might need to do either related to that or just
7 finding out why I wasn't available.
8 Q And if you're gone for a prolonged period of time, so if
9 you go on vacation, who covers for you?
10 A It would depend. Basically, you would have a proxy store
11 manager, but who exactly it is is going to depend on who's
12 available.
13 Q Would the proxy store manager be another manager from
14 within District 156, or would they be from a different
15 district?
16 A They would be from within the district.
17 Q Got it. When -- when you have a proxy store manager in
18 your store or if you're acting as a proxy store manager, do
19 they handle workplace issues, equipment, and processes the same
20 way that you would handle them, essentially?
21 A Yeah.
22 Q Okay. What is DIRF, D-I-R-F?
23 A Oh, digital incident reporting form.
24 Q Okay. What does it mean?
25 A Are you -- sorry. Are you looking at it -- there's, like,

1 two different things that it could be, and I can't remember
2 right now which one's which in my head. Would that be the one
3 where it's, like, there was an incident with a customer in the
4 store or there's an issue with equipment?
5 Q Issue of the person.
6 A Okay. That's what I was thinking. Okay. So that's
7 essentially like a digital form that any partner is able to
8 access. And like, let's say, for example, that there's a
9 customer who is, like, swearing at us or something like that,
10 and we ask them to leave, and they don't want to leave or
11 whatever the situation might be, the digital incident reporting
12 form is basically the place for whoever was involved in it can
13 fill out the details of it.
14 So there's, like, a space for you to put in, like, the
15 date and time of the incident happened. You have, like, a drop
16 down where you can say, like, were they harassing, were they
17 yelling, was there, like, a threat or whatever it might be, all
18 the way up to, like, there's -- I think there's even, like,
19 burglary or robbery and stuff on it, too. But just whatever
20 the situation is, you would kind of fit whatever one fits the
21 most with it. And then whoever the partner is that's reporting
22 it can type in the details of what happened and then they
23 submit it.
24 And then that automatically sends an email to me as well
25 as Donay. And I have learned previously that if there is

1 threat of violence or a couple other things, that also sends it
2 to people, like, higher, instantaneously. So that, like, if
3 for some reason I don't see it or Donay doesn't see it, like,
4 if there was somebody making a threat, like, it sends it to
5 several levels up so that someone's going to see it and be able
6 to reach out to the store right away, and find out what
7 happened, and what they need.
8 Q Got it. Do you -- once someone submits a DIRF, do you
9 coordinate with anybody to respond to it, or do you generally
10 respond to it on your own?
11 A Any of those I would coordinate with Donay. So it just
12 depends, like, on, like, what -- what the exact situation is.
13 Sometimes it's kind of, like, you're just documenting a case,
14 this person continues coming back and becomes a bigger issue.
15 And sometimes, like, somewhat recently, it was a situation
16 where I wasn't there when it happened, so I just heard about it
17 from a couple of people, but it was like somebody came in, they
18 were upset about their drink and like, they just kind of
19 couldn't be talked down. Like, it just kind of kept
20 escalating; I think swearing was involved. I know calling a
21 partner stupid was involved and things like that. And from my
22 understanding, he wasn't like, somebody who had been in the
23 store before.
24 But then after discussing with Donay, Donay agreed that
25 somebody who behaves like that over their drink not tasting

1 like they expected just doesn't need to come back. So then we
2 file -- I actually can't remember for sure what the form is
3 called, but we are obtaining a customer restriction, which
4 would go through the regional director. That, basically, is a
5 document that says that person is no longer allowed in the
6 store or any other Starbucks.
7 Q Got it.
8 MS. DIECKMAN: I have no further questions.
9 HEARING OFFICER DEVLEMING: Mr. Iglitzin, are you ready
10 for cross or need a few minutes?
11 MR. IGLITZIN: You know, this seems like a good time for
12 a -- for a quick break.
13 HEARING OFFICER DEVLEMING: Sure. Let -- is ten minutes
14 okay?
15 MR. IGLITZIN: Ten minutes is great.
16 HEARING OFFICER DEVLEMING: Okay. Let's be back at 3:00.
17 MR. IGLITZIN: Okay.
18 HEARING OFFICER DEVLEMING: Thank y'all. Let's go off the
19 record there.
20 (Off the record at 2:48 p.m.)
21 HEARING OFFICER DEVLEMING: Okay. I have a --
22 MS. DIECKMAN: I apologize, to -- can we go off --
23 HEARING OFFICER DEVLEMING: Let's go back off the record.
24 (Off the record at 3:00 p.m.)
25 HEARING OFFICER DEVLEMING: Time for cross-examination of

1 the witness by Mr. Iglitzin.

2 MR. IGLITZIN: Thank you.

3 **CROSS-EXAMINATION**

4 Q BY MR. IGLITZIN: Mr. Marjenka, can I call you Matthew?

5 A Yeah.

6 Q Thank you. Yeah, I just have a couple of follow-up

7 questions. And I'm going to try to do this in a somewhat

8 logical order. We'll see how that -- that goes. You're the

9 store manager, you've been the store manager for, believe you

10 said about -- about two-and-a-half years?

11 A Store manager at this store for --

12 Q At this store --

13 A -- about three years.

14 Q About three years. So in a given day, you realize that

15 you're going to be short-staffed. Somebody's called in sick --

16 they've called you typically, right, if you're -- if you're at

17 work, they'll -- they'll call you and let you know they're

18 sick?

19 A They would -- they would typically call the store, and

20 then it just depends on if I'm there or not, but I would say

21 most often they end up talking to a shift supervisor.

22 Q All right. And then somebody lets you know that you've

23 got -- your -- your down one -- one barista that day?

24 A Yeah. Yeah. Like a shift supervisor would tell me.

25 Q So would you make the decision as to whether to try to run

1 short-staffed or try to get a borrowed partner at that point?
2 A In the moment, like, if it's, like, the day's already
3 going and we're down somebody, typically what we would do is
4 reach out to people within the store. And then beyond that, it
5 would sort of depend. Like, a lot of times, like, if it's one
6 partner, typically, I would just try to solve it in the store.
7 Once it's, like, two partners, at that point, I would probably
8 be reaching out to other stores as well to see, just because if
9 there's a store that isn't down any one at that point and it
10 isn't busy, they may be able to send somebody. And I know
11 we've done that a couple of times, too, where someone reaches
12 out and we're not down by anything. And then another store's
13 down by, like, three, and then we'll send someone at that
14 point. Typically, if it's just one that you're down, you would
15 just be trying to resolve it within the store.
16 Q That's basically your judgment call at that point. Are we
17 going to try to resolve it with the store or do we need to
18 reach outside the store for resources?
19 A Yes.
20 Q So I'm just kind of trying to track your workday and
21 your -- your thinking. So let's say it's a day -- or let's say
22 you get noticed the day before, something -- or for whatever
23 reason you decide, I want to get a borrowed partner in here, is
24 that -- is that an accurate description of what might happen in
25 that circumstance?

1 A Yes.
2 Q And then you decide whether to try to find -- and I'm
3 sorry, I said borrowed partner, but I'm getting ahead of
4 myself. You would first decide, should I try to fill that gap
5 through my existing partners at my store, rather than going
6 outside my store? That would be the first judgment call you
7 would make, right?
8 A I don't understand your question, really. Sorry.
9 Q Fair enough. Not a good question. You find out on fairly
10 short notice somebody's sick; you're down one barista. The
11 first question you have to answer is, do I try to get somebody
12 who's one of my existing partners assigned to my store to work
13 an extra shift or do I look for someone from another store; is
14 that fair?
15 A Yeah.
16 Q So if you decide you're going to see if one of your
17 existing partners assigned to your store, the Willamette store,
18 is willing to work an extra shift, would you then try to reach
19 out to your existing partners at the Willamette store in some
20 way to see if somebody is available to work an extra shift?
21 A Yeah, you're saying if I, like, I knew a day in -- in
22 advance?
23 Q If that might be a circumstance?
24 A Yeah. So I would either call people who are already
25 scheduled to work and see if they want to lengthen their shift

1 or potentially call people who aren't scheduled to shift -- to
2 work that day and see if they want to take on another shift.
3 Q Great. And if for whatever reason you decided that that
4 wasn't going to work or you had already tried it and it didn't
5 work, you then might try to seek a borrowed partner from
6 another store, right?
7 A Right.
8 Q And would you -- how would you go about doing that?
9 A Generally, call -- it -- it would kind of depend on what
10 time of day it is, honestly, too. Like, if it's the evening, I
11 probably wouldn't be reaching out then. I might -- would be
12 waiting till the next day. But otherwise, typically reaching
13 out to other store managers and asking if they have partners
14 that they know are looking for shifts, or very often, too, it's
15 just reaching out to other partners who work in the store and
16 asking, because a lot of them live with partners from other
17 stores or are friends with partners from other stores and
18 seeing if any of them know anybody who's been saying that they
19 want hours, and then, kind of, trying to find it that way. And
20 then at some point making direct contact with whatever partner
21 it is who I've been told is wanting to pick up the shift, and
22 then confirming with them the details.
23 Q When you're reaching out to store managers at other
24 stores, you're basically reaching out to stores that are close
25 to the Willamette Street store?

1 A For the most part, yeah.
2 Q Why is that?
3 A A lot of the partners walk and so -- or even if they don't
4 walk it -- a partner who works like 15 minutes north might not
5 be as excited about the day before being asked to go to another
6 store, but kind of working out from there.
7 And then also, it kind of just depends. Like, I have,
8 like, a pretty close professional relationship with a couple
9 other store managers, one of whom is kind of on the other side
10 of town, but I know his partners because I go to their store a
11 lot. It's closer to my home. So a lot of times those partners
12 are more interested, too. So it -- it just is sort of depends
13 on, I guess, closeness relationship-wise as well as closeness
14 vicinity-wise.
15 Q If you had -- sorry. If you had a close relationship with
16 the store manager and/or partners working at one of the
17 Springfield stores, would you reach out to them as well?
18 A Yeah. Yeah.
19 Q Like who --
20 A I know we have had partners from the Springfield stores at
21 our stores previously. And we had, I think, like two transfers
22 from there recently, too. So it just sort of depends. Eugene
23 and Springfield are, like, pretty close together, so.
24 Q You're more likely to reach out to Springfield stores than
25 you are to reach out to the Coos Bay store, aren't you?

1 A Yes.
2 Q And more likely to reach out to the Springfield stores
3 than the -- sorry, I'm spacing the name, the -- the Junction
4 City store, right?
5 A Depending. Quite a few of the Junction City partners live
6 actually in Eugene. I'm not sure if any of them live up there.
7 I'm sure some of them do. But I know when we opened it, it
8 was -- a couple of partners who actually -- no -- no one who
9 was planted in my store as their home store, but partners who
10 had covered shifts there were ones who transferred there. So I
11 wouldn't -- I don't know. I would -- I wouldn't actively avoid
12 Junction City partners, because I know most of them end up
13 living in Eugene anyway.
14 Q But you're less likely to call the ocean -- to the
15 Junction City store manager when you're looking for a partner
16 to borrow a shift?
17 MS. DIECKMAN: Objection. Asked and answered.
18 HEARING OFFICER DEVLEMING: I think -- I don't think he's
19 asked the question about the store manager, right, so I'll
20 allow it.
21 A Versus the Springfield stores, no, I would probably
22 contact Junction City first.
23 Q BY MR. IGLITZIN: And why is that?
24 A Just because I -- I know that manager there better, like,
25 I work with her personally, and I know, like -- like I said, I

1 know that, like, she had one specific partner that I know of
2 who had covered shifts at our store. He lives not far from my
3 store. He transferred up there, and then he transferred back
4 to one of the stores that's really close to me on campus. So
5 yeah, I -- I -- just knowing her a little bit more personally
6 and knowing that a lot of her partners live in the area, I
7 would say that I would be more likely to call her than I would
8 Springfield.
9 Springfield before Coos Bay, yeah, 100 percent. But I
10 would say probably I would contact Petra at Junction City
11 before I would contact one of the store managers at
12 Springfield. I'm not even sure what the name of one of the
13 Springfield store managers is. I've never met her so.
14 Q Does the fact that the Springfield stores are in a
15 different district, would that make any difference to you if
16 you were looking for a borrowed partner?
17 A Not a huge one, but I definitely, with them being a
18 diff -- different district, I don't -- they're not, like, top
19 of my mind when I'm looking at coverage.
20 Q But there's nothing procedurally that's any different.
21 There's no different paperwork or anything if you're going to
22 get a partner from Springfield store than a Eugene store,
23 right?
24 A Not as far as I know. Not as far as anything I do.
25 Q I think you said that in your earlier -- other stores in

1 California, you had borrowed -- more borrowed partners from
2 other district stores more frequently, right?
3 A Yeah.
4 Q So based on that experience, you don't --
5 A Yeah. I don't remember there being additional -- I know,
6 like, there's certain things, like, once it gets to area and
7 stuff, but as far as like across districts, as long as they're
8 close by, I -- I don't know for sure, but I don't recall
9 personally having to fill out paperwork or anything for that.
10 Q I think what you -- what you said is you don't feel
11 inhibited about getting a partner from -- who's based in
12 Springfield store if that partner is available, and you know of
13 them, and you don't have a problem with them, right? You would
14 be happy to have them come fill a slot in your schedule?
15 A Yeah. Yeah. If it was, like, arranged. Like, usually
16 the partners in those stores, it's, like, they're found by
17 other partners looking for shifts. I honestly can't think of a
18 time that I, like, actively have reached out to the Springfield
19 stores looking for a borrowed partner, but I know that they've
20 worked in the store.
21 Q And you have a problem with having a Springfield store
22 partner working in your store as a borrowed partner?
23 A No.
24 Q All right. And let's say then that you've decided you
25 want to hire a barista, you described a little bit, you have

1 some kind of resource or database -- you've got some people who
2 you would already -- you -- a list of people that you would
3 turn to as applicants or potential applicants; did I understand
4 that correctly?
5 A Correct.
6 Q And would you then take the initiative and set up an
7 interview with one of those people?
8 A Yes.
9 Q And I think we've heard testimony from the district
10 manager, maybe from you, you actually have the authority to
11 hire one of those people as a barista into your store, right?
12 A Correct.
13 Q Sometimes, I gather, people apply to work in Eugene at a
14 Eugene Starbucks, who've previously worked for Starbucks,
15 right, in a different location?
16 A Correct.
17 Q And that's not that uncommon, right?
18 A Not uncommon, no.
19 Q All right. And it wouldn't make any difference to you if
20 that person had worked in another Starbucks store within
21 District 156 or outside of District 156 in making your hiring
22 determination, would it?
23 A No.
24 Q And if you have a barista who wants to transfer from
25 another Starbucks store into your store, would it make any

1 difference to you whether they were trying to transfer from
2 another store within District 156 or from outside District 156,
3 would it?
4 A No.
5 Q If you've got a barista who wants to be a barista trainer,
6 if I understood the testimony in this hearing earlier, you have
7 the authority to say, yes, you can be barista trainer, right?
8 A Correct.
9 Q And then you also have the authority to determine on a
10 given day, yes, you should train this newish barista, provide
11 some training, and then you'll get a -- a -- a bonus for that,
12 right?
13 A Are you saying, like -- like, I would basically be
14 scheduling the trainings and choosing which person's leading
15 the training?
16 Q Yeah.
17 A Yes.
18 Q Great. I think you testified that if you had a barista
19 who wanted to become a shift supervisor, you would need
20 approval of that from your district manager, right?
21 A Correct.
22 Q Has -- have you ever had that approval denied by the
23 district manager for that promotion?
24 A I personally have not.
25 Q Okay. I think you said that -- maybe I didn't understand

1 it. Do you need the district manager's -- manager, I think,
2 you used the word, confirmation, to approve someone to transfer
3 into your store from another store?
4 A Yes. So basically the way that the process would work is
5 that the person who wants to transfer would talk to their
6 current manager, and it just varies, kind of, for the most
7 part, based on how far the transfer is. Like, if it's within
8 district, probably the store manager would reach out to
9 whatever store it is that that person was looking at and see if
10 they actually have space and everything, but then --
11 Q So I want to stay focused on you and your experience --
12 A Okay.
13 Q -- not other store managers.
14 A Okay.
15 Q So you're -- give me -- I want to hear that same
16 description, but just based on your experience. Another store
17 manager in the district would reach out to you about a
18 transfer; is that what you're saying?
19 A Correct. Yeah. So like, for example, she's not with that
20 company anymore, but Wendy used to have one of the other
21 stores, and she would reach out to me and say, like, this
22 partner works at my store; they actually live closer to your
23 store. Do you actually have space for them, though? This is
24 their availability.
25 And then she would fill out the forms, send that to Donay.

1 And then Donay would basically be the one who's determining,
2 like, checking that there's not corrective actions or
3 something, that Wendy's just trying to kind of transfer a
4 problem, and would usually check in with the partner as well
5 and kind of finalize it. Send it -- send it through to me.
6 And then talk to me to make sure that it's somebody that I have
7 already, like, said that I can take.
8 Q Did you ever have the district manager reject your desire
9 to either accept a transfer or have someone transferred to
10 another store?
11 A Yes.
12 Q How long ago was that?
13 A During the pandemic.
14 Q And was it -- you tried to transfer someone to another
15 store or someone from another store trying to transfer to your
16 store?
17 A Me trying to transfer to another store.
18 Q Do you know what the basis of the denial of that?
19 A So it was a situation where there was a partner who was at
20 a store that was closing as a result of the impacts of the
21 pandemic, not permanently, but was closing for a period of
22 time, and so then my store was the next one that they were able
23 to get to because they walk, and so they came to my store. And
24 basically, the understanding when this was happening was that
25 when that store reopened, they would go back to that store.

1 But then over the course of them being at my store, they ended
2 up having several corrective actions on file for a variety of
3 things.
4 And so then when that store reopened, I talked to the
5 store manager and I was, like, hey, here's what's going on.
6 And we were planning on still transferring them because that --
7 the previous store manager, there had already been some issues
8 as well; that there were corrective actions on file. And so
9 they had sort of anticipated that something like this could
10 happen and they were on board with taking the partner back.
11 But then Donay basically just said, like, no, one of the things
12 is that they have to be in good standing and this definitely
13 isn't good standing. We could make exceptions before because
14 that store was just physically not open and available anymore,
15 but we're not going to transfer someone who's not meeting the
16 expectations of the job.
17 Q And your understanding is that that's a -- and I believe
18 you testified, that's a national Starbucks policy about
19 transfers, right?
20 A That's my understanding, yeah.
21 Q Well, can you tell us what a keyholder is?
22 A Yeah. A keyholder -- so I would be a keyholder, and then,
23 any shift supervisor would be a keyholder. So it's anyone who,
24 like, actually has keys for the store. So you would always
25 have to have at least one keyholder scheduled during all the

1 open hours. And then, like, basically -- excuse me, I thought
2 I was going to sneeze. Basically, you would always have at
3 least one keyholder and one other person, like, opening the
4 store, closing the store, inside the store.
5 Q Are the keyholders job duties a little bit different than
6 the other shift supervisor or baristas on the day that they're
7 working as a keyholder?
8 A Definitely different from the barista. So I think you
9 just are using the word in a slightly different way. So I
10 would alwa -- like, we usually say, like, the play caller is
11 kind of the person who's, I think, how you're using the word,
12 keyholder. I just always think of, like, there are all those
13 shift supervisor are always keyholder. Like, if -- if there's
14 two keyholders scheduled, then one of them has to leave. As
15 long as you have one keyholder, you -- you don't really need to
16 make an adjustment, if that makes sense.
17 Q Well, do baristas who are not shift supervisors ever play
18 the -- take on the role of keyholder or play caller?
19 A No.
20 Q But some shift supervisors don't take on that role, even
21 though they could, because there's another shift supervisor
22 there taking on that role on a given shift?
23 A I don't fully understand what you're asking. Sorry.
24 Q I thought you just said that if you have two shift
25 supervisors at the same time, only one is taking on the role of

1 play caller; did I misunderstand that?
2 A Yeah. So like the play caller would be the -- like, one
3 of the shift supervisors would essentially be responsible for
4 running breaks, deploying the form, deciding where different
5 people are working and all of those things. I think it's
6 just -- it's the use of the word keyholder that I'm not fully
7 understanding what you mean by that because --
8 Q So is that not a Starbucks term, keyholder?
9 A I mean, not -- not really. Like, it's not -- I don't
10 know. Like -- like I said, it's just it always would have to
11 be one keyholder, but it's not, like, you're the keyholder and
12 here's the responsibilities connected to that.
13 Q So I'm sorry.
14 A Other than, like, broadly, like, I -- like, I would be a
15 keyholder if I'm in the store. Even if there's three other
16 shift supervisors, like, any one of us is the keyholder,
17 there's not -- there's not like a specific, like, list of tasks
18 or anything associated with being the keyholder. It's just --
19 Q Let me back up. Let me back up. I didn't make up the
20 word keyholder. I'd never heard that term before I started
21 learning about Starbucks. So that is a term that is used in
22 your store; isn't it?
23 A Right, but what I'm saying is in terms of, like, duties
24 associated, like, we talk -- like we don't -- like, there would
25 be, like, a -- the person who's in charge of cash, like, the

1 cash controller, but there -- when you say, like, would a shift
2 supervisor be the -- be a keyholder, like, that's where I'm a
3 little bit confused.
4 Q You tell me. What is the keyholder?
5 A A keyholder would just be, like, me, and all of the shift
6 supervisors are keyholders.
7 Q And is that because they actually have keys to the store?
8 A Correct.
9 Q All right. And on a given shift -- go ahead.
10 A Can I interrupt? Sorry. I think -- so on our daily
11 coverage reports, there's always people -- someone who's
12 scheduled as a keyholder. It's not a term that we like super
13 often use. It's usually, like, the cash controller or
14 something else would be what we would, like, actually verbally
15 saying. But when I write a schedule, there would always be,
16 like, a keyholder scheduled. And that's basically just to make
17 sure that you have one of those people who is in that role
18 scheduled at all times.
19 Q Is that part of your job to make sure that there's
20 someone --
21 A Yes.
22 Q -- in that role scheduled at all times?
23 A Yes. Yeah. Sorry. It's ju -- it's just in terms of,
24 like, when we're actually talking and on the floor, I don't
25 feel like that's the word that we use super often.

1 Q I want you to take a look at -- oh, I don't want to take
2 you -- look at something here in a second. Bear with me a
3 second. Does your store ever pay any of the -- partners, any
4 of the -- the baristas or the shift supervisors a quarterly
5 bonus?
6 A Like, partner of the quarter bonus.
7 Q Partner of the quarter bonus. That sounds right. And
8 what's that?
9 A So that would be each quarter, and there's, like, little
10 cards that the -- all the other partners are able to fill out
11 to nominate a partner of the quarter. And it's basically for
12 whatever reasons they, like, determine, like, kind of, who they
13 think was a standout, like, either who is really fun to work
14 with, who's been picking up a lot of shifts. It's kind of just
15 whatever their thoughts and opinions are individually of who
16 they think should be recognized. And then whoever gets the
17 most votes would get, like, a little certificate that has their
18 name, and what the quarter is, their store, and like, kind of,
19 like, a statement of why from what the different partners were
20 putting down. And then they also get a bonus on their
21 paycheck, but I don't know exactly how much that bonus is.
22 Q And is that a national corporate program?
23 A Everywhere I worked has it within Starbucks.
24 Q And do you do that -- do you award that bonus purely based
25 on the person that gets the most votes from partners in the

1 store?
2 A I always have. It is technically like manager discretion.
3 So like, if -- if you were having issues with some partner,
4 like, not showing up to work or whatever other issues there
5 might be and that person were to get the most votes, it is at
6 manager discretion. I -- I've never had to do that. I just
7 know that it's something that my district managers have always
8 told me that if there's an issue with the person, that you
9 could potentially, like, override it.
10 Q Did you ever hear about any other store manager in
11 District 156 --
12 A I have not heard of it happening, but I -- I honestly
13 don't have -- I don't even know who gets partner of the quarter
14 at other stores. If I'm being really honest, it hasn't been
15 like a major conversation ever.
16 Q Now, I'm going to show you what's been marked as
17 Petitioner Exhibit 12 that should be in everyone's files. Do
18 you recognize this form?
19 A Yes.
20 Q What is it?
21 A That is the punch communication log.
22 Q Can you explain how it is used?
23 A Yeah. So if a partner -- like, the most common thing
24 would be if a partner either forgot to punch or there was an
25 issue with the iPads that they punch in on or they didn't have

1 access to an iPad to punch in, they can put their name and the
2 other information across it.
3 And then the final kind of grayer columns are where I
4 would be signing off and dating as I enter them. And then if
5 they wanted to use, like, vacation or sick pay, or right now
6 with COVID, if they get one of their vaccines or booster shot,
7 they can kind of log that information and the dates and how
8 much of the -- either sick or vacation they want to use, or if
9 they got one of their vaccines, that would just enter that.
10 And then throughout the week and then, kind of, closing
11 out on Monday, it would be my responsibility to go through,
12 enter anything that's been entered on here into the Starbucks
13 Partner Hour system so that it's recorded in our system to
14 process their payroll.
15 And then on Monday, once I kind of finish and followed up
16 with anyone else who needs to get punches written in to process
17 payroll, just, like, put a X on it, and then initial on the
18 bottom. I think that's the first open line at the end so that
19 people can't, like, add other things after so that they know
20 they -- if they miss something else, too, they wanted to add
21 sick time, they need to add it to the following week instead.
22 Q And when somebody fills this out, which I take it -- do
23 they do it, like, in pen and ink, or is it electronic?
24 A They would fill out their -- like, everything you're
25 seeing there would be pen and ink on there, and then I would be

1 logging it electronically into the system so that it actually
2 processes.
3 Q And if somebody puts in vacation, they're not going to get
4 credited for taking their vacation until you've put your
5 manager initials on this, right?
6 A Yeah. So if they -- if they enter that they want to use
7 vacation pay on here, then I would have to enter the vacation
8 pay into the computer system. And then I would initial there
9 to signify that it's been entered.
10 MR. IGLITZIN: Offer Petitioner's Exhibit 12.
11 HEARING OFFICER DEVLEMING: So sorry. Alyson had messaged
12 that -- has this been sent over to the parties by ShareFile?
13 MR. IGLITZIN: It has.
14 HEARING OFFICER DEVLEMING: Okay. Let me just double
15 check that I have it.
16 MS. DIECKMAN: Was I included on that email?
17 MR. IGLITZIN: I expect you were, yes.
18 MS. DIECKMAN: I don't -- would it have come by a separate
19 email than the email this morning with Exhibits 1 through 11
20 because I did not receive a subsequent email.
21 MR. IGLITZIN: It may be on route. Let's revisit this
22 exhibit then, once we made sure everybody's gotten it.
23 HEARING OFFICER DEVLEMING: Okay. We will come back to
24 Petitioner Exhibit 12.
25 MS. DIECKMAN: Just for the record. Just so you know,

1 Dmitri, I only have 1 through 11. So if you have other
2 exhibits, it'll kind of -- it'll be the same.
3 MR. IGLITZIN: Right. So far, this is 12. This is the
4 only --
5 MS. DIECKMAN: Right. I'm just saying if you have 13, or
6 14, or 15.
7 MR. IGLITZIN: Yeah.
8 Q BY MR. IGLITZIN: You talked about deciding to turn off
9 mobile orders. I'm sorry. Under what circumstances would you
10 decide to turn off mobile orders?
11 A Basically, for the most part, it's going to be if there's
12 callout or multiple callouts or -- that's really the main.
13 Q I'm sorry. What is a callout or a multiple callout?
14 A Like, if someone has called out from their shift and we're
15 down a person, or if, like, two or three, like -- especially
16 once you get to, like, two or more people, you would turn off
17 mobile order, so that -- it just sort of -- it takes away,
18 like, one of the streams that we can get business through, just
19 to slow it down a little bit when we're not able to keep up
20 with the current business level.
21 Q Right. And you said you would turn off mobile order, but
22 you actually mean that you, Matthew, would turn off mobile
23 order, right?
24 A Yeah. So we contact Donay, notify her of what the
25 situation is. And then in order to turn it off, at least the

1 current system, is that you have to email. And so it would be
2 a store manager who sends the actual email. But like, we
3 have -- like I said, that work -- Work Chat, where it's kind of
4 like Facebook Chat. And so we have a group where it's Donay
5 and the other store managers so that if there's something like
6 that happening, like -- let's say, like, today, for example, I
7 got a call shortly before being on the hearing from one of my
8 partners saying, hey, we have two callouts. Can we get have
9 turn -- can we have mobile order turned off. And so then I
10 reached out on there and said, hey, we have two callouts. And
11 then Donay's on that conversation thread, too. Can someone
12 turn off mobile order for me because I'm not able to.
13 Q Okay. Normally, if you were able to, do you have the
14 power to turn off the mobile orders for your store?
15 A I have the power. But then, like I said, I have to notify
16 Donay as well, because it shows up on some report each week
17 we're -- I've only ever seen it once. But it's, like -- it
18 kind of shows, like, blocks of time of where different stores
19 had it off. And then she has to report in of why it was
20 happening.
21 MR. IGLITZIN: I don't have any further questions for this
22 witness. Thank you.
23 HEARING OFFICER DEVLEMING: Okay. I just -- I might have
24 just forgotten, but did we admit Employer Exhibit 13 back on
25 your direct, Ms. Dieckman? Because I'm -- and did we already

1 discuss -- it has a partner name in it. And I don't know if
2 that's relevant to some argument you're going to make from it
3 or if that was inadvertent.
4 MS. DIECKMAN: It -- it's not relevant. I just had
5 deleted the partner number. But I can delete the partner name,
6 as well, and resubmit it. It doesn't make a difference to me.
7 HEARING OFFICER DEVLEMING: Okay, yeah. I think we've
8 been pretty good about making sure there's no way to identify
9 any partner. So names give that easily, whereas a partner
10 number might not have the same concern because people can just
11 go on Google and search.
12 MS. DIECKMAN: And I will re -- I will resubmit Exhibit
13 13 -- Employer Exhibit 13. I thought we had admitted it, but
14 if I'm incorrect, I would ask that we admit it.
15 HEARING OFFICER DEVLEMING: Okay. Let's redact out the
16 name, and then I think we're all on the same page that --
17 Mr. Iglitzin, do you remember if it was already admitted?
18 Did you have any other objection to it other than what we're
19 discussing?
20 MR. IGLITZIN: Give me a moment. No, I did not have any
21 objection to it.
22 HEARING OFFICER DEVLEMING: Okay. So if it hasn't already
23 been admitted, I'm going to hold off admitting 13 until we get
24 the redacted version, and then we will revisit. Now, I have it
25 highlighted so we won't forget. Okay.

1 Ms. Dieckman, are you ready for redirect?
2 MS. DIECKMAN: I have no redirect. I was going -- I -- I
3 have a note asking for a five-minute break.
4 HEARING OFFICER DEVLEMING: Awesome.
5 And during the five-minute break, Mr. Iglitzin -- well,
6 let's go off the record.
7 (Off the record at 3:37 p.m.)
8 HEARING OFFICER DEVLEMING: So before we left the record,
9 I believe the Employer had indicated that they do not have any
10 redirect for the witness; Ms. Dieckman, although, she reminded
11 me on the break she might have one or two questions. And then
12 we have a couple of exhibits to take care of.
13 But Ms. Dieckman, your witness.
14 MS. DIECKMAN: It's just one question.
15 **REDIRECT EXAMINATION**
16 Q BY MS. DIECKMAN: How long do you retain the daily records
17 book for?
18 A I honestly don't know off the top of my head. I --
19 they're -- each one is typically, like, two to three months of
20 material. And I want to say it's, like, three or four that we
21 have at any given time, but it -- it might be less than that.
22 I -- I honestly don't know off the top of my head, but I would
23 say, like, the maximum you'd have is maybe a year's worth,
24 maybe. But I don't even know if -- I don't -- I don't think
25 that it's that many. It's usually, like -- sorry, this is a

1 tangent. Like, the way that it's done with those is it's not,
2 like, a number of days or anything. It's when they release the
3 document send-back information. It's, like, send back this
4 one, and if you have anything earlier, is basically how they
5 release the information. It's, like -- I've never really paid
6 attention to how long it is because it's usually just one or
7 two that you send back at a time.
8 And then outside of that, they're, like, on a box on my
9 top shelf that I don't really look at outside of when I got the
10 notification saying it's time to send them. But I would say
11 it's probably less than a year's worth.
12 Q Okay, thank you.
13 MS. DIECKMAN: That's -- no further questions.
14 THE WITNESS: Okay.
15 HEARING OFFICER DEVLEMING: Mr. Iglitzin, recross?
16 MR. IGLITZIN: Yeah. So actually, with the leave of the
17 Hearing Examiner, just, this is not properly in response to the
18 redirect, but it will help us address this subpoena issue. I'd
19 like to show this witness the two other forms that we've been
20 discussing. And I will put them into evidence, and then we'll
21 have the three blank forms, I think will inform the -- the
22 Regional Director's and your rulings on -- on the subpoena
23 issue. So if I could -- if I could show those forms to this
24 witness and ask him to identify them.
25 HEARING OFFICER DEVLEMING: Okay. Sorry, the -- you'd be

1 using these forms purely to decide the subpoena question, or
2 are they --
3 MR. IGLITZIN: Not purely. They should -- they should
4 come in. But -- but I realize, at this stage, it actually
5 makes sense to have this witness identify the forms and how
6 they're used in the store.
7 MS. DIECKMAN: We would -- we would stipulate to their
8 authentici -- authenticity and admissibility.
9 MR. IGLITZIN: That's great, but I think this witness can
10 still explain, as he did with the punch list form. He could
11 actually explain what it -- what it is and how people use it.
12 MS. DIECKMAN: I would object to the extent that it's
13 outside the -- the scope of redirect, but.
14 HEARING OFFICER DEVLEMING: It is outside the scope of
15 redirect.
16 MR. IGLITZIN: Well, I could recall this witness in my --
17 MR. DILGER: I mean, here -- here's -- Dmitri, I mean,
18 here -- here's what I would ask. If we go down this road,
19 right, and you ask these questions, I mean, basically, can we
20 be done with this dispute and not produce anything more?
21 MR. IGLITZIN: I -- I suspect that's right. I'd like to
22 hear him explain what he does. But my guess is, given the
23 indications from the Hearing Officer of where she's going, if
24 we can get these two additional forms in and get some basic
25 explanation from this witness as to what they are and how

1 they're used, I think the writer of the -- the decision will
2 appreciate having a complete record on that.
3 MR. DILGER: I -- and I guess I will just say -- oh, man.
4 Because I -- I just don't want to go down this road where we
5 talk about this stuff and then we still have a dispute. I -- I
6 feel like this resolves it. I'll tell you what. We'll waive
7 the objection. This is good faith. We've got a lot of
8 hearings left, Dmitri. And go ahead, let's get it into the
9 record in terms of how he uses it. I think it absolves any
10 need for any subpoena resolution, so we'll just -- we'll go
11 down that road.
12 MR. IGLITZIN: Thank you.
13 HEARING OFFICER DEVLEMING: Go ahead, Mr. Iglitzin.
14 **RECROSS-EXAMINATION**
15 Q BY MR. IGLITZIN: So Matthew, I'm going to show you what
16 has not yet been marked as an exhibit. Hang on, let me --
17 let's see if I can make that happen, even, while we talk.
18 HEARING OFFICER DEVLEMING: While you're working on that,
19 we can handle these other two, just make sure they're in, in
20 correct form.
21 MR. IGLITZIN: Yeah.
22 HEARING OFFICER DEVLEMING: So on the break, the parties
23 discussed Employer Exhibit 13, which I may have already
24 admitted. But the previous version included a partner's name,
25 and we'd prefer to redact that out. So a new version of

1 Employer Exhibit 13 was circulated by email just a minute ago.
2 And to the extent I already admitted 13, we are going to swap
3 the document for the one just emailed. If I did not previously
4 admit 13, it is now -- Employer Exhibit 13, as attached to Ms.
5 Dieckman's recent email, is now admitted.
6 And then secondly, we had Petitioner Exhibit 12, which the
7 parties have now had a chance to review in ShareFile. And I
8 believe --
9 Well, Ms. Dieckman, is there any objection to the
10 introduction of -- admission of Petitioner Exhibit 12?
11 MS. DIECKMAN: No.
12 HEARING OFFICER DEVLEMING: Okay. So Petitioner Exhibit
13 12 is also admitted.
14 **(Petitioner Exhibit Number 12 Received into Evidence)**
15 Q BY MR. IGLITZIN: All right. Matthew, I'm going to show
16 what is going to be -- one second. Matthew, so hang on a
17 second. I'm showing you what's been marked as Petitioner's
18 Exhibit 16, although I'm not sure if anyone has been given a
19 copy. Do you recognize this document?
20 A Yes.
21 Q And what is it?
22 A This looks like our paid-out and P-Card log. So any time
23 you're either making a purchase on the store credit card, you
24 would save your receipt and then also log the information here.
25 And then the same thing for paid-outs. So like, a paid-out

1 would be kind of what it describes there. Or also, like, in a
2 situation where, for whatever reason, you don't actually use
3 the store credit card, if someone just needs to, like, use cash
4 to pay something, like, to buy something at a store, it's
5 not -- it's not that common. But you would also log those
6 things there.
7 Q And who would fill out this form?
8 A The -- basically, like, me. I -- I do it, honestly, the
9 most often because I'm usually the one who's going and making
10 the purchases. But otherwise, I don't think there's really any
11 rule around, like, a certain level or anything. I think it's
12 typically the shift supervisor who's, like, in charge whenever
13 it happens, who would be kind of entering it in. And then I
14 obviously sign where it says manager, and then Donay would sign
15 where it says DM verification when she does a visit.
16 Q When you sign your signature, you're approving your --
17 you're -- you are approving of that particular purchase?
18 A Yeah. So like, let's say, for example, on here, you have,
19 like, the dates. That would be the date that it happens.
20 Description would be, like, sharpies and pens, is one of the
21 really common things. And so someone would, like, run over to
22 Office Depot and buy Sharpies and pens or whatever. You'd
23 write the amount for it, and then on the category, it would
24 be -- for the most part, it's either milk, if we have to get
25 milk, or supplies, if it's anything -- pretty much anything

1 else that I've ever had to do. And so they would fill out that
2 information, and then I would sign off, essentially saying that
3 I've -- that I've, like, seen a receipt for it.
4 Q Would the baristas or the shift supervisors need your
5 approval before they ran over to Office Depot to get Sharpies?
6 A Yeah.
7 Q And that would be a step that would happen prior to them
8 coming back with the receipt and filling out the form?
9 A Yeah, generally speaking. I'm -- I'm sure that there's,
10 like, situations where, like -- with milk, if they're -- if
11 they weren't able to get ahold of me and there wasn't milk to
12 keep the store open. But it would all, like, go through me at
13 some point. If it -- if it wasn't in advance, very shortly
14 thereafter.
15 Q And normally, you would hope it would be in advance unless
16 there was some reason it -- it had to happen before you were
17 given the chance to approve?
18 A Yeah, yeah, and then it would still be my responsibility
19 to, like -- there's a folder that basically all the receipts
20 would go into. And then I have to go through it and basically
21 confirm that the receipts are matching up with what's written
22 into the book and that there is nothing, like, missing one way
23 or another.
24 Q And then I'm going to show you what's been marked
25 Petitioner's Exhibit 17. Can you tell the Hearing Officer what

1 this document is?
2 A Yeah, so that's the mileage reimbursement log. So any
3 time a partner needs to go -- most frequently, it's, like, if
4 they're picking something up at another store, they would track
5 the miles that they drove. And then they get paid whatever the
6 current -- like, from -- the government rate is for the miles
7 that they drive.
8 Q And would you normally approve this trip before they took
9 it in their personal vehicle for business purposes?
10 A Yes, as long as I'm, like, in the store. Like, I'm not in
11 the store, and like, I -- like, if I'm off on a day and they
12 need to pick something up, it's not like they'd call me and
13 say, can so-and-so drive to whatever store. They do it and
14 then enter it in there, and then I would get them paid out for
15 the mileage.
16 Q If you were in the store, you would expect that they would
17 seek your approval before doing it?
18 A Yeah, and then if I'm in the store, I'm typically the one
19 who would be the one driving around to the stores, too.
20 Q But if, for some reason, you weren't, you would approve
21 someone else to do that?
22 A Yes.
23 MR. IGLITZIN: I would offer Exhibits 16 and 17. I'm not
24 sure if they've hit -- hit everybody's ShareFiles yet. And I
25 don't know, I'm assuming Exhibit 12 has hit the ShareFiles. I

1 might as well try to address that, as well. And I'm sorry, I
2 have no further questions for this wit -- well, I'll wait for
3 the ruling on my offering first. Sorry.
4 HEARING OFFICER DEVLEMING: We already admitted 12, so
5 that one is done. 16 and 17, I do see in the ShareFile for
6 whatever reason, but I didn't get an email.
7 But Ms. Dieckman, do you see those there?
8 MS. DIECKMAN: I do not, but if you see them, I will look,
9 and I -- I -- I believe you.
10 HEARING OFFICER DEVLEMING: Okay, I see them there. They
11 match what was shown on the screen, which I understand was
12 provided by the Employer. So any objection to the admission of
13 Petitioner's Exhibit 16? Let's start with that one.
14 MS. DIECKMAN: No, Your -- no.
15 HEARING OFFICER DEVLEMING: Okay, or Petiti -- Petitioner
16 Exhibit 17?
17 MS. DIECKMAN: No.
18 HEARING OFFICER DEVLEMING: Okay. Both Petitioner
19 Exhibits 16 and 17 are admitted.
20 **(Petitioner Exhibit Numbers 16 and 17 Received into Evidence)**
21 MR. IGLITZIN: And I have no further questions for this
22 witness.
23 HEARING OFFICER DEVLEMING: I will allow you -- well, just
24 because we went outside the scope of everything, if you want a
25 further re-redirect, Ms. Dieckman, I'd allow that.

1 MS. DIECKMAN: No, thank you

2 HEARING OFFICER DEVLEMING: Okay. Well, Matthew, thank

3 you so much for bearing with us for this long day of mutual

4 struggles with technology. We really appreciate it. You are

5 free to go. I'd ask you not to talk about your testimony with

6 any other possible witness until the hearing concludes. But

7 other than that, we appreciate your time, and you can leave us.

8 THE WITNESS: All right, thank you.

9 Have a good day, everyone.

10 HEARING OFFICER DEVLEMING: Thank you.

11 Shall we go off the record to discuss where we're at with

12 the next witness? Okay, let's go off the record.

13 (Off the record at 4:05 p.m.)

14 HEARING OFFICER DEVLEMING: All right. At the break, the

15 parties did confirm that the current, at least, subpoena issue

16 we've been discussting -- and discussing has been resolved

17 through the previous witness' testimony, so that's helpful.

18 The Employer's final witness is -- we are going to reserve

19 until tomorrow morning, so the Employer has not yet rested

20 their case. But in order to be efficient here, we're going to

21 proceed with Petitioner's first witness.

22 So Ms. Multhaup, over to you to call him.

23 MS. MULTHAUP: Thanks so much. Petitioner calls Jake

24 LaMourie.

25 HEARING OFFICER DEVLEMING: All right. And then back to

1 me.

2 Hi, Jake. I'm Liz DeVleming. I'm the hearing officer for

3 the National Labor Relations Board for today's hearing.

4 Can I first have you raise your right hand?

5 Whereupon,

6 **JACOB LAMOURIE**

7 having been duly sworn, was called as a witness herein and was

8 examined and testified, telephonically as follows:

9 HEARING OFFICER DEVLEMING: Excellent. And will you -- I

10 see that it's written there for us. But just for the purposes

11 of the transcript, could you state and spell your full name for

12 the record?

13 THE WITNESS: Yeah. J-A-C-O-B L-A-M-O-U-R-I-E.

14 HEARING OFFICER DEVLEMING: Excellent. And we always have

15 a bit of a struggle creating a clear written transcript when we

16 do these types of hearings, but that is compounded by the fact

17 that we are all staring through our computer screens. So I've

18 asked counsel, and I'll ask you, to do your best to take an

19 unnatural two-second pause after you hear a question. Just

20 take a breath and wait a minute just so that our transcript is

21 clear and there's no cross talk, and also in case counsel have

22 objections to make to the question being asked.

23 And if you do hear that word, objection, just pause. Let

24 us duke it out. Ultimately, I'll make a ruling and either

25 direct you to answer that question or direct counsel to move on

1 to the next one. And that's my spiel. I will pass you back
2 over to Ms. Multhaup for direct.
3 MS. DIECKMAN: Thank you.
4 **DIRECT EXAMINATION**
5 Q BY MS. MULTHAUP: First, you go by Jake or Jacob?
6 A Jake.
7 Q Jake is okay?
8 A Yeah.
9 Q Okay. Jake, what company do you currently work for?
10 A Starbucks.
11 Q And what is your current home store?
12 A 29th and Willamette.
13 Q And your current job title?
14 A Barista.
15 Q When were you -- you first hired by Starbucks?
16 A I was first hired October 2016.
17 Q And what store location were you first hired at?
18 A King and Mary in Charleston, South Carolina.
19 Q How long were you at the King and Mary store in South
20 Carolina?
21 A Just shy of a year.
22 Q Where did you go next?
23 A Next, I went to 15th and Fremont in Portland.
24 Q And how long were you at 15th and Fremont in Portland?
25 A About four years.

1 Q And what was your job title there?
2 A Barista.
3 Q What happened next?
4 A Then, I left the company for a few months.
5 Q And then when did you get rehired?
6 A I was rehired in May of 2021 at 29th and Willamette.
7 Q And if I ask you who your manager is, who would you say?
8 A Matthew Marjenka.
9 Q And his job title is?
10 A Store (audio interference).
11 Q Thanks. Can you tell me briefly about the process of
12 transferring from the South Carolina store to the Portland
13 store?
14 A Yeah. So I looked around for a store in Portland where I
15 wanted to work that worked well for a living, gave them a call,
16 spoke to a shift supervisor to ask if they needed a barista;
17 they did. I spoke to my store manager about it, my store
18 manager in Charleston, filled out some paperwork on that end.
19 The paperwork actually got stopped because that manager had to,
20 like -- just forgot to send it along. So then once I had
21 moved, I visited the store in Portland and spoke with the store
22 manager there, and we moved the process forward.
23 Q To the best of your knowledge, was a district manager
24 involved in your transfer from South Carolina to Portland?
25 A Not that I know of.

1 Q And then, what was the process of getting rehired by
2 Starbucks at the time at the Willamette location?
3 A So I submit an application online. I think the only
4 difference from, like, an application as a rehire was just,
5 like, checked a little box saying I'd worked for the company
6 before. And then I went into the store. Matthew happened to
7 be there that day, so we spoke, talked a little bit about my
8 history with the company. Just told him I'd submitted an
9 application. And I think we scheduled an interview by email
10 within 24 or 48 hours.
11 Q So just a couple of follow-up questions. When you applied
12 online, did you specifically apply to the 29th and Willamette
13 store?
14 A Yes.
15 Q Why that store?
16 A It was just closest to where I was at at the time.
17 Q And so after you put in an application, you went into the
18 store and you met -- met Matthew; is that right?
19 A Yeah.
20 Q Do you remember how long after meeting him that day you --
21 he reached out with an interview?
22 A I want to say 24 or 48 hours; it was a pretty short amount
23 of time.
24 Q And you -- and you said that you -- I'm sorry. I -- I
25 don't know if you said. Do you remember what method he used to

1 reach out to you, an email, a text?
2 A Email.
3 Q Okay. What happened next?
4 A I attended the interview. There was another store manager
5 there, Jorge Gonzales. He manages another store nearby. We
6 discussed, you know, the usual interview stuff, my history with
7 the company. And then after that, he reached out via a phone
8 call, I think, again, 24 or 48 hours later to offer me the job.
9 Q And how did you know when your first day was?
10 A I think we discussed it in that same phone call where he
11 offered me a job.
12 Q Did you talk to a district manager in the process of
13 getting rehired at the 29th and Willamette?
14 A No.
15 Q Did Matthew ever indicate to you that your hiring was
16 contingent on a district manager's approval?
17 A Not that I remember.
18 Q Okay. When you were rehired at 29th and Willamette, were
19 you trained?
20 A I was, a little bit. I had come from a cafe only store,
21 and 29th is a drive-thru. So I received a little bit of
22 training from Matthew on kind of how to use the headset and
23 sort of drive-thru positions.
24 Q How long would you say that training was?
25 A Probably an hour or two.

1 Q And I believe you said Matthew was the one who trained
2 you?
3 A Yeah, I think it was a little bit from Matthew. And then
4 if I remember it, I got passed off to a shift supervisor or a
5 barista at some point.
6 MS. MULTHAUP: Okay. I apologize; I need just one second.
7 My dog is going a little crazy. One second, I'm sorry.
8 HEARING OFFICER DEVLEMING: Let's go off the record.
9 (Off the record at 4:15 p.m.)
10 HEARING OFFICER DEVLEMING: We just broke for a doggy
11 emergency briefly.
12 And I had forgotten to ask, Mr. LaMourie, is anyone else
13 in the room today while you're testifying?
14 THE WITNESS: Yeah.
15 HEARING OFFICER DEVLEMING: Who else is in the room with
16 you?
17 THE WITNESS: A couple of other workers from the 29th and
18 Willamette store.
19 HEARING OFFICER DEVLEMING: Okay. Are any of them --
20 Do we know, Ms. Multhaup, are anybody else in the room
21 going to be a witness here?
22 MS. MULTHAUP: Let's see. I believe so.
23 HEARING OFFICER DEVLEMING: Oh, I'm sorry. I didn't mean
24 in the Zoom room, Mr. LaMourie. I mean in -- in the physical
25 room with you.

1 THE WITNESS: In the physical room, yeah.
2 HEARING OFFICER DEVLEMING: Yes?
3 THE WITNESS: I asked them to leave the room.
4 HEARING OFFICER DEVLEMING: Okay, that -- fair enough. I
5 mean, if they're not witnesses, it doesn't really matter. But
6 if they are, probably best practice not to be in the room while
7 you're testifying.
8 THE WITNESS: I think they may be.
9 You guys can go to my room.
10 HEARING OFFICER DEVLEMING: Okay. Well, I will leave that
11 to Starbucks' counsel to touch if they wish. Okay.
12 Back to you, Ms. Multhaup.
13 **RESUMED DIRECT EXAMINATION**
14 Q BY MS. MULTHAUP: Okay. So Jake, I believe we were
15 talking about training?
16 A Um-hum.
17 Q You said that you got a little bit of training because
18 you'd never worked at the drive-thru before. Can you explain
19 what you mean by that?
20 A Yeah. So the two stores I've worked at previously were
21 both cafe only. So when you work at a drive-thru, you're
22 wearing a headset. You're taking orders over the headset.
23 There's drive-thru register where you're handing out drinks and
24 cashing orders. And there's the drive-thru order where you're
25 taking orders over the headset and punching them in. So that's

1 all different. That's all stuff that someone at a cafe store
2 wouldn't have experienced.
3 Q And you had that experience that -- that -- that before;
4 is that correct?
5 A I had covered at drive-thrus before in the past as a
6 borrowed partner. But usually, when that's the case, when a
7 partner from a cafe store borrows at a drive-thru, you're kind
8 of kept away from those positions because you're not familiar
9 with them. So my experience was really limited.
10 Q When you first got hired at 29th and Willamette, how did
11 you let Matthew know what your availability was?
12 A I think we talked about it in the interview, and then
13 after I was hired, I filled out, like, a virtual form.
14 Q Okay. I am going to show you what's been marked as
15 Exhibit 13, and it should be in the ShareFile momentarily.
16 Let's see. Can you see that on your screen?
17 A Yeah.
18 Q Okay. Do you recognize this form?
19 A Yeah, this is a screenshot I took of kind of the partner
20 hours, partner information, website.
21 Q Do you remember approximately how long ago you took this
22 screenshot?
23 A Probably three or four weeks.
24 Q Okay. And can you just describe, generally, how you would
25 go about filling out this form?

1 A Yeah. So you've got all the different days there. You
2 can check whether you're available at all in a day, whether
3 you're all day. And then if it's not all day, you can select
4 times there where -- the period where you are available.
5 Q Okay. And to be clear, this is a blank form. It's --
6 it's not been filled out; is that correct?
7 A Yeah.
8 Q But this is the form that you did fill out shortly after
9 getting hired at 29th and Willamette; is that right?
10 A Yes.
11 MS. MULTHAUP: Okay. I'd like to submit Petitioner
12 Exhibit 13. Has it been dropped in the ShareFile? Do you see
13 it?
14 HEARING OFFICER DEVLEMING: I'm looking. Yes. And sorry,
15 you're offering that now?
16 MS. MULTHAUP: Yes, please.
17 HEARING OFFICER DEVLEMING: Okay. Any objection from the
18 Employer, or do you need a minute?
19 MR. GROW: Just give me a second.
20 HEARING OFFICER DEVLEMING: Yeah.
21 MR. GROW: A little slower here on the electronic uptake.
22 No objection.
23 HEARING OFFICER DEVLEMING: All right. Petitioner Exhibit
24 13 is admitted.
25 **(Petitioner Exhibit Number 13 Received into Evidence)**

1 Q BY MS. MULTHAUP: Okay. Next, I would like to show you,
2 Jake, what's been marked as Petitioner Exhibit 14, which should
3 be in -- coming to you guys shortly. Do you see this?
4 A Yes.
5 Q Can you describe what -- what this is?
6 A Yeah. So this is a screenshot I took, again, probably
7 three or four weeks ago, of my approved availability sheet.
8 Q And when it says "requested on 5/31/2021", what does that
9 mean?
10 A Yes. So it was around the time I was rehired by
11 Starbucks, so I would have filled out the sheet online and
12 discussed it with Matthew in the interview and all that. And
13 then it looks like it got approved by him, same day.
14 Q Okay. Was there anyone else you had to talk to about your
15 availability when you got hired at 29th and Willamette?
16 A No.
17 Q And have you changed your availability since then?
18 A I have not.
19 MS. MULTHAUP: Okay, I'll stop sharing.
20 I'd like to offer Petitioner's Exhibit 14 into the record.
21 HEARING OFFICER DEVLEMING: And I did see that got dropped
22 a moment ago in to the ShareFile.
23 Do you see it, Mr. Grow? Any objection?
24 MR. GROW: I'm a little -- just -- just a hair behind you.
25 One second.

1 HEARING OFFICER DEVLEMING: Sorry.
2 MR. GROW: No objection.
3 HEARING OFFICER DEVLEMING: Petitioner Exhibit 14 is
4 admitted.
5 **(Petitioner Exhibit Number 14 Received into Evidence)**
6 Q BY MS. MULTHAUP: All right. I'd like to talk a little
7 bit about requesting time off. If you know that you are going
8 to need time off ahead of time, like for a vacation or
9 something, how do you go about requesting it?
10 A So on that same website with availability forms, you can
11 request time off there, or you can use a paper sheet. So we'll
12 figure out the days, times I need off. I'll submit that either
13 leaving the paper sheet in back, or typically, I'll use the
14 online form. And then, usually, same day, I'll have a
15 conversation with Matthew, if he's in the store, about that
16 time off request.
17 Q Why do you usually have a conversation with Matthew, in
18 addition to submitting the time off request?
19 A That way, we can kind of work out if there's going to be
20 any issues with the time off. It's easy to just kind of figure
21 that out in the moment, in person, as opposed to him, like,
22 seeing it pop up, figuring it out in the schedule, and then try
23 to address an issue with me.
24 Q Do you know whether it's Starbucks policy to talk to a
25 Starbucks manager, in addition to submitting a request

1 formally?
2 A I don't believe it's policy, but it's -- it's pretty
3 consistent that I see people do it when they request time off.
4 It's more of a best practice thing.
5 Q Okay. And what happens next after you submit the request
6 online, and then have a conversation with Matthew about it?
7 A If there's no issues, he'll write it in the schedule for
8 that week that I've got those days off. If there are issues
9 with it, issues with him finding coverage for those shifts,
10 he'll usually encourage me to reach out to other people in the
11 store, or he'll reach out himself.
12 If no one in the store can cover the shifts that he needs
13 coverage for, I -- here, I will reach out to people at other
14 stores.
15 Q Okay, great. I'd like to show you what's been marked as
16 Petitioner Exhibit 15, which I believe is in the ShareFile. Do
17 you see this, Jake?
18 A Yeah.
19 Q Can you describe what we're looking at?
20 A Yeah, so this is a screenshot I took three, four weeks
21 ago. That same website. This is a -- I guess a history of
22 time off requests for me.
23 Q So just to -- to run through a couple. The first line,
24 the status is approved, the date is 12/24/12 -- 2021 to
25 12/25/2021. It says type, time off, and it says last modified

1 by Marthew -- Matthew Marjenka. Could you walk us through what
2 that request was for?
3 A Yeah. So I requested some time off for the holidays. I
4 was just going to be out of town. So like I said, I filed the
5 request online; discussed it with him in person. He was
6 actually writing the schedule at the time, so it worked out.
7 There weren't any issues, and I got the time off.
8 Q And when it says last modified by Matthew Marjenka, what
9 do you understand that to mean?
10 A I would understand that to mean that he approved the time
11 off.
12 Q Going down to maybe two-thirds of the way down. On the
13 lefthand side, I see an entry that says "status denied" from
14 12/22/2020 to 12/28/2020. Type, time off, and last modified by
15 Jason Fisher, Jr. Can you describe what your understanding of
16 that entry to be?
17 A Yeah. So Jason Fisher was my manager at the 15th and
18 Fremont store in Portland. So that was a request I filed for
19 time off for the holidays. He didn't want to try to find
20 coverage for those days, so he denied the time off request.
21 Q Did you appeal that decision to anyone?
22 A No.
23 Q So you just didn't take that time off?
24 A I ended up finding coverage for it on my own by calling
25 around.

1 Q Okay.
2 MS. MULTHAUP: I would like to offer Petitioner's Exhibit
3 15 for the record.
4 HEARING OFFICER DEVLEMING: Attorney Grow, do you see it?
5 Do you need a minute?
6 MR. GROW: No objection, thank you.
7 HEARING OFFICER DEVLEMING: Petitioner Exhibit 15 is
8 admitted.
9 **(Petitioner Exhibit Number 15 Received into Evidence)**
10 Q BY MS. MULTHAUP: In the process of taking time off, since
11 you've been at 29th and Willamette, have you ever reached out
12 to a district manager to discuss taking time off?
13 A No.
14 Q To the best of your knowledge, has a district manager ever
15 been involved in your request for time off or denying or
16 approving your time off requests?
17 A Not that I know of.
18 Q Are you aware that there is a practice at Starbucks called
19 borrowed partners?
20 A I am.
21 Q Can you describe what you understand that process to be?
22 A Yeah. So if a store can't find coverage within the store,
23 then they can reach out to other stores to see if they have
24 partners looking for hours to fill in for coverage at that
25 store.

1 Q Since working at 29th and Willamette, have you ever been a
2 borrowed partner?
3 A I have not.
4 Q To be clear, since you've worked at 29th and Willamette,
5 have you ever worked at another Starbucks store?
6 A I have not.
7 Q Has anything -- since working at 29th and Willamette, has
8 anyone at Starbucks ever suggested to you that you should work
9 at another store; that you should borrow shifts?
10 A No.
11 Q Have you ever been disciplined for not borrowing shifts at
12 other stores?
13 A No.
14 Q At -- at 29th and Willamette, do you ever work with
15 people -- with other partners who are borrowed, or whose home
16 store is not 29th and Willamette?
17 A Yeah, on occasion.
18 Q How often, in your experience, does that happen?
19 A Probably about once a month.
20 Q Okay. Have you ever been disciplined since working at
21 29th and Willamette?
22 A I have.
23 Q How many times?
24 A Just once.
25 Q Can you describe what happened?

1 A Yeah. So I had requested some days off, because I was
2 going to be out of town. I got my time off request wrong, so I
3 was out of town on a day when I was scheduled to work. It was
4 a no call/no show, so I was not there for my scheduled shift
5 that day.
6 So when I got back from my trip, Matthew -- I had clocked
7 on, I was working, and then, Matthew asked to speak to me in
8 the back room. He discussed the situation with me. I knew
9 that it was something I was going to get a write-up for.
10 So it was a pretty brief, like, coaching conversation.
11 They were just like, you know, you have to show up for your
12 scheduled shifts. I signed a sheet, Matthew signed it, and I
13 think that was the end of it.
14 Q The sheet that you signed, do you remember if that was a
15 corrective action form?
16 A It was.
17 Q Did you hear about the -- that instance of discipline
18 afterward by anybody else?
19 A I didn't.
20 Q Were you talked to about your attendance by anyone else
21 besides Matthew?
22 A I was not.
23 Q Were you ever given informal discipline at 29th and
24 Willamette?
25 A Not really, no.

1 Q Okay. I'd like to hear a little bit more about your
2 store. You've testified that it's a drive-thru and cafe store;
3 is that correct?
4 A Yes.
5 Q Can you -- how would you characterize the pace of the
6 store?
7 A Very busy.
8 Q Practically, what does it mean to be very busy at a drive-
9 thru location?
10 A So just high volume, high kind of pressure to keep things
11 going fast. Got a lot of customers. You know, the drive-thru
12 with the cars is usually, like, out to the street. So it's
13 just trying to keep things moving. We have a timer above the
14 drive-thru registers that says how long each car's been in the
15 drive-thru, the average for how long each car's taken that half
16 hour, and then, there's kind of a goal time there, as well.
17 Q What's the goal time?
18 A 50 seconds.
19 Q 50 seconds per car?
20 A Yes.
21 Q What happens when drive times are higher than the goal?
22 A If they're just a little bit higher, nothing really
23 happens, but if they're significantly higher, and Matthew's in
24 the store, he'll usually -- if he's not already on the floor,
25 kind of step onto the floor, and discuss, usually with the

1 shift supervisor, kind of moving barista's positions around the
2 store to kind of pick things up a little bit.
3 Q So if drive times will high -- were -- are high, Matthew
4 might make adjustments to how the store is -- is running; is
5 that correct?
6 A Yeah.
7 Q Are there any other adjustments he would make besides
8 moving people around to different positions?
9 A If he was in the store but doing office work, he might
10 step onto the floor and kind of work as a barista for a little
11 bit.
12 Q Was it difficult to adjust to work -- to -- to work with
13 this timer?
14 A Yeah, definitely. Just the timer, the overall pace, just
15 the different positions at a drive-thru. It was definitely an
16 adjustment.
17 Q And how often would you say Matthew has these
18 conversations with you all about drive times?
19 A Probably -- we're generally pretty good, but probably
20 every other week, there's an instance where he feels the need
21 to kind of step in and say something.
22 Q Has your district manager ever spoken to you about drive
23 times?
24 A No.
25 Q Has anyone else besides Matthew ever made adjustments on

1 the floor because of your drive times?
2 A Shift supervisors.
3 Q Anyone besides shift supervisors?
4 A No.
5 Q Have you guys ever received formal discipline for having
6 your drive times be too high?
7 A No, not that I'm aware.
8 Q It's just a conversation from Matthew?
9 A Yeah.
10 Q I'd like to talk a little bit about your contact with your
11 district manager. Do you know her name?
12 A Yeah, Donay Cherry.
13 Q How many times have you had a one-on-one with Donay?
14 A Never.
15 Q When you have had a problem with your schedule, have you
16 ever contacted Donay to talk about it?
17 A I have not.
18 Q When you have had a contact -- a problem with another
19 coworker, have you ever contacted Donay to talk about it?
20 A I have not.
21 Q When you've had a problem with requesting time off or
22 getting coverage when you're sick, have you ever contacted
23 Donay about that?
24 A I have not.
25 Q Have you ever received informal coaching from Donay about

1 how to do something better?
2 A Not that I remember.
3 Q If you have a problem with your schedule, who do you reach
4 out to?
5 A Matthew.
6 Q And if you have a problem with another coworker, who --
7 who do you reach out to?
8 A Usually, a shift -- shift -- usually, a shift supervisor
9 or Matthew.
10 Q And if you -- if you had another problem at work that I'm
11 not -- I'm not asking you about, maybe about supplies or
12 transportation or something, who -- who would be the person
13 that you reached out to?
14 A Matthew.
15 MS. MULTHAUP: Madam Hearing Officer, may I just take a
16 minute to make sure I have no further questions?
17 HEARING OFFICER DEVLEMING: Yes. Let's go off the record
18 for -- until 4:45, my clock, which I understand is a little
19 fast. So seven minutes or so.
20 MS. MULTHAUP: Thanks so much.
21 (Off the record at 4:35 p.m.)
22 HEARING OFFICER DEVLEMING: Ms. Multhaup, did you have any
23 more direct examination?
24 MS. MULTHAUP: No more questions. Thank you.
25 HEARING OFFICER DEVLEMING: Okay. Mr. Grow, we're ready

1 for cross.

2 MR. GROW: Thank you, Madam Hearing Officer.

3 **CROSS-EXAMINATION**

4 Q BY MR. GROW: Good afternoon, Jake. Can I call you Jake?

5 A Yeah.

6 Q Okay. Nice to meet you virtually. My name is Tom Grow.

7 I'm -- I'm counsel for Starbucks. I don't know if you've been

8 turning into these hearings today and yesterday, so I might not

9 need the introduction. But nonetheless, I wanted just to

10 introduce myself.

11 I've just got a few questions, just to kind of -- just

12 kind of a -- couple -- just get a few points of clarification.

13 You walked us through, kind of your journey, so to speak,

14 from -- from Charleston, which is a beautiful place. So you --

15 so your testimony was that you first started with -- or you --

16 excuse me -- that you had worked at the Charleston location --

17 Charleston, South Carolina location for about a year,

18 thereabouts, approximately?

19 A Correct.

20 Q Okay.

21 HEARING OFFICER DEVLEMING: I don't know if that answer

22 registered. He said correct.

23 THE WITNESS: Yes.

24 MR. GROW: Thank you.

25 Q BY MR. GROW: Just so I'm certain here. So at that store

1 in Charleston, they did not have a drive-thru, correct?
2 A Correct.
3 Q Okay. Approximately how many partners worked at that
4 location? Just roughly, to the best of your ability.
5 A It was a few years ago. My guess would be around 15.
6 Q Okay. You testified that in -- in transferring to the
7 store, I believe it was in Portland, basically, leaving the
8 store in Charleston, you spoke to your store manager in
9 Charleston; is that correct?
10 A Yes.
11 Q You indicated that -- that the store manager in Charleston
12 basically sent your paperwork. Do you know where he sent your
13 paperwork? To whom he sent it to?
14 A To the store manager of the store I was transferring to in
15 Portland.
16 Q Okay. After that was sent -- tell me about -- you
17 testified to basically applying online. Were there -- were
18 there any online interactions when -- when you applied to
19 Portland, or transferred to Portland? Or was that all just
20 done via paperwork?
21 A Yeah. So the online application, that was when I was
22 reapplying to --
23 Q Got you.
24 A -- (Indiscernible, simultaneous speech).
25 Q Okay.

1 A There was no online anything, really, in the transfer
2 process.
3 Q Got it, thanks. Looking at your transfer to 29th and
4 Willamette for a second. You indicated that -- that you
5 worked -- it looked like it was a fairly quick turnaround -- it
6 was about, I guess, 24 to 48 hours, you had a job offer from
7 that store. Who -- who -- who did you receive the job offer
8 from?
9 A Matthew.
10 Q To the best of your knowledge, did Matthew communicate
11 with anyone else to -- to discuss the job offer?
12 A Not that I'm aware of.
13 Q Is it possible that he could have conferred with Donay
14 Cherry or others above him to get approval for that?
15 A It's possible.
16 Q But you don't know, right?
17 A No, I'm not aware --
18 Q Okay.
19 A -- of whether he did or not.
20 Q Got it. You've indicated that, upon arrival at 29th and
21 Willamette, you had received some training, on the drive-
22 thru training, given that your location in Charleston was a
23 cafe only store. I think you -- you indicated that it was an
24 hour to two hours. Tell me a little bit about the training.
25 What -- what -- how did that -- what type of -- what did the

1 training entail?
2 A Yeah, so it was just showing me, kind of, what the
3 different buttons on the headset do, giving me -- kind of
4 letting me shadow another barista who was in that drive-thru
5 order position. Kind of explaining -- kind of sending the
6 order through so the person on the other register can pick it
7 up. And then, probably some more time shadowing someone on
8 that drive-thru register position, and seeing how that works.
9 Kind of calling in the orders. And there's a screen above that
10 shows them, as well.
11 Q Okay. When you were -- you testified to using a -- a
12 virtual form when -- in -- in coming to -- coming back to the
13 Pacific Northwest. Either -- it was either to -- to Portland,
14 or possibly here to -- to 29th and Willamette; is -- is that
15 correct, when you reapplied to the company?
16 A Yeah, yeah. Are you referring to the application I filled
17 out to be hired at 29th and Willamette?
18 Q Right. You've also testified to the use of availability
19 forms that we looked at.
20 A Um-hum.
21 Q Are those the -- the forms that you have utilized at 29th
22 and Willamette, are they in any way similar to what you are
23 accustomed to using in Charleston?
24 A I think back then, availability -- this was -- that was
25 five years ago in Charleston.

1 Q Yes.
2 A I don't think they had online availability forms yet. I
3 think that was all paper.
4 Q How about Portland? How did they -- between Portland and
5 Eugene, those two areas, were they similar? The ones you've
6 used at 29th and Willamette to what you used up in the Portland
7 location, to the best of your recollection?
8 A I want to say the online forms were rolled out a couple of
9 years ago. So I would've used them in Portland, yeah.
10 Q Okay. All right. Let's look at time off for a minute.
11 You testified to time off -- how -- how you requested. Use of
12 an online form. It's true that when you've applied in the
13 past, you testified that you submitted a request online, and
14 that you also have a conversation with Matthew; is that
15 correct?
16 A Yes.
17 Q Okay. You also testified that when you are attempting to
18 take time off, you indicated that he, meaning Matthew --
19 correct me if I'm wrong -- or I will reach to -- to -- to other
20 people at other stores; is that correct?
21 A Yeah, if we can't find coverage within the store.
22 Q Right. Could you tell me, what -- what other stores did
23 you reach to when you were seeking, for yourself, coverage?
24 A I haven't had to do it at 29th and Willamette, actually.
25 We've always been able to cover shifts with the partners within

1 the store.
2 Q Okay. But -- but it -- but it is true that you did say
3 that he, meaning Matthew, or I, will reach to people at other
4 stores; is that correct?
5 A Yeah, that's like, kind of common procedure within the
6 company.
7 Q But it's your testimony today that you've never reached
8 out?
9 A No, not while working at 29th and Willamette.
10 Q Okay. When you were in Portland, did you have to reach
11 out there to find coverage ever?
12 A I did.
13 Q You did. You -- you testified to the receipt of a
14 corrective action form after a no call/no show incident at 29th
15 and Willamette; is that correct?
16 A Correct.
17 Q Have you ever had occasion to, I guess, receive any
18 discipline in your -- at -- at other locations, Portland or
19 Charleston?
20 A Yeah, once that I remember.
21 Q Okay. And where was that?
22 A That was at the 15th and Fremont location in Portland.
23 Q Okay. And on that occasion, did -- were you required to
24 sign a corrective action form --
25 A I was.

1 Q -- for that? Okay. And to the best of your recollection,
2 the form was -- was similar in nature to what you signed just
3 recently -- or since you have transferred to 29th and
4 Willamette?
5 A Yes.
6 MR. GROW: Nothing further.
7 HEARING OFFICER DEVLEMING: Okay. Any redirect from the
8 Petitioner?
9 MS. MULTHAUP: I'm just thinking. I don't think so.
10 HEARING OFFICER DEVLEMING: Okay. Well, we're before 5.
11 How wonderful.
12 Mr. LaMourie, thank you so much for your time. You are
13 done, but I'd ask you not to discuss your specific testimony
14 with any other witness until the hearing closes, which may
15 happen tomorrow or Wednesday, I think, at the latest.
16 With that, let's go off the record.
17 **(Whereupon, the hearing in the above-entitled matter was**
18 **recessed at 4:54 p.m. until Tuesday, February 1, 2021 at 9:00**
19 **a.m.)**
20
21
22
23
24
25

1 **C E R T I F I C A T I O N**

2 This is to certify that the attached proceedings before the
3 National Labor Relations Board (NLRB), Region 19, Subregion 36,
4 Case Number 19-RC-288594, Starbucks Corporation and Workers
5 United, held at the National Labor Relations Board, Region 19,
6 Subregion 36, 1220 Southwest 3rd Avenue, Suite 605, Portland,
7 Oregon 97204-2818, on January 31, 2022, at 9:05 a.m. was held
8 according to the record, and that this is the original,
9 complete, and true and accurate transcript that has been
10 compared to the reporting or recording, accomplished at the
11 hearing, that the exhibit files have been checked for
12 completeness and no exhibits received in evidence or in the
13 rejected exhibit files are missing.
14
15
16
17 JACQUELINE DENLINGER
18 Official Reporter
19
20
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OFFICIAL REPORT OF PROCEEDINGS

BEFORE THE

NATIONAL LABOR RELATIONS BOARD

REGION 19, SUBREGION 36

In the Matter of:

Starbucks Corporation, Case No. 19-RC-288594

Employer,

and

Workers United,

Petitioner.

Place: Portland, Oregon (Via Zoom Teleconference)

Dates: February 1, 2022

Pages: 343 through 515

Volume: 3

OFFICIAL REPORTERS
eScribers, LLC
E-Reporting and E-Transcription
7227 North 16th Street, Suite 207
Phoenix, AZ 85020
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UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

REGION 19

In the Matter of: STARBUCKS CORPORATION, Employer, and WORKERS UNITED, Petitioner.	Case No. 19-RC-288594

The above-entitled matter came on for hearing, via Zoom videoconference, pursuant to notice, before **ELIZABETH DEVLEMING**, Hearing Officer, at the National Labor Relations Board, Region 19, 915 2nd Avenue, Suite 2948, Seattle, Washington 98174-1006, on **Tuesday, February 1, 2022, 9:11 a.m.**

1 **A P P E A R A N C E S**

2 **On behalf of the Employer:**

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JEFFREY DILGER, ESQ.
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1 **I N D E X**

2

3 WITNESS	DIRECT	CROSS	REDIRECT	RECROSS	VOIR DIRE
4 Matthew Thompson	350	384	404		
5 Ky Fireside	407	442			
6 Bex Littleton	457	470			
7 Quentin Piccolo	477	500			

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1 **E X H I B I T S**

2

3 EXHIBIT	IDENTIFIED	IN EVIDENCE
4 **Employer:**		
5 E-16	366	454
6 E-17 through E-19	454	454
7 E-20	352	468
8		
9 **Petitioner:**		
10 P-18	415	420
11 P-19	416	420
12 P-20	418	420
13 P-21	431	433
14 P-22	506	506
15 P-23	425	426
16 P-24	422	467
17 P-25	474	475
18 P-26	484	
19 P-27	492	493
20 P-28	506	506
21 P-29	480	482

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1 **P R O C E E D I N G S**

2 HEARING OFFICER DEVLEMING: We are resuming Starbucks
3 Corporation, Case 19-RC-288 -- 288594 this morning. A couple
4 things. One is the parties have agreed that we are going to
5 jump back to the Employer's case with their third witness Dr.
6 Matthew Thompson this morning. But I believe we're just going
7 to cover direct examination because there are a few Employer
8 exhibits to be introduced into the record based on testimony
9 from a previous hearing later that have just been sent over to
10 the Petitioner for his -- their review. So we will break after
11 direct examination, potentially call the next Petitioner
12 witness so that Petitioner counsel has a chance to review those
13 documents before cross-examination of Dr. Thompson.
14 Another thing is -- maybe that's all I really need to say
15 for now. Before we go much further though, same question as
16 every morning. Mr. Iglitzin, anyone in the room with you
17 today?
18 MR. IGLITZIN: No. Strange that I keep inviting people to
19 sit in the office with me during this hearing but they keep
20 declining.
21 HEARING OFFICER DEVLEMING: And Mr. Dilger, same people
22 and remind us who those are?
23 MR. DILGER: Yes, it would be Mr. Grow and Ms. Dieckmann.
24 HEARING OFFICER DEVLEMING: All right. And Mr. Thompson
25 or Dr. Thompson, excuse me -- well, I guess first I will allow

1 Mr. Dilger to call his next witness.

2 MR. DILGER: Yeah, Starbucks calls Dr. Matthew Thompson.

3 HEARING OFFICER DEVLEMING: Thank you. Hi, Dr. Thompson.

4 I know we are friendly faces. We met at the last Seattle

5 Starbucks hearing, but I'll give you the same instructions and

6 walk you through the same steps I did last time. First thing

7 would be to -- would you please raise your right hand.

8 Whereupon,

9 **MATTHEW THOMPSON**

10 having been duly sworn, was called as a witness herein and was

11 examined and testified as follows:

12 HEARING OFFICER DEVLEMING: Awesome. And then could you

13 state and spell your first name for the record.

14 THE WITNESS: It's Matthew, M-A-T-T-H-E-W. Thompson,

15 T-H-O-M-P-S-O-N.

16 HEARING OFFICER DEVLEMING: And I'm -- I'm having deja vu

17 that there's just a --

18 THE WITNESS: I was just going to ask is audio okay.

19 HEARING OFFICER DEVLEMING: -- teeny bit of a cut out.

20 There's such a little cut out that it almost sounded like you

21 spelled your name Mattaew, which I don't think is the right

22 spelling. So did we use headphones last time? Is that

23 something you could try?

24 THE WITNESS: So give me a moment. I called in on my cell

25 phone.

1 HEARING OFFICER DEVLEMING: Oh, right.
2 THE WITNESS: That was going to be my first question also.
3 Give me just a moment.
4 HEARING OFFICER DEVLEMING: Perfect. The sound is crystal
5 clear; it just cuts out for a split second here and there.
6 It's kind of strange.
7 THE WITNESS: Better?
8 HEARING OFFICER DEVLEMING: That sounds good to me.
9 Hopefully, it lasts. Okay.
10 THE WITNESS: I'm just plugging in my phone so that
11 doesn't die.
12 HEARING OFFICER DEVLEMING: Great. Thank you for doing
13 that. Dr. Thompson, are -- is anyone in the room with you
14 while you testify today?
15 THE WITNESS: No, no one is in my room.
16 HEARING OFFICER DEVLEMING: Excellent. And I'll just
17 remind you if you can try to take a pause between hearing a
18 question and beginning your answer, both for the sake of
19 creating a clear transcript, and to give Mr. Iglitzin a chance
20 to interject with an objection if he so wishes. If you do hear
21 the word objection, just take a further pause -- go quiet for a
22 minute, and let us resolve it and then we'll direct you one way
23 or another whether to answer the question posed. And that is
24 all. So over to you, Mr. Dilger.
25 MR. DILGER: Okay. Thank you very much, Madame Hearing

1 Officer. Good afternoon to you, Dr. Thompson. Good morning to
2 the rest most likely on the call. I'll start even before I ask
3 you questions and just get a stipulation on the record. The
4 parties have agreed that just as in the Seattle hearing that we
5 would incorporate Dr. Thompson's qualifications from the
6 Buffalo Two transcript. I -- I misspoke earlier, Dmitri, it's
7 from Buffalo Two not the Mesa transcript. But that is Case --
8 leading Case 03-RC-285929, page 138, line 4 to 143, line 2.
9 HEARING OFFICER DEVLEMING: And the Petitioner's position
10 on that stipulation?
11 MR. IGLITZIN: Hang on a second. I just --
12 HEARING OFFICER DEVLEMING: Those are the cites I had in
13 my notes from last time.
14 MR. IGLITZIN: Yeah. No, that's -- that's fine.
15 HEARING OFFICER DEVLEMING: So stipulated, thanks.
16 MR. DILGER: Very good. And thank you, Dmitri, for that
17 stip.
18 MR. IGLITZIN: Sure.
19 **DIRECT EXAMINATION**
20 Q BY MR. DILGER: Okay. Dr. Thompson, did you -- were you
21 provided with materials related to -- data from Starbucks
22 related to the petition in district 156 in Eugene, Oregon?
23 A Yes. I was provided with three particular data sources:
24 the aggregated data that's going to show individuals who are
25 working in different locations, the partner listing which would

1 have the active partners and the positions held, and a store
2 listing which identified stores that would have been included
3 in a particular district in this district.
4 Q Okay. And then were you also provided any data related to
5 district realignment, the movement of certain stores outside of
6 the district?
7 A I was provided additional information that just
8 identified, I believe, it was three stores. Let me just
9 confirm. Three stores that were in district 156 at one point
10 but are no longer in district 156.
11 Q Okay. And so let's just talk about the treatment of
12 stores. Were there any stores that were closed during the
13 period during which you did your analysis?
14 A I'll have to go back and confirm. I don't think any
15 closed. There -- there was one that opened during the period
16 and then we had these three stores that then were in the
17 district and left the district during the data period.
18 Q Okay. As it pertains to the store that opened, I assume
19 that we -- did you -- well, I'm not going to assume anything.
20 Did you -- how did you incorporate the data from the store that
21 opened during the data period?
22 A So we do a -- a few different analyses but -- but when
23 we're using the complete data, we would analyze that store with
24 the other stores that are in the district for the period for
25 which we have data so post-opening.

1 Q Okay. And then how did you analyze or use the data
2 related to the three stores that were in the district at one
3 point but moved out?
4 A So for the three stores that were in the district and
5 moved out, we analyzed the data so those who were working in
6 those stores, when they were in that district, but when those
7 stores left the district, we no longer followed those -- those
8 particular stores or the work that was occurring in those
9 stores.
10 So in essence, I mean it was treated similar to a closed
11 store in the sense of we used the data when they were in the
12 district but when they were outside of the district, we didn't
13 look at the interchange in that particular store.
14 Q Okay. And so I guess we can talk about that when get to
15 the -- the relevant graph. So I will refer you to what's been
16 marked as Employer Exhibit 20. It's a document provided by
17 you, the -- the primary data analysis, consisting of 49 pages
18 of charts. Do you -- do you have that document in front of
19 you?
20 A I do.
21 Q Okay. And so I'd just like to start with page 1 and ask
22 what does this chart represent?
23 A So this chart is going to show, for anyone working in the
24 district, the number of stores in which they worked in the
25 district during the period. And so our data period here is

1 from July 1st, 2019 to January 19th, 2022. In this particular
2 chart, there's 14 stores that would have been in the district
3 at some point during this time frame. As I said, we only
4 looked at the closed or the transferred stores when they were
5 in the district. And what this tracks is, again, the number of
6 stores within the district that a given partner would have
7 worked at if they worked in the district.
8 So in looking at this chart, roughly 40 percent of those
9 who worked in the district worked in more than one store in the
10 district and 60 percent worked in a single store in the
11 district.
12 Q Okay. And this covers July 1, 2019 to January 19, 2022;
13 is that the complete date range on the data set that you
14 received?
15 A Correct. That's the -- the data that we have in terms of
16 the complete date range.
17 Q And just to clarify, this is -- it's all of district 156?
18 A Correct. It's -- in -- in this case, it's -- it's 14 --
19 it's the 14 stores that were ever part of district 156 during
20 that data period.
21 Q Okay. And then there's a marking on this that says
22 partners excluding store managers. And can you explain what
23 that means?
24 A Sure. So there was concern in terms of whether store
25 managers were contributing to the interchange on the

1 timekeeping records. So what we had used was the partner
2 listing to identify people who are identified as store managers
3 which would be their current or last position held. And for
4 those individuals we removed any data for those particular
5 people.
6 So if I was a barista, eventually moved up into a store
7 manager and my current position was a store manager, I would
8 have removed all of the data for that individual from the
9 analysis. So it's -- it's excluding anyone who ever -- whose
10 last record, or last position held, is a store manager.
11 Q Okay. Let's go ahead to chart 2; we'll move ahead. Can
12 you explain what this chart shows?
13 A So chart 2 is similar to chart 1 in that it is looking at
14 the complete time frame that we have data so July 1, 2019 to
15 July 19th, 2022. But it is limited only to those who ever
16 worked in store 22349, the petitioned store. And so in this
17 case, among those who ever worked in that store, about 70
18 percent worked in more than one store during that period, that
19 data period, and about 30 percent worked in a single store, and
20 in this case, it would be store 22349.
21 Q Okay. And so this is the smaller subset of the pie that
22 you previously explained, so the prior one was the entirety of
23 district 156, and now this is just store 22349 within the
24 district?
25 A That's correct.

1 Q And is this measuring home store or all partners?
2 A So this is capturing any partner who worked in that store.
3 So it would be both home store and any other partner who came
4 and worked in that store for even a single shift during this
5 time frame.
6 Q Okay. And then can you explain, down at the bottom
7 there's a note about active partners?
8 A Yeah. So at the bottom the note is just looking at what's
9 the tenure of those who are active home store partners. So
10 again, so it's a subset of the people who would be in this pie
11 chart just limited to those who are actually in home store
12 22349 and who are currently active. Those are the only
13 individuals who we can actually observe this on.
14 For those individuals what we see is that their average
15 time at the store is about 45 months, so a little less than
16 four years. The median time which would be, if I lined up
17 individuals from the least seniority to the most seniority and
18 found that middle person, is approximately 30 months which is
19 about, you know, two and a half years.
20 Q Okay. Turning to the third chart, what does this chart
21 show?
22 A So this chart, again, goes back to the full district --
23 the full time period but it's by store. And so in here you're
24 going to have every store that's in the district at some point
25 during the period including the three stores that by the end of

1 the period are no longer in the district. And then for each
2 store what we looked at was the percent of individuals who
3 worked in that store, whoever worked in that store, that were a
4 home store employee, which would have been the home store
5 partners would be those in the blue and orange.
6 Or if they were borrowed partners so they worked in that
7 store but that was not their home store which is going to the
8 gray portion of these. And then among these, and in terms of
9 the distinction between the blue and the orange, the blue would
10 be partners who only ever worked, we only ever observed them
11 working in that store. So they -- they didn't work at another
12 store, they weren't loaned out. Or the orange are home store
13 partners who were borrowed by another store so would have
14 worked in another store within the district.
15 So if I -- in terms of reading this, if I look at the
16 petitioned store, for example, roughly 49 percent of those
17 whoever worked in that store were the home store. So 51
18 percent of those whoever worked during that store during this
19 period were borrowed. And then if I look among the home store
20 about a third are loaned to other stores and roughly two-thirds
21 only work at the home store.
22 And you see there's, you know, with the exception of a
23 couple stores that I'll -- I'll touch on, you know, you see
24 this pattern across the district in terms of borrowing where
25 typically more than 50 percent of those whoever work in a store

1 are borrowed, and between 50 to, you know -- a third to 50
2 percent of the home store employees are being loaned out to
3 other stores. A couple of stores just on here to -- to note.
4 So for example, store 59312, that is one of the stores
5 that was in the district and then was moved out of the
6 district. For that store we basically only have one month of
7 data that we're actually analyzing here because it opened in
8 September of 2020, and then it was reorganized at the end of
9 September 2020. So that's a -- a month of data that we're
10 looking at.
11 The other store that is a little bit different than what
12 you typically see in these, is the store 6983 where you see
13 almost nearly 95 to 97 percent of those who are working in the
14 store are home store employees. And for these individuals this
15 store is about 100 miles separated from all of the other stores
16 within the -- the district and so we see limited interchange
17 with this store and others in the district.
18 Q Okay. Why don't we turn to chart 4. And what does this
19 chart show?
20 A So this chart is showing the percent of store days where
21 at least one borrowed partner was utilized in that store. And
22 so this is if I took all of the days that a store is open and I
23 looked at what percent of those do they have at least one
24 borrowed partner that -- that they're relying on, it's going to
25 show the percentage.

1 So across the district, what we see is about one in four
2 days of store operation required a borrowed partner, so 25
3 percent. And you can see there's some variability around that.
4 The petitioned store is slightly less than that, you know, it's
5 about 21 percent which would suggest one in five days that the
6 petitioned store required a -- a borrowed partner to assist
7 them in running this store.
8 Again, you kind of see those two stores that I pointed out
9 initially: the one which we only have one month of data for,
10 the 59312, and the 6983 which is quite a distance from the
11 other stores in the district.
12 Q Okay. Let's turn to chart 5. What does this chart show?
13 A So chart 5 what we wanted to look at is whether the
14 pattern of the borrowed shifts varied across the week. So was
15 this a case of it just happened on weekends or particular days
16 of the week. And so what this chart is showing is the percent
17 of borrowed shifts.
18 So I've moved from -- from borrowed days, workdays, to
19 borrowed shifts so these are actually person days where you had
20 a borrowed partner and whether it fell on a Sunday, a Monday,
21 Tuesday, Wednesday. Across the district, as noted in the
22 footnote, about 3.6 percent of shifts, person shifts, are
23 borrowed. And that's roughly, you know, almost 3,000 person
24 shifts across this data period.
25 In terms of the -- the dotted line, the red dotted line,

1 is that average of 3.6 and you can see that on a daily basis it
2 doesn't vary much. So it's not a case of they're just
3 borrowing on weekends, or just borrowing on certain days;
4 they're borrowing throughout the week.
5 Q Okay. And -- and you said down at the bottom so the note
6 2,970, so if we just quantified all of the bars, that's how
7 many shifts are being used to calculate the overall average of
8 3.6 percent, correct?
9 A Correct. So that's the -- that's the number of borrowed
10 shifts relative to the total number of shifts that would be
11 there.
12 Q Okay. And then if we could turn to page 6 or chart 6.
13 What does --
14 A So again, chart 6 -- oh, go ahead, sorry.
15 Q I was just going to say what does this analysis show?
16 A So chart 6 again, is trying to assess whether borrowing is
17 just a seasonal type of event or whether it's occurring
18 throughout the year. So what this chart is showing is the day
19 of the -- the calendar day, January 1st, January 2nd, January
20 3rd, so each calendar day across the year. And then the
21 average borrowing that is done on that particular calendar day
22 in the year.
23 And so the red line again is the 3.6 percent average
24 that's across all days. And you can see that there are some
25 days where -- sorry -- there are some days where there's more

1 borrowing and some days where there's less borrowing. Excuse
2 me. What I haven't mastered is how to put do not disturb on
3 the iPhone.
4 The red -- the red dotted line is the 3.6 percent average
5 that we calculated on person shifts. The -- each of these bars
6 represents on that particular day in the calendar year how many
7 people -- what percent were borrowed. And you can see that
8 sometimes it's above that, sometimes it's below it. There is,
9 you know, certainly that March period which we'll come back to
10 is higher because of COVID and we can demonstrate that.
11 There's a peak on Christmas Day but you do see borrowing
12 occurring throughout the year and so it's not a seasonal type
13 of behavior.
14 Q And this is, essentially, a different way of depicting the
15 data in the prior chart which is the prior chart was by day of
16 the week, and this is by literal day of the year; is that fair?
17 A That's correct. And you know, each day -- the most that a
18 given day I'll have is three observations so for example, I
19 only observe January 1st, 2020, January 1st, 2021, and January
20 1st, 2022. So it's going to be the average of those three
21 January 1st's. In other cases, I may only have two days on
22 which I'm doing this average.
23 Q Okay. And that would particularly be the period from,
24 what, would it be January 19th to July 1, 2020; is that right?
25 A Correct, correct.

1 Q All right. Let's look at page 7. What does this chart
2 show?
3 A So page 7 is a map of all of the stores in the district
4 minus one store. So in the previous charts we were doing all
5 these on 14 stores. The chart -- the map here shows 13 stores.
6 The one store that is not depicted on the map is the store
7 that's 100 miles from this core group of stores and where's
8 there's no interchange between that store and this core group
9 of stores.
10 And so just to be able to demonstrate -- to be able to see
11 these more clearly, we removed that store from the map simply
12 to make it larger. But what this map shows is the interchange
13 between stores within the district and the lines represent the
14 flow of partners between the different stores.
15 So the arrow pointing to a given store would -- would
16 indicate that they are coming from one of the other stores into
17 that store. The width of the line represents the number of --
18 of partner days on which that's occurring. And so the wider
19 the line the more partner days between that -- those two
20 (indiscernible) stores.
21 What you see is that, you know, the sharing is happening
22 across the district, that there aren't pair-wise stores where
23 you have all of the interchange occurring, so little pockets,
24 but it's -- you know, the interchange is occurring across all
25 stores.

1 Q And so I just want to clarify. So 60983, right, is not
2 depicted on the map, correct?
3 A Correct.
4 Q But its exclusion is -- is also not excluding any visual
5 depiction of the data because there is no interchange between
6 these core stores and the store in Coos Bay, which is 60983,
7 right?
8 A That's correct.
9 Q Okay. And so this chart does show visually, right, all of
10 the interchange that is occurring within the district itself?
11 A That is correct.
12 Q Okay. Let's go ahead to -- and turn to chart 8.
13 A So the -- the next set of charts that we're going to talk
14 about I think that the core stuff that we just went through,
15 and are making different restrictions on the data as
16 sensitivity checks to see whether the interchange is being
17 driven by any particular event, or is it more common. Does it
18 happen even if we account for these different pieces.
19 So our first sensitivity check that we take a look at is
20 whether the interchange is only being driven by the post-COVID
21 period. And actually the COVID aspect of that you would have
22 stores closed and so more potential interchange. So these
23 analyses limit the data to only the period from July 1st, 2019
24 to February 29, 2020, what we're defining as our pre-COVID
25 period.

1 And a couple things to keep in mind because of that
2 shortened period, we're really limiting the data in terms of
3 basically we have, you know, nine months of data that we're
4 looking at.
5 Q Okay. And so this chart compares, in terms of doing the
6 sensitivity check, it compares to chart 1; is that correct?
7 A That's correct.
8 Q Okay.
9 A So this charge, again, is -- is going to show the number
10 of stores within the district that a partner would be working
11 at over this time period. And we still continue to see, you
12 know, roughly 36 percent of partners that work at more than one
13 store during this period, this shortened period.
14 A couple things to note. There are fewer stores than the
15 full data because there are three stores that didn't open until
16 after the COVID period that -- that we would have not had in
17 that time frame.
18 Q Okay. And so ultimately, it's about 36 percent here work
19 in more than one store and it was about 39 percent for chart 1;
20 is that right?
21 A Correct.
22 Q And is -- is that a statistically significant difference
23 based on COVID?
24 A It's -- it's -- it's not a large difference between the
25 two. It's a similar pattern.

1 Q Let's go ahead and look at chart 9. What does this chart
2 depict?
3 A So chart 9, again, is going to be looking at the pre-COVID
4 period and we're once again, back to the petitioned store only.
5 And so among those who worked in the petitioned store, roughly
6 59 percent worked in more than one store within the district.
7 Q Okay. And this chart compares to chart 2, correct?
8 A Correct. It compares to chart 2 and again, we're -- we're
9 seeing a similar pattern in terms of there are certainly more
10 individuals who only worked in the petitioned store. You know,
11 I think we went from roughly 30 percent to -- to 41 percent but
12 it's still a -- a sizable number that are working in more than
13 one store. And again, we're looking at less than a ten-month
14 period.
15 Q Turning to chart 10. What does this chart show?
16 A So chart 10 again, is looking at the stores that were
17 opened during the pre-COVID period. Once again, we have the --
18 the dark blue which represents home store employees who only
19 worked in that home store. The orange that is the home store
20 employees that may have worked in more than one store within
21 the district, and then the gray would be borrowed partners
22 working in that store.
23 So again, going to our petitioned store, roughly 45
24 percent of the population are home store partners who only
25 worked in that store. You've got an additional, roughly 15

1 percent, of home store partners who also work in other stores
2 in the district, and then approximately 45 percent of the
3 partners, over this time frame, were borrowed partners.
4 Q Turning to chart 11. What does that chart show?
5 A Chart 11 is, again, limited data period so just the pre-
6 COVID period. The number of store days in which a borrowed
7 partner was -- was used. And on average across the population
8 it's roughly 29 percent.
9 So you know, a little more between one and three and one
10 and four days required at least one borrowed partner across the
11 district. For the petitioned store it's a little bit more than
12 20 percent, so roughly one in five days required a borrowed
13 partner.
14 Q Okay. And -- and this compares to chart 4; is that
15 correct?
16 A That's correct. I just needed to check to make sure it
17 was 4.
18 Q Okay. And so just to be clear so for there -- there is
19 one tall bar on the right side for 60461. And so what -- what
20 would that signify in this -- in this check?
21 A So in this particular check that store is, you know, using
22 a lot of borrowed individuals each day, or at least the number
23 of days that required a borrowed individual. I would have to
24 look back at that store to see when it opened and how long it
25 was open. And I wouldn't be surprised if it was a relatively

1 short time frame that we're looking at within that particular
2 store.
3 Q Okay. And then in -- in terms of the other stores under,
4 setting aside 60461, was there any meaningful impact with COVID
5 based upon your analysis between the pre-COVID and post-COVID
6 period?
7 A Looking at the -- the two, no. You still see that there's
8 a substantial number of days that are being borrowed; in fact,
9 it went up slightly in terms of the -- the percent of days that
10 required a borrowed partner. When we looked at just the pre-
11 COVID period, you still see variations in terms around that for
12 different stores, so some stores required more borrowed
13 partners than others. But -- but the general pattern still
14 holds in terms of the -- the required or using borrowed
15 partners throughout this period.
16 Q Okay. And in the data, it indicates that 60461 in
17 Employer Exhibit 16, opened on February 27th. And with that
18 being the case, that would -- the bar there, would represent
19 three days of data?
20 A Correct.
21 Q Okay. And so in your opinion, would that be an
22 appropriate measure to judge store days requiring at least one
23 borrowed partner?
24 A I mean, it is information. Overall it's not going to have
25 much weight because it's only three days that it's -- it's

1 open. I -- it would be an outlier and you'd want to have
2 more -- I mean that's one of the problems of going to these
3 shortened time frames is that what you're looking for is
4 general patterns across pieces and as you start to limit the
5 data more and more, fewer patterns can emerge. And so that's a
6 piece of you know, with only three days I would put little
7 weight on what I'm seeing there.
8 Q And so in terms of its impact on a COVID sensitivity
9 check, what would it be?
10 A Almost zero.
11 Q Let's turn to chart 12. And can you just explain what
12 this chart is?
13 A So chart 12 is similar to the prior chart that we did for
14 the entire data time period. Again, what we're looking at here
15 is -- are there patterns in terms of the borrowing that it's a
16 nonregular practice so that it's only occurring on weekends or
17 only on particular days of the week. What we see is over this
18 period it's 3 -- 3.2 percent of the partner days that are being
19 borrowed. You know, there's a little bit of a drop on Monday
20 but -- and a little bit higher on Wednesday, Thursday and
21 Saturday.
22 But they're all roughly around that 3.2 percent. And so
23 it's not a case that the borrowing is occurring on just
24 particular days of the week. It's happening throughout the
25 week. It's part of the regular operations.

1 Q Okay. And so in the COVID analysis, it's 3.2 percent
2 partner days and in the regular, right, nonadjusted analysis
3 it's 3.6. Is that a significant difference?
4 A No. I would say that, you know, again, the patterns are
5 staying the same.
6 Q Let's turn to chart 13. And what does this chart show?
7 A So 13 is similar to what we did before in terms of looking
8 at each calendar day and the borrowing that occurs on each
9 calendar day. The gray area that you see is the COVID period
10 that has now been removed from the -- the population.
11 So just in terms of kind of the -- the actual calendar
12 event -- the calendar actually starts July 1st so it kind of
13 starts after that gray bar and each of these would represent
14 only a single day because I only have one day that I'm
15 observing for that. And then wraps around and -- and you see
16 from January to February on that.
17 But the pattern that we saw before is still holding even
18 when we pull out or look at the pre-COVID period. That
19 borrowing is occurring throughout the year. Sometimes it's
20 above the average; sometimes it's below. But there's not an
21 apparent seasonality to it. There is a spike on Christmas Day.
22 But other than that what you see is that borrowing is -- is
23 fairly regularly happening across the year.
24 Q Right. And -- and just the gray area indicates not that
25 the pandemic was from, you know, March 1 to June 30. It's just

1 an area where there is no data.
2 A Correct. If we had data going back earlier than July 1st,
3 we would have had information in there but because our data
4 start July 1st, 2019, we only have that window to look at
5 the -- the pre-COVID events.
6 Q Okay. And then turning to chart 14. What does this show?
7 A So chart 14 is, again, a map of the stores within the
8 district. And again, showing the interchange that's occurring
9 between the stores. The same pattern is holding. There's --
10 there's less observed interchange mainly because we're looking
11 at a shorter time frame. So we're looking at a -- a period
12 because remember that in the broader period we had 3.6 percent
13 of the shifts that were being borrowed.
14 Here we have 3.2 percent so it's not the piece of that
15 there's less borrowing occurring, it's just that because
16 there's a shorter time frame you're not observing as much
17 movement in between. But what you still observe is the
18 consistent pattern of stores are being -- you know, borrowing
19 and lending across all the district that it's not isolated to
20 just pockets of stores.
21 Q Okay. And then let's talk about chart 15. So this is --
22 it looks to be a different analysis. All the prior charts --
23 or the charts that we just discussed, I believe, it was 8
24 through 13 were COVID -- 8 through 14 related to COVID
25 analysis, and it appears this has a different sensitivity.

1 What is the sensitivity that this chart -- chart tests for?
2 A So the sensitivity that we're testing for here is whether
3 the interchange is being driven by stores that are either
4 opening or closing during the period. So as a store opens, do
5 they borrow more? As a store closes, are those individuals
6 being lent out? And so it is the opening and closing of the
7 stores driving the interchange that we're seeing in the data?
8 And so this analysis is limited to ten stores. It's for the
9 full data period. So it goes back to January 1st, 2019 to
10 January 19th, 2022.
11 But there are four stores that either opened or closed
12 during this period that -- that we are not including. So all
13 of their interchange associated with those stores have been
14 removed.
15 Q Okay. And what are those stores that would be excluded
16 from this analysis?
17 A So the stores are 59312. You can see I'm a statistics
18 guy: I do everything with numbers, no names. I apologize.
19 Q It's all good. Easier for the record anyways, I'm sure.
20 A Store 60461, store 60983, and store 65196.
21 Q And so for example, like we saw in the prior chart 60461
22 had -- it had three days of data in the pre-COVID period. And
23 just to be clear, this analysis would exclude, and -- and --
24 and it showed 80, 90 percent borrowing. This data attempts to
25 exclude any noise from that level of borrowing; is that

1 correct?
2 A Correct. Basically, it's removing any of those stores and
3 it's -- it's, you know, if you thought that the borrowing --
4 that the borrowing being driven by an opening or a closing. So
5 we're not only just removing the few months around an opening
6 or closing, we're just going to remove that store altogether.
7 So it's going to remove any potential excess or unusual
8 borrowing or lending that may have occurred around the close
9 but it's also going to exclude anything that happened during
10 its normal business operations.
11 Q And so then because of that, it also then normalizes or
12 averages the numbers based upon the remaining stores; is that
13 fair?
14 A Well it -- it will take -- certainly it -- it will take
15 any -- those stores out of consideration so any influence that
16 they may have been having on the overall, will now be removed.
17 Q And so for example, so in the overall analysis there were
18 14 stores, and the numbers were run based upon 14 stores, and
19 the number of hours and shifts, et cetera, right?
20 A Correct.
21 Q And does this analysis run the same using just the ten
22 remaining stores, just so that I understand?
23 A Correct. So -- so we took out those four stores. Looked
24 at the original data time frame that we had in the first set.
25 So it's looking at those ten stores that remain.

1 Q Then --
2 A So in this case when I'm look -- oh, go ahead.
3 Q I -- I was just going to say so now, looking at chart 15,
4 right, what -- what does it demonstrate?
5 A So again, this is limited to just ten stores but we're
6 looking at the number of stores that a partner worked at within
7 the district. And so again, 39 percent of partners worked at
8 more than one store within the district, which is very similar
9 to what we saw when we had the stores that opened and closed
10 during that period as well.
11 Q Okay. And so based upon that sensitivity check, the store
12 opening and closing didn't impact this calculation compared to
13 chart 1?
14 A Correct, correct. The -- the opening and closing stores
15 doesn't seem to be influencing how many stores one would work
16 at.
17 Q Okay. And then in terms of chart 16, what does this chart
18 show?
19 A Again, this is now focused on just the petitioned store
20 and of those who worked in the petitioned store, the number of
21 other stores that they worked at in the district, and again,
22 it's -- it's quite similar to what we had before.
23 Q Chart 17. What does this show?
24 A Chart 17, again, is by store. Looking at the distribution
25 of partners who worked in that store. Whether they were

1 borrowed, the gray bar; or whether they were home store
2 partner, which would be the orange and blue.
3 And again, the distinction between the orange and blue is
4 that the orange are home store partners that were loaned to
5 other stores as well. And what you see is a very similar
6 pattern to what we had when we looked at all data including
7 those home stores.
8 Q Turning to chart 18. What does this show?
9 A 18 is showing now the number of store days that required
10 at least one borrowed partner after removing those four stores
11 that -- that opened during the period. On average across the
12 district after removing those stores, the number of days is
13 down slightly. It went from, I believe, around 25 percent down
14 to 21 percent or 22 percent, so it's a small decrease as a
15 result of removing those stores that opened and closed, but you
16 still see that's one in five days that required a borrowed
17 partner. The petitioned store is right about 20 percent, which
18 is again, right around one in five days.
19 Q Chart 19. What does this show?
20 A So chart 19 is now looking at the number of shifts that
21 are borrowed. And we went from, you know, roughly 3.6 percent,
22 I believe, in the original to -- down to 2.7. So there are
23 shifts that are associated with opening and closing that occur.
24 But we're still looking at about 2,000 borrowed shifts, and
25 again, what we're looking at here is whether those -- that

1 borrowing pattern differs across the week.
2 So we did a piece of all of the borrowing is driven by
3 unusual business things such as a weekend or things like that,
4 and what we see is that borrowing occurs throughout the week,
5 which is similar to what we saw when we looked at the full
6 data.
7 Q And turning to chart 20, what does this show?
8 A The 20 again is going back to -- looking at the full data
9 period and each of the days of the week throughout the calendar
10 to see whether the borrowing is being driven by you know,
11 seasonal pieces. Certainly you see, you know, COVID is there.
12 That period is now back as we're looking at the whole piece
13 and -- and borrowing was higher during that period, but you
14 still continue to see borrowing throughout the year. And it's
15 not driven by seasonal aspect.
16 Q Okay. And then turning to Employer Exhibit 20. The first
17 thing that I'll just note is that the chart, in terms of
18 stores, obviously looks different and I'll just have you first
19 explain why that is?
20 A So again, recall we're excluding stores that opened during
21 the period, so the one store that was furthest to the north is
22 the store that opened during this data period, and so that
23 store is no longer shown on the chart because it -- it opened,
24 and so now you're focused on the group of stores down below
25 the -- the core group within that district that -- that were

1 opened, including the petitioned store.
2 And what you continue to see is the interchange among
3 these stores is not limited to just pair-wise borrowing, but
4 it's happening across the district, just like it was when we
5 looked at the full data.
6 Q Okay. And then let's turn to chart 22, and it looks like
7 we have a different sensitivity check again. What is the
8 sensitivity check for this chart?
9 A So on this chart, what we're looking at is what's the
10 influence of partners who make permanent transfers on the
11 interchange. So is interchange being driven just by those who
12 are making permanent transfers, and it's a piece of that they
13 may have started working in store A when they were working --
14 their home store was B, they eventually transfer to A, but
15 their transfer didn't go through as quickly, and so what we're
16 counting as interchange, their home store is different than the
17 work store was really a produce of data pieces where there's a
18 timing issue in terms of when the transfer occurred.
19 So for this set of analyses, what we looked at was anyone
20 who made a permanent transfer, and -- and we identify permanent
21 transfers in the data by someone who changes home store. And
22 for those individuals, what we did is removed any borrowed
23 shifts between the -- the -- the transfer stores. So if I'm a
24 partner who transferred from store A to store B, then we
25 removed any shifts where they were borrowed in store A from

1 store B or borrowed in store B from store A. So we -- we
2 removed those pair-wise pieces.
3 We left in shifts where they were assigned store A and
4 worked in store A and assigned store B and worked in store B,
5 or that was their home store. We also left in shifts where
6 they may have been assigned to store B and worked in store D.
7 So it's just the pair-wise interchange that we remove from this
8 analysis.
9 Q Okay. And I know Madam Hearing Officer and Dmitri will
10 appreciate this just to speed this up. Chart 22 compares to
11 chart 1, correct?
12 A Correct.
13 Q Chart 23 compares to chart 2, correct?
14 A Correct.
15 Q Chart 24 compares to chart 3?
16 A Correct.
17 Q Chart 25 compares to chart 4?
18 A Correct.
19 Q Chart 26 compares to chart 5?
20 A Correct.
21 Q Chart 27 compares to chart 6?
22 A Correct.
23 Q And chart 28 compares to chart 7?
24 A Correct.
25 Q And based upon your analysis of the data, excluding pre --

1 pre/post transfer shifts, how did the data fair in terms of the
2 sensitivity check?
3 A That those shifts aren't what's driving the -- the
4 patterns of interchange that we're seeing. So even after
5 removing those pieces, we still see the same type of
6 interchange that we saw within it.
7 Q Okay. And then turning to chart 29, what does this
8 sensitivity check assess?
9 A So this sensitivity check also looks at -- at partners who
10 change home stores -- permanently change home stores. But
11 rather than just removing their pair-wise borrowing, it's more
12 restrictive, and it removes those people all together, so not
13 only does it remove the A to B, but it's also going to remove
14 the A to C. Those individuals are completely removed. So in
15 this analysis, we're only looking at partners who we observe in
16 only a single home store.
17 Q And so this is a -- I mean -- well, never mind. And --
18 and so just to go through the analysis, chart 29 compares to
19 chart 1?
20 A Correct.
21 Q And 30 compares to 2?
22 A Correct.
23 Q And it's similarly sequential all the way through 35,
24 which would compare to 7, correct?
25 A That's -- that's correct.

1 Q Okay. And so let -- let me just ask you next, right, when
2 you're running these sensitivity checks, is the sensitivity
3 check a judgment on whether the data involving those
4 sensitivity checks is -- is right or wrong?
5 A I -- I guess I would describe it as the sensitivity check
6 is -- there's a -- a way of saying, all right, there's a
7 hypothesis that something is causing the data to look the way
8 it is. If we remove that something from the analysis, do we
9 still see the same outcomes?
10 And so for example, you know, there's a -- a theory that
11 maybe it was the opening and closing of stores where there's
12 likely to be more interchange that's driving the interchange
13 that you're seeing. So if you remove that from the analysis,
14 you still see interchange, and -- and the answer for us was
15 yes. So it was -- these sensitivity checks were really, are
16 these driving the outcomes on the overall data, or they
17 contribute to it but they're not driving it. And that's really
18 what the sensitivity checks are trying to ascertain.
19 Q And so the core analysis, just so that I understand, is
20 still charts 1 through 7, but the remaining sensitivity checks
21 are essentially testing whether or not the results in 1 through
22 7 are, you know, reliable data.
23 A That would be an accurate way of saying it. 1 through 7
24 are the primary analyses and -- and the thing that we believe
25 are the appropriate data to use -- to use the full time frame,

1 but we want to check to make sure that there aren't individual
2 out -- you know, occurrences that may be driving those results.
3 Q Okay. And so next I just want to turn to chart 36, and
4 the chart is titled partners working in multiple stores,
5 cumulative restrictions, version A, and I'm wondering if you
6 can just explain what this set of charts that we'll review
7 demonstrates.
8 A Sure. So all of the previous sensitivity checks basically
9 check one thing. So it looked at the pre-COVID period but left
10 in any stores that may have opened to closed, or it looked at
11 the interchange of people who made permanent transfers, but it
12 left in the period where there was COVID in there.
13 So what this version A does is it takes the data and
14 restricts it to the pre-COVID period, removes any stores that
15 opened during that pre-COVID period and removes any partner
16 permanent transfers that occurred during that pre-COVID period,
17 so basically taking each of those different sensitivity checks
18 and applying it to it.
19 Now, one of the downsides is every time you apply a
20 restriction, you limit the amount of data that you can look at.
21 So by going to the pre-COVID period, we're looking at, you
22 know, less than ten-month period. With each of these other
23 restrictions, we continue to narrow the data that we're looking
24 at.
25 But we applied all of those restrictions to see whether

1 cumulatively are those driving what we're seeing in terms of
2 the interchange.
3 Q Okay. And so -- and so by adding them -- by adding them
4 together, is it fair to say that version A is the most drastic
5 check of what we reviewed up to this point?
6 A Up to this point. And -- and I -- so version A -- so
7 version A will limit to the pre-COVID period. It will remove
8 any stores that opened during the period, and it's going to
9 remove any pair-wise interchange among those that make
10 permanent transfers. Again, so -- so it's equivalent to that
11 first set of inter -- the -- the transfer sensitivity check.
12 Q Okay. And just as we've established already, so chart 36
13 compares to chart 1, correct?
14 A Correct. And it -- it now has ten stores in -- in that
15 analysis.
16 Q Correct. So -- but -- but in terms of when we're doing
17 the sensitivity checks, that would be an appropriate measure to
18 measure it against 1 through 7?
19 A Correct.
20 Q Okay. And -- and 37 would pair with 2 and so on and so
21 forth until you get to 42 comparing to chart 7; is that
22 correct?
23 A That's correct.
24 Q And what does the analysis of the version A cumulative
25 restriction show with regards to the sensitivity check?

1 A Again, after removing all of the -- the different pieces,
2 we continue to see interchange as a regular part of the
3 business practice, that -- that stores are borrowing
4 individuals on a regular basis, and that is not pair-wise type
5 of borrowing between two stores, that it's happening across the
6 district.
7 Q And then turning to chart 43, now we're looking at
8 cumulative restrictions version B. And what would this show?
9 A So B, again, is putting in the restrictions of pre-COVID,
10 stores that didn't open or close during that pre-COVID period,
11 and now it's also limiting to individuals who only had a single
12 home store during that period.
13 Q Okay.
14 A So it's the -- the second transfer restriction, which,
15 again, is the most restrictive aspect of transfers.
16 Q Right. And so this is every sensitivity check that we
17 reviewed prior to cumulative A combined; is that correct?
18 A Correct. So it's -- it's every sense -- so the only
19 difference between A and B is that last sensitivity check that
20 we do on transfers has kind of two ways of looking at it: a
21 less restrictive and a more restrictive. A is the less
22 restrictive; B is the more restrictive.
23 Q Okay. And -- and again, the charts compare. We go 43
24 compares to chart 1, and we go all the down to 49, which
25 compares to chart 7; is that correct?

1 A That's correct.
2 Q Okay. And is Employer 20 a true and correct copy of the
3 report that you generated?
4 A Yes.
5 Q And is that report based upon the data that you
6 discussed -- the three data files that you discussed at the
7 beginning of your testimony?
8 A Correct. Plus the additional information on the stores
9 that transferred out of the district. Correct.
10 Q And -- and are your calculations based upon that data as
11 reflected in this report true and correct to the best of your
12 knowledge and abilities?
13 A Yes.
14 MR. DILGER: I offer Employer Exhibit 20.
15 HEARING OFFICER DEVLEMING: Any --
16 MR. IGLITZIN: Sorry. Jeff, are you going to offer the
17 underlying data files that Mr. Thompson relied on here the way
18 you did in Seattle 1?
19 MR. DILGER: That would be -- let me ask. Yes. That --
20 that's -- those are the data files that we are working to just
21 stipulate their admission to with regards to Mr. Hannah
22 (phonetic throughout). So those were sent your direction, so
23 you should have all of those files, and the answer is yes,
24 right. We just need to work out our stip.
25 MR. IGLITZIN: And what about the list and the timing of

1 which stores were opened and closed at which times?
2 MR. DILGER: I can send that to you.
3 MR. IGLITZIN: Okay. If we can prepare that as --
4 conditional on that, I have no objection to this exhibit.
5 HEARING OFFICER DEVLEMING: Okay. I guess we'll hold off.
6 Do we want -- is that the end of direct, Mr. Dilger?
7 MR. DILGER: Yes. It is.
8 HEARING OFFICER DEVLEMING: Do we want to keep --
9 MR. IGLITZIN: And actually, if -- if we can take a -- a
10 couple of minutes. I'm sorry. I didn't mean to cut you off.
11 HEARING OFFICER DEVLEMING: Yeah. Do we want to take a
12 15-minute break and let you guys resolve those exhibits now --
13 let Mr. -- well, we could keep Mr. Thompson if --
14 MR. IGLITZIN: So I've actually -- there were fewer
15 surprises than I anticipated, so I'm actually prepared to cross
16 Mr. Thompson, and -- and then he can move on with his -- his
17 preparing for other Starbucks hearings.
18 HEARING OFFICER DEVLEMING: Okay.
19 MR. IGLITZIN: If we have 15 minutes, maybe Jeff can work
20 up those -- those exhibits and the stip, and I'll prepare my
21 cross, and then we can just move forward in that way.
22 HEARING OFFICER DEVLEMING: That works for me.
23 MR. DILGER: Sounds good.
24 HEARING OFFICER DEVLEMING: Does that work for -- for
25 your, Mr. Dilger? Okay.

1 MR. DILGER: Yes. It does.
2 HEARING OFFICER DEVLEMING: Great.
3 MR. DILGER: Thank you.
4 HEARING OFFICER DEVLEMING: Let's go off the record.
5 (Off the record at 10:17 a.m.)
6 HEARING OFFICER DEVLEMING: Mr. Iglitzin, your witness for
7 cross.
8 MR. IGLITZIN: Thank you.
9 **CROSS-EXAMINATION**
10 Q BY MR. IGLITZIN: Good afternoon, Mr. Thompson -- or good
11 morning. I guess afternoon for you.
12 A It's 5:00 somewhere.
13 Q Yeah. Let's take a look at the first page of Employer
14 Exhibit 20. I just want to make sure that we all understand
15 what is and is not shown here. The first thing I want to
16 clarify is the universe of partners that this pie chart
17 reflects.
18 This -- actually, first I want to establish the universe
19 of the multiple stores that this pie chart reflects. Does this
20 reflect partners working in multiple stores in all of the
21 stores that are currently in district 156?
22 A No. So what this will show is the number of stores that a
23 partner worked in that would have been in 156. So for example,
24 if a partner worked in one of the transferred stores, when it
25 was in 5 -- 156, it would be counted, but if a partner worked

1 in one of those transferred stores after it was outside of 156,
2 it would not have been counted.
3 Q So there were stores, I'll represent to you that Mr.
4 Dilger has told me, and we've heard testimony, stores 11201,
5 59312, and 2976 were once part of district 156 but are no
6 longer part of district 156. Is that your understanding?
7 A That's my understanding.
8 Q And this pie chart reflects shifts -- I'm sorry -- the
9 work done by partners at those stores at the time when those
10 stores were in district 156 even though those stores are no
11 longer in district 156?
12 A Correct. So if -- if I worked -- if I worked at that
13 store when it was part of district 156, it would be counted.
14 Q So this --
15 A It would be included.
16 Q Thank you. So this is not a snapshot of the lived
17 experience of partners currently assigned to home stores in
18 district 156 because it also reflects data reflecting partner
19 experiences, partners who were assigned to home stores that are
20 no longer in district 156; is that correct?
21 A Correct. It would -- it -- it captures partner experience
22 in district 156 and -- so stores when they were part of 156 are
23 in, but if they are no longer part of 156, only the time
24 frame -- so let me -- an individual who is currently working in
25 one of the stores that is no longer in 156 is not included, and

1 so it would include information on those stores when they're in
2 156. I messed -- I -- I muddled that up. Can you restate the
3 question?
4 Q I -- I think you've answered the question, which is --
5 because this is aggregate data going back to July 1, 2009, it
6 is, in fact, including data that pertains to stores that are no
7 longer in district 156.
8 A Correct. When they are -- but -- but I just want to be
9 clear --
10 Q I understand. I understand --
11 A Okay.
12 Q -- that -- that the data includes time periods when those
13 stores were in district 156, but those stores are not currently
14 in district 156.
15 A Correct.
16 Q In counting the multiple stores worked by a partner, my
17 understanding from your testimony is that you have counted any
18 shift -- excuse me -- yes -- any shift worked by partners in
19 any store that was or currently is in district 156 during this
20 time period; is that correct?
21 A Correct. So it -- the count is that you had to have
22 worked in a district 156 store. So of the stores that are in
23 that district, how many of those stores did you work at least
24 one shift in.
25 Q Right. So if a Starbucks partner assigned to a home store

1 outside of district 156, such as a store in Springfield --
2 worked in one store once in district 156, that data would be
3 included in the 60.7 percent number on the righthand side of
4 the pie chart; is that correct?
5 A That's correct.
6 Q And if a partner whose home store was Springfield worked
7 in two stores in this two-and-a-half-year period, in district
8 156, that data would be included in the orange pie chart --
9 slice of the pie designated 2 with the number 16.7 percent; is
10 that correct?
11 A Correct.
12 Q So this does not -- this pie chart does not show us the --
13 the percentage of partners who are assigned to home stores in
14 district 156 who worked in multiple stores in district 156. It
15 shows us the number of partners overall in Starbucks who worked
16 multiple stores in district 156; is that correct?
17 A Correct. It -- it looks at those who worked in the
18 stores, not limiting it to that they had to come from a store
19 in that district.
20 Q Thank you. And even so, what we see is that of all of the
21 shifts -- of all of the partners who worked in district 156
22 stores during this two-and-a-half-year period, slightly in
23 excess of 60 percent of those partners only worked in one store
24 in a -- in district 156; is that correct?
25 A Could you repeat -- could you repeat that? Just I missed

1 the very first part. It broke up a little bit.
2 Q So overall, what we see from this pie chart is that
3 slightly more than 60 percent of partners whoever worked a
4 shift in a store in district 156, when it was in district 156,
5 during this two-and-a-half-year period, actually only worked in
6 one store in district 156; is that correct?
7 A Correct. So if -- if I look at the people who worked in
8 district 156, 60 percent worked in only one store within that.
9 Q Thank you. I want to turn to the second page. We're
10 looking at store 22349. And the first thing we see is the
11 portion of the pie chart or the piece of pie number 1.
12 Slightly less than 30 percent of all partners who have ever
13 worked a shift in store 22349 never worked at another store in
14 district 156 during that time period; is that correct?
15 A Correct. So again, this is looking at people who ever
16 worked in that store, and then the count of the number of
17 stores in that district that they would have worked. So those
18 with one would have only worked in 2239 -- 349.
19 Q But this pie chart is not focused on partners who are
20 assigned to store 22349 as their home store, correct?
21 A Correct. It's anyone who worked in the store.
22 Q So if I'm' looking at that piece of the pie marked number
23 2, orange, and I see that 18.5 percent of partners who worked
24 at store 22349 also worked at another store in district 156 --
25 well, let me stop. Am I understanding that's what that means,

1 that 18.5 percent of partners who ever worked at store 22349 at
2 some time also worked in another store that at some time or
3 another was in district 156? Am I understanding that
4 correctly?
5 A Correct.
6 Q But you are not representing on this pie chart that any of
7 those 18.5 percent of the -- of the partners that fall into
8 that category actually are assigned to store 22349 as their
9 home store; is that correct?
10 A Correct. They could be assigned to a different store and
11 have worked in two stores.
12 Q Right. So this pie chart does not tell us what percentage
13 of partners assigned to store 22349 have ever worked a shift in
14 another store in district 156; is that correct?
15 A Correct. That really goes to the next chart that -- that
16 talks more about the -- whether partners assigned to that store
17 worked in another store.
18 Q Okay. Let's go to the next chart. Looking at page 3,
19 this seems to suggest that -- and tell me if I'm -- if I'm
20 wrong -- that at store 22349, roughly 25 percent of the
21 partners who were assigned to 22349 never worked a shift in any
22 store other than their home store; is that correct?
23 A Correct. That blue bar would represent that they -- they
24 didn't work in another store.
25 Q Right. And then the next approximately -- another -- I

1 would say approximately 15 percent, the orange bar, represents
2 the number of partners assigned to 22349 who ever worked a
3 shift in another store; is that correct?
4 A In the district. Yes.
5 Q Another store in the district. But for all we know, based
6 on this data, the partners assigned to home store 22349 who may
7 have worked at another store in the district might have worked
8 one shift in another store in the district over two and a half
9 years; is that correct?
10 A Correct. It doesn't -- it -- you just had to work at
11 least one.
12 Q Right. And then the gray bar shows sort of the aggregate
13 number of partners who are assigned to other home stores who
14 have ever worked in 22349 during that time period; is that
15 correct?
16 A Correct.
17 Q And is the gray bar limited to partners who have home
18 stores in district 156, or is it other Starbucks partners from
19 any store?
20 A Sorry. I'm -- the gray bar in this -- in this piece is
21 any store.
22 Q So we don't have any idea based on this pie chart, when
23 we're looking at this number of partners not assigned to 22349,
24 how many of them have home stores in district 156 versus home
25 stores in other districts such as Springfield; is that correct?

1 A Correct.
2 Q And we don't have any idea how many shifts those partners
3 worked in 22349 based on this chart, right?
4 A Correct.
5 Q And we have no idea with -- how many -- give me a second.
6 We have no idea how many of those partners are currently home
7 stored in stores within district 156?
8 A Correct.
9 Q Turning to the next page, which is page 4, looking at
10 store days requiring at least one borrowed partner, are you
11 aware that store days at a store are split up into shifts?
12 A I'm aware that people work different -- I mean, it's not
13 that they work the whole day, so I'm aware that there are
14 shifts at stores.
15 Q Are you -- have you heard the term day parts?
16 A Repeat that again.
17 Q Have you heard the term day parts?
18 A No.
19 Q So I'm going to represent to you that at store 22349 there
20 are morning sifts, mid shifts, and closing shifts. And
21 assuming that that is true, this data for store 22349, it shows
22 something in excess of 20 percent of store days requiring at
23 least one borrowed partner at 22349 during this
24 two-and-a-half-year period, that means that in a given store
25 day, one store day out of four -- slightly less than that --

1 there would be a borrowed partner at store 22349 -- if there
2 was a borrowed partner at either the morning shift or the mid
3 shift or the closing shift, that would qualify as a store day
4 requiring at least one borrowed partner; is that correct?
5 A Correct. We're looking at whether the day required
6 someone who is not --
7 Q Right.
8 A -- from that home store. So yes.
9 Q So -- actually, now that I see, this looks -- I'm going to
10 call it 20 percent. Just that's what it looks like on the
11 chart. If a borrowed partner was used one day out of five, and
12 there are three shifts every day, you would agree to believe --
13 me -- with me that that means that there was a borrowed partner
14 1 shift out of 15?
15 A Well, I -- I would say there's other charts that talk
16 about the number of shifts -- the number of people that are
17 borrowed. This question was different, which is in a day, did
18 they need staffing outside. It wouldn't matter if it was a
19 morning, an evening, or something, else, but --
20 Q Right.
21 A -- for that day, they needed someone.
22 Q Right. So based on this chart, this chart shows that
23 roughly 1 shift at -- up -- at least 1 shift out of 15, a
24 borrowed partner was utilized at the store; is that fair?
25 A Again, I would put it in terms of days because I didn't

1 list it in terms of --
2 Q But I don't want to --
3 A -- shifts.
4 Q Excuse me. I'm not asking you in terms of days. I'm
5 asking you to translate it into shifts in your mind. I know
6 you can follow me on this and say although you are referencing
7 days, what the writer of the decision could appropriately infer
8 from this chart is also that it means it -- in the language of
9 this chart, which says at least 1 borrowed partner per day,
10 also means at least 1 borrowed partner per -- per 3 shifts in a
11 day, or put differently, that if there was at least 1 borrowed
12 partner on 20 percent of the days, that means there was at
13 least 1 borrowed partner on one -- 1 borrowed partner for every
14 15 shifts.
15 MR. DILGER: I'm going to object as asked and answered and
16 assumes facts not in evidence.
17 HEARING OFFICER DEVLEMING: I'm not quite following the
18 question, Mr. Iglitzin.
19 MR. IGLITZIN: Let me try to -- let me try to rephrase it.
20 HEARING OFFICER DEVLEMING: Okay. One more time, and then
21 we'll revisit the objection.
22 Q BY MR. IGLITZIN: Your testimony is this shows at least
23 one borrowed partner for one day in five for store 22349; is
24 that correct?
25 A Correct.

1 Q And I'm asking you to agree that given that there are 3
2 shifts per day, that is the equivalent of saying there is at
3 least 1 borrowed partner for at least 1 shift out of 15.
4 MR. DILGER: I'll object again. Asked and answered.
5 MR. IGLITZIN: I don't think he's answered it yet. I've
6 certainly asked it before.
7 MR. DILGER: He explained what the chart meant.
8 MR. IGLITZIN: That's a fair question on cross.
9 HEARING OFFICER DEVLEMING: I'm going to let. Dr.
10 Thompson answer the question, but I -- I tend to sense that
11 it -- it's pretty convoluted.
12 Dr. Thompson, do you understand the question?
13 THE WITNESS: I do. The -- do you want me to answer?
14 HEARING OFFICER DEVLEMING: Yeah. Go ahead.
15 THE WITNESS: Okay. So I think the issue is that you're
16 asking a question that can't be ascertained from the chart
17 because if I were asking how many shifts does one require, I
18 wouldn't have looked to see how many days that someone was
19 borrowed. What I would have looked at is how many shifts --
20 how many of these three-block shifts required a borrowed
21 partner.
22 And so I can't conclude that it's 20 percent of the 15
23 shifts required at least one because I didn't look at a shift
24 level. It would be different if I looked at a shift level. So
25 I can't extrapolate from this one in five days to a number of

1 shifts.
2 Q BY MR. IGLITZIN: That's very helpful. So this chart,
3 while it shows the percentage of days, does not show the
4 percentage of shifts that were worked by borrowed partners?
5 A Correct.
6 Q Okay.
7 A It's a percent of days.
8 Q Right. You were not asked to calculate the percentage of
9 shifts worked at 22349 by borrowed partners when you were
10 focusing on this chart?
11 A That's accurate. It was days.
12 Q Right. And even this chart, when you're talking about
13 shifts worked by borrowed partners, does not tell us whether
14 those borrowed partners were borrowed from within district 156
15 or from outside of district 156; is that correct?
16 A Correct. It doesn't. But I just want to clarify. We're
17 not saying borrowed shifts, so again, it's that it required at
18 least one borrowed partner.
19 Q Right. I appreciate the clarification, but this chart
20 does not tell us on those one days in five at store 22349 when
21 there was a borrowed partner -- this chart does not tell us
22 whether that borrowed partner was from a store that was within
23 district 156 at the time the borrowing took place; is that
24 correct?
25 A That's correct.

1 Q And it doesn't tell us whether that borrowed partner was
2 from a store that is currently within district 156?
3 A That's correct.
4 Q I'm going to skip ahead to page 6, which seems to have a
5 fairly substantial increase in the amount of borrowing overall
6 annualized in the period between roughly March and June. Do
7 you see that?
8 A Can -- can you -- I just want to make sure that -- so
9 you're on page 6, which is average percent of borrowed partners
10 by calendar days, excluding store partners --
11 Q Correct.
12 A -- July 1st, 2019 to January 20 -- excuse me -- January
13 19th, 2022?
14 Q Correct.
15 A Okay. I just wanted to make sure I was looking at the
16 same --
17 Q No. I -- understood. So it seems to show a dramatic
18 increase of borrowing during a roughly three-month period --
19 March, April, and May -- averaged out over the two and a half
20 years of the data; is that correct?
21 A So yes. There -- and that was the piece that we
22 identified as the increased borrowing that occurred during the
23 COVID period. And just to be clear, for that period, we only
24 have basically two years of data.
25 Q Correct. And even with the two years of data, which is

1 averaging in the 2020 period, which was presumably most severe
2 because of COVID with the 2021, we see an -- seemingly
3 anomalous and dramatic uptick of borrowing across the district;
4 is that fair?
5 A It -- it certainly -- yes. It's -- it is higher during
6 that period.
7 Q Well, I mean, it's higher by a factor of about eight to
8 one during that period over --
9 A Correct.
10 Q -- most of the -- most of the weeks that are reflected on
11 this chart; aren't they?
12 A I agree. It's -- it's much higher.
13 Q All right. Any of your analysis --
14 MR. IGLITZIN: Strike that -- or don't strike it, but
15 ignore it.
16 Q BY MR. IGLITZIN: In looking at page -- sorry. My
17 computer's not wanting to tell me what page I'm on -- page 7,
18 which is the one with the nice, cool colored lines between
19 stores, you only depicted here lines between stores that are
20 currently or ever were in district 156; is that correct?
21 A Correct. This is just within the district.
22 Q This does not show us, even for comparative purposes, any
23 of the borrowing that might have taken place between any of
24 these 13 stores and any stores that are not in district 156.
25 A Correct.

1 MR. IGLITZIN: Madam Hearing Officer, can I have about
2 five minutes?
3 HEARING OFFICER DEVLEMING: Sure. Let's go off the
4 record.
5 (Off the record at 11:06 a.m.)
6 HEARING OFFICER DEVLEMING: Back to you, Mr. Iglitzin for
7 continued -- for wrapping up the cross.
8 MR. IGLITZIN: All right. Thank you.
9 **RESUMED CROSS-EXAMINATION**
10 Q BY MR. IGLITZIN: Mr. Thompson, on the fifth page of
11 Employer Exhibit 20, there's a note at the bottom that says
12 there were a total of 2970 partner days borrowed during the
13 data period; do you see that?
14 A Yes.
15 Q And does that include all of the stores currently in the
16 district as well as the stores that were in the district
17 during -- some point during this time period?
18 A Yes. That's going to be the number of partner days that
19 were borrowed by any district store, including those that may
20 have later left the district, but only when they were in the
21 district.
22 Q So that does not tell us with regard simply to the 11
23 stores currently in the district that there is an overall
24 district average of 3.6 percent of partner days borrowed?
25 A Correct. It would have the periods when that -- those

1 other stores were in the district.
2 Q What was the total number of partner days borrowed during
3 the data period for store 22349?
4 A I don't have it anywhere in the charts. It would be in
5 the underlying data, but I don't have it here, so I can't tell
6 you.
7 Q You were not asked to report that out as a chart?
8 A No.
9 Q What was the overall average percentage of partner days
10 borrowed for store 22349 during this time period?
11 A I apologize. I -- I had another ringing in my ear. Could
12 you -- could you just repeat that?
13 Q Sure. I asked you about the total number of partner days
14 borrowed at the petitioned-for store. And I'm asking you, have
15 listed that there was an average -- overall district average of
16 3.6 percent of partner days borrowed. I'm asking what that
17 percentage was as it applied specifically to the petitioned-for
18 store.
19 A I did not calculate that, so I don't know.
20 Q I noticed that on page 4, which was the percentage of
21 store days requiring at least one borrowed partner, that store
22 22349, to the naked eye, appears to be lower than the average
23 for the stores in the district for the percent of store days
24 requiring at least one borrowed partner. If that's true, would
25 it be fair to assume that the overall average percent of

1 partner days borrowed would also be lower than the district
2 average?
3 A I couldn't make that conclusion from just having those two
4 pieces because they're difference scales.
5 Q Even looking at the overall district average of 3.6
6 percent of partner days borrowed, fair to say that that doesn't
7 tell us what the district average is of partner shifts
8 borrowed; is that correct?
9 A Correct. If a person could have worked multiple shifts on
10 a day, it doesn't look at each individual shift. It would look
11 at just the day.
12 Q Right. But -- but again, conversely, if there are
13 multiple shifts available in a store and there is only one
14 borrowed partner for one shift, then there could be a -- that
15 3.6 percent showing partner days borrowed doesn't tell us what
16 percentage of shifts had a borrowed partner; is that correct?
17 A Correct. You would need -- and it would depend on how
18 many people worked multiple shifts on a day, and I don't know
19 that answer.
20 Q All right. If no one worked a multiple shift on a day,
21 and there were three shifts per day, we could be looking at a
22 percent, like 1.2 percent of partner days borrowed district
23 wide; isn't that fair?
24 A No. Because if -- if no one works more than one shift on
25 a day, then a person day would be the same as a person shift.

1 Q No. I'm not following you. If there are -- let's assume
2 that there are -- well, if there's 3.6 percent of partner days
3 borrowed, but that borrowed partner is only working one of
4 three shifts in that day, then logically, there should only be
5 1.2 percent of shift -- partner shifts borrowed.
6 A Only if the case of -- so if I have a store, and there's
7 15 shifts that are in there -- so they're 1 out of 15 of the
8 shifts -- let's just say hypothetically -- then if on those 15
9 shifts, those 15 shifts are worked by 15 different people, then
10 going to a shift level versus a person/day level won't change
11 it. Only if I have people who are working multiple shifts on
12 that day would I then be counting a person as a single day
13 where they may have been two shifts.
14 Q It seems to me that you're getting the numbers backwards.
15 Maybe I am. If we have 15 shifts spread out over 5 days, and a
16 borrowed partner works 1 shift, that's going to reflect that
17 that partner worked one-fifth of partner days, but in fact,
18 that partner only worked one-fifteenth of partner shifts; is
19 that not correct?
20 A So I think we're talking about two different -- two
21 different things in -- in -- in terms of the -- how the
22 calculations are done. So let -- let's just stick on a day,
23 okay. So a day requires -- there's -- there's three different
24 shifts. And let's say for each of those three shifts, you need
25 five people working, to keep it simple, okay.

1 And so if it's the case that on that day for each of those
2 5 slots in those 3 shifts, a different person works it, so
3 there's 15 people who work that day, and 1 of those is a
4 borrowed partner, 1 of those individuals who worked 1 of those
5 15 spots was borrowed.
6 In that case, if I look at a shift level, they were 1
7 shift out of 15. If I look at a person/day level, they were 1
8 person out of 15. So it changes if, when I look at those 15
9 slots, I have a person who worked -- the same person worked 3
10 of those slots. Then it would potentially change, but I can't
11 answer that from --
12 Q I understand. So if you had --
13 A -- what I have in -- in these.
14 Q Sorry. So if you had, in that hypothetical, the same five
15 partners working the same three shifts Monday through Friday,
16 but then take away one of those partners for one of those
17 shifts and put in a borrowed partner, that would reflect then
18 one partner day borrowed out of five, but it would actually
19 also be one partner shift borrowed out of the total number of
20 shifts worked that week; is that correct?
21 A How you just described that, yes.
22 Q Great. Looking at that district average of 3.6 percent of
23 partner days borrowed, having agreed that that doesn't tell us
24 the number -- the percentage of shift days borrowed, and it
25 doesn't tell us the number of shift days borrowed or partner

1 days borrowed at the petitioned-for store, does it also not
2 tell us what percentage of those partner days borrowed were
3 borrowed from other stores in district 156?
4 A So it doesn't tell us -- to start with, it doesn't tell us
5 which district or area the person was borrowed from. So if --
6 if the borrowed person -- I can't distinguish between 156
7 versus outside.
8 Q Right. So just to be clear --
9 A I can't say -- yeah.
10 Q Yeah. That 3.6 percent number doesn't tell us the average
11 of partner days borrowed at the petitioned-for store during
12 this time period, correct?
13 A Correct. It's the average across the district.
14 Q Right. It doesn't tell us the percentage of shift days
15 borrowed at the petitioned-for store, correct?
16 A Correct.
17 Q And it -- or I should say partner shifts borrowed,
18 correct?
19 A It doesn't -- it -- correct. It does not tell you partner
20 shifts borrowed at that store.
21 Q And even with respect to the district average of 3.6
22 percent of partner days borrowed, it doesn't tell us what
23 portion of that 3.6 percent was worked by partners borrowed
24 from stores within or outside of district 156?
25 A That's correct.

1 Q Is that correct?
2 A I must have frozen. Yes. That's correct.
3 MR. DILGER: He -- he did respond, Dmitri. I don't know
4 what happened there.
5 MR. IGLITZIN: I've heard --
6 MR. DILGER: I -- I registered a response.
7 MR. IGLITZIN: I have no further questions. Thank you.
8 HEARING OFFICER DEVLEMING: Okay. Redirect?
9 MR. DILGER: Yeah.
10 **REDIRECT EXAMINATION**
11 Q BY MR. DILGER: Matthew, with -- with regards to chart 4,
12 or I guess any discussion that we have about store days, I just
13 want to clarify, how is a -- a result coded if multiple
14 partners work in that store on the same day -- borrowed
15 partners?
16 A It would still just be identified as a single day. So
17 it's -- it's a yes or no; did you have at -- at least one
18 borrowed partner at any point or not. If you had five, it
19 still gets the same weight as if you have one.
20 MR. DILGER: Nothing further.
21 HEARING OFFICER DEVLEMING: Recross?
22 MR. IGLITZIN: I have no recross. Thank you.
23 HEARING OFFICER DEVLEMING: Okay. Thank you so much for
24 your time, Dr. Thompson. I believe we don't need you for the
25 other exhibits, right, Jeff? Okay.

1 MR. DILGER: That's -- that's correct. Thank you very
2 much, Matthew. Have a great day.
3 THE WITNESS: Thanks.
4 HEARING OFFICER DEVLEMING: Thank you, Dr. Thompson.
5 Please don't talk about your testimony with any other witness
6 until the hearing concludes likely today. Thanks so much.
7 THE WITNESS: Okay. Thank you. Bye.
8 HEARING OFFICER DEVLEMING: Let's go off the record just
9 to get organized.
10 (Off the record at 11:26 a.m.)
11 HEARING OFFICER DEVLEMING: All right. We are back on the
12 record with Starbucks. I believe, and I'll have Mr. Grow
13 confirm for the Employer, that the Employer, pending the
14 introduction of a few more Employer exhibits after the
15 petitioner has a chance to review them, the Employer rests
16 their case-in-chief; is that correct?
17 MR. GROW: That is correct.
18 HEARING OFFICER DEVLEMING: Okay.
19 So with that, a reminder that we already had one
20 Petitioner witness yesterday out of order, but we'll turn it
21 over to Ms. Multhaup to call your next witness.
22 MS. MULTHAUP: Thanks so much. Petitioner calls Ky
23 Fireside. And Ky, can you just clarify how you would like to
24 be addressed?
25 MS. FIRESIDE: Ky is fine.

1 MS. MULTHAUP: Thanks.

2 HEARING OFFICER DEVLEMING: Hi, Ky. My name is Liz

3 DeVleming. I'm the hearing officer with the National Labor

4 Relations Board for today's hearing. Before we go much

5 further, would you please raise your right hand?

6 Whereupon,

7 **KY FIRESIDE**

8 having been duly sworn, was called as a witness herein and was

9 examined and testified as follows:

10 HEARING OFFICER DEVLEMING: Fabulous. And could you both

11 state and spell your full name for the record?

12 THE WITNESS: It's Ky Fireside, K-Y F-I-R-E-S-I-D-E.

13 HEARING OFFICER DEVLEMING: Awesome. Thank you. Is

14 anyone else in the room with you today while you're testifying?

15 THE WITNESS: No.

16 HEARING OFFICER DEVLEMING: Great. And just a couple

17 instructions. Since we're doing this by video conference, you

18 might have heard me direct others, including counsel before.

19 If you can try to take an awkward two-second pause after

20 hearing a question before you begin your answer, that helps

21 just for clarity of our written transcript and also gives Mr.

22 Grow an opportunity to jump in, if he doesn't like the

23 question, with an objection. If you do hear the word

24 objection, don't answer the question. Let us kind of resolve

25 it, and ultimately, I'll give you a direction one way or

1 another on whether to answer. And that's all I've got.
2 So back to you, Ms. Multhaup.
3 MS. MULTHAUP: Thanks so much.
4 **DIRECT EXAMINATION**
5 Q BY MS. MULTHAUP: Ky, what company do you currently work
6 for?
7 A Starbucks.
8 Q And what is your current home store?
9 A 29th and Willamette.
10 Q And what is your job title?
11 A I'm a barista.
12 Q When were you first hired by Starbucks?
13 A In the summer of 2015.
14 Q And what was the first Starbucks location you were hired
15 at?
16 A That was Colfax, California.
17 Q How long did you work at the Colfax location
18 approximately?
19 A Approximately a year and a half.
20 Q And what happened next?
21 A I was promoted and transferred.
22 Q Where were you transferred to?
23 A I was transferred to a store in Grass Valley, California.
24 Q And how long were you at the Grass Valley location
25 approximately?

1 A Approximately 8 to 12 months.
2 Q And what happened next?
3 A Then I left the company for another job.
4 Q When were you rehired by Starbucks?
5 A January of 2020.
6 Q And what location were you rehired at?
7 A I was rehired to work at the Junction City location, but
8 it wasn't open when I was first rehired, so I worked at other
9 stores.
10 Q Are you referring to the Junction City store, store number
11 60461 in district 156?
12 A Yes.
13 Q Okay. So how long approximately was the period of time
14 that you worked at other stores waiting for Junction City to
15 open?
16 A If I recall, it was a few weeks, maybe a month.
17 Q And then when the Junction City store opened, did you
18 start working there as your home store?
19 A Yes.
20 Q How long were you at the Junction City store?
21 A I believe it was about six or eight months.
22 Q And then what happened next?
23 A Then I was transferred to 29th and Willamette.
24 Q And do you remember approximately when that was?
25 A I believe that was the summer of 2020.

1 Q And has that been your home store ever since?
2 A Yes.
3 Q And what is your current job title? Oh. I think you said
4 already. Barista; is that right?
5 A Yes.
6 Q And if I asked who your manager was, who would you say?
7 A Matthew Marjenka.
8 Q And do you know his job title?
9 A His job title is store manager.
10 Q Great. So I'd like to talk a little bit more in detail
11 about the transfers that you've been through with the company.
12 Can you describe generally the transfer process from your first
13 location in Colfax, California, to the Grass Valley location in
14 California?
15 A My store manager at the Colfax location informed me that
16 there was an opening for a shift supervisor in Grass Valley,
17 and she asked me if I was interested in filling that position.
18 I told her I was, and sometime after that, maybe a week or so
19 after that, she let me know when my last day at Colfax would be
20 and when the new manager would start putting me on her
21 schedules.
22 Q And what -- what happened next?
23 A I worked through the end of my shifts at Colfax, and then
24 I started working at the Grass Valley location.
25 Q During that transfer process from Colfax to Grass Valley,

1 did you speak with a district manager?
2 A I did not.
3 Q To the best of your knowledge, was a district manager
4 involved in your transfer from Colfax to Grass Valley?
5 A I don't know that she was involved.
6 Q You were never told that your transfer was contingent on a
7 district manager's approval, correct?
8 A Correct.
9 Q And then in January 2020, when you got rehired by
10 Starbucks, can you tell us about that process?
11 A I applied online, and then I went to several stores in the
12 Eugene area asking to talk to store managers to see who was
13 actually hiring and to try to make a case for my rehiring
14 because I wouldn't have as much training that I would need.
15 And eventually one of those store managers put me in touch with
16 Petra -- that's P-E-T-R-A -- and she was going to be the
17 manager of the new store that would be opening up, so she had a
18 lot of positions to fill.
19 Q Do you remember who the store manager was that told you
20 that Petra was looking for folks?
21 A I don't recall. I think it was actually at store 459.
22 Q Store 459. The Oakway store, 449?
23 A The store that was close to campus that has since closed.
24 Q Oh. 13th and Alder.
25 A yes.

1 Q Great. So after that store manager told you to get in
2 touch with Petra, the new store manager at Junction City, what
3 did you do?
4 A I went and talked to Petra. I gave her my information so
5 that she would know to look at my application specifically.
6 She called me for an interview and offered me a job contingent
7 on passing a background check. She offered me that job within
8 24 hours of the interview. I believe it was actually the same
9 day.
10 Q Was anyone else in the interview with you?
11 A No.
12 Q Do you remember how she offered you the job? Did she call
13 you or email you?
14 A Both. She called me and let me know that I should be
15 looking out for an email so that I could consent the background
16 check.
17 Q And did you speak with a district manager when you got
18 hired at the Junction City store?
19 A No.
20 Q To the best of your knowledge, was a district manager
21 involved in that process of getting hired to the Junction City
22 store?
23 A Not that I know of.
24 Q And then let's discuss how you transferred from Junction
25 City to 29th and Willamette. Can you describe that process?

1 A Yes. Starbucks had just offered -- had just made an offer
2 to a lot of employees to either go on an extended leave of
3 absence because of COVID or to take a severance package. And
4 because of that, this district lost a lot of employees, so
5 there were -- there openings, but for some reason, the Junction
6 City store didn't see that same decline. Most people chose to
7 stay working there, so I was asked if I would mind
8 transferring. Petra asked me that. And then she asked me
9 which store I would want to work at, and I told her that would
10 be 29th and Willamette if I had a choice. So same as with the
11 other transfer. She let me know when my last day would be, and
12 she let me know when the new store manager would start putting
13 me on his schedules.
14 Q Why did you ask to be transferred to 29th and Willamette?
15 A When I was originally rehired, because Junction City was
16 not opened yet, I did my retraining at 29th and Willamette, so
17 I had some friends there already.
18 Q So you told Petra that you'd like to go to 29th and
19 Willamette, and then she told you when your last day was, and
20 did she put you in touch with the store manager at 29th and
21 Willamette?
22 A I believe I already had his phone number because of the
23 shifts that I worked there, so we already had a line of
24 communication open.
25 Q And -- and then you started working at 29th and

1 Willamette. How did you know when your first shift was?
2 A Petra let me know, and I believe I also went into the
3 store and looked at the schedules that get posted.
4 Q In that process of transferring from the Junction City
5 store to the 29th and Willamette store, did you ever speak to a
6 district manager?
7 A No.
8 Q Did you ever fill out a transfer request form?
9 A No.
10 Q To the best of your knowledge, was your transfer
11 contingent -- were you ever -- sorry. Were you ever told that
12 your transfer from Junction City to 29th and Willamette was
13 contingent on a district manager's approval?
14 A I was not told that.
15 Q And to the best of your knowledge, was a district manager
16 involved at all with your transfer from Junction City to 29th
17 and Willamette?
18 A Not that I know of.
19 Q I'd like to talk about training for a second. You
20 mentioned that when you were rehired in 2020 at the Junction
21 City store, you went through a training process. Can you
22 describe that training process?
23 A It's the same training process that every new hire barista
24 goes through. There are modules in the computer that you work
25 through. There are some quizzes. There's some reading, and

1 there's also -- you get paired with a barista trainer, and that
2 person will train you how to use the cash register, how to use
3 all the different machines, train you on drink recipes. So I
4 went through -- I went through the same training. It was just
5 a bit expedited because I remembered most things.
6 Q Where did you go through this training?
7 A I did that training at 29th and Willamette.
8 Q And do you remember who trained you?
9 A Her name is Stephanie. She's a shift supervisor there.
10 Q Was anyone else involved in your training when you got
11 hired at Junction City?
12 A Matthew and/or Petra were in charge of scheduling it so
13 that it would be within my availability and the trainer's
14 availability.
15 Q Since you've been in district 156, has the district
16 manager ever trained you?
17 A No.
18 Q I'd like to talk about covering shifts. Are you familiar
19 with the concept of being a borrowed partner?
20 A Yes.
21 Q What do you understand it to mean?
22 A That would be when you work a shift outside of your normal
23 home store.
24 Q Do you regularly work as a borrowed partner at other
25 stores?

1 A Not regularly. No.
2 Q Okay. We'll get into how often you do, but first, I just
3 want to understand the mechanics of how to do it. How would
4 you go about finding out whether another store needed coverage?
5 A Sometimes it's just word of mouth between partners because
6 we're friends, so someone might just text you. The manager --
7 your -- your own store manager may ask you because the store
8 manager of the other store let them know that there's a spot to
9 be filled, so Matthew might ask me personally if I mind working
10 another shift, and that can come up, you know, day of or day
11 before, or might be something that's scheduled out in advance
12 because of vacation time or request offs.
13 And then there is also a Facebook group for people in the
14 area, so if I wanted to pick up extra hours, I could logon
15 there and see who has what shifts open, or if I wanted to offer
16 my hours to somebody, I could post on there also.
17 Q Okay. I'd like to show you what's been marked as
18 Petitioner Exhibit 18. I believe it was just dropped into the
19 share file. Do you see that on the screen?
20 A I do.
21 Q Can you describe what we're looking at?
22 A This is a screenshot of the Facebook shift coverage page.
23 Q Do you remember approximately when you took this
24 screenshot?
25 A I believe it was sometime last week.

1 Q The name of the group, Shift Coverage in the
2 Eugene/Springfield area, do you know who is a part of this
3 Facebook group or what Facebook group -- or what stores are
4 included in this Facebook group?
5 A As far as I know, this covers all of the stores in
6 Springfield and Eugene that are corporate-run stores.
7 Q So to your knowledge, there is one Facebook group for both
8 district 156 Eugene and district 489 Springfield?
9 A As far as I know, yes.
10 Q And you can be a -- to the best of your -- your knowledge,
11 you can be a member of this group if you work in either
12 district 156 or 489; is that right?
13 A Yes.
14 Q And from this -- if you're a member of this Facebook
15 group, you can see shifts that are available and pick up shifts
16 for -- in either district 156 or in district 489; is that
17 right?
18 A Yes.
19 Q Okay.
20 MS. MULTHAUP: I'd like to go to the next exhibit and then
21 offer three as a group, if that's okay.
22 Q BY MS. MULTHAUP: So next I'm going to show you what's
23 been marked as Petitioner Exhibit 19, which also should be in
24 the share file. Do you see this?
25 A I do.

1 Q Can you describe generally what this is?
2 A These are two requests for coverage at two different
3 stores.
4 Q The first -- oh. Are -- is this -- are these requests for
5 coverage from the same Facebook group?
6 A Yes.
7 Q Is this also a screenshot?
8 A Yes.
9 Q Do you remember approximately when you took this
10 screenshot?
11 A Yeah. That was sometime last week also.
12 Q The first request for coverage that we see is from Amber
13 Gray. It says, hey all, Crossroads needs a closing supervisor
14 tonight, 1/21, 5 to 9 p.m. Are you familiar with the
15 Crossroads store?
16 A Yes.
17 Q Do you know what district the Crossroads store is in?
18 A It's in the Springfield district.
19 Q That's store number 11201, Crossroads; do you know?
20 A I don't know the store number.
21 Q Okay. the next post below it from Sienna Pigg, would
22 anyone be interested in working 6 a.m. to 1:15 p.m. today at
23 Franklin, message here or call the store if you're wanting some
24 hours, are you familiar with the Franklin store?
25 A Yes.

1 Q Are you familiar with what district the Franklin store is
2 in?
3 A It is in the Eugene district.
4 Q Store number 27299; does that ring a bell?
5 A I don't know the store number.
6 Q It's okay. Great. And if you were looking to pick up a
7 shift, and you saw these two posts, and you wanted to pick up
8 one or both of them, what -- what -- what would you do?
9 A You can comment directly on it. That usually works. You
10 could also message one of the admins of the group. You could
11 just call the store directly, which is probably what I would
12 do.
13 Q I'm going to stop sharing this, and I'm going to show you
14 what's been marked Petitioner Exhibit 20. Do you see this on
15 the screen?
16 A Yes.
17 Q Can you describe generally what we're looking at here?
18 A This is the list of group administrators for the Facebook
19 Eugene/Springfield shift coverage group.
20 Q And is it also a screenshot?
21 A Yes.
22 Q Do you remember when you took this screenshot?
23 A Sometime last week.
24 Q If it's okay, we'll go through, and you tell me who you
25 know and who you recognize. Do you know who Amber Gray is?

1 A I do.
2 Q Who is she?
3 A She's a store manager for one of the Springfield
4 Starbucks.
5 Q Do you know who Jen Stading is?
6 A I do not.
7 Q Do you know Matthew Marjenka?
8 A He is the store manager for our store.
9 Q Do you know Danielle Sylvia?
10 A I believe she's the manager for one of the Eugene stores.
11 Q Do you know Jorge Gonzalez?
12 A I do.
13 Q Who is he?
14 A He manages one or two of the Eugene stores. I think
15 there's a transition that's happening right now.
16 Q And lastly, what about Caitlin Rose Muller?
17 A I do not know Caitlin.
18 Q To the best of your knowledge, are any of these people
19 district managers?
20 A I don't believe so.
21 Q Great.
22 MS. MULTHAUP: Well, with that, I would like to offer
23 Petitioner's Exhibits 18, 19, and 20 into the record.
24 HEARING OFFICER DEVLEMING: Any objection, Mr. Grow?
25 MR. GROW: Let me just take a -- just another quick look

1 at those, if you don't mind, for a second.

2 MS. MULTHAUP: Sure.

3 MR. GROW: No objection.

4 HEARING OFFICER DEVLEMING: Okay. Employer -- sorry --

5 Petitioner Exhibits 18, 19, and 20 are admitted. Did I get

6 those numbers right? Yes.

7 **(Petitioner Exhibit Numbers 18, 19, and 20 Received into**

8 **Evidence)**

9 Q BY MS. MULTHAUP: Just a couple follow-up questions about

10 covering shifts. Have you covered shifts both in the Eugene

11 district and in the Springfield district?

12 A Yes.

13 Q Is there anything practically different about the

14 mechanics of how to borrow a shift in your district or outside

15 of your district?

16 A No.

17 Q Have you ever been told that you should cover a shift in

18 your district versus outside of your district?

19 A No.

20 Q Have you ever been told that you -- that -- that you

21 should borrow at other stores in general?

22 A No.

23 Q Have you ever been disciplined for not borrowing at other

24 stores enough?

25 A No.

1 Q Last question on coverage. When you -- if you try to find
2 coverage for your shifts, how do you -- how do you do that?
3 A The first thing I do is message people at my store using
4 an app that we're all logged into. So I would put on there the
5 shift that I need covered and see if anybody from our store
6 wants -- wants to do that. If that doesn't work, I might look
7 at our store schedule and text specific people that I know are
8 not working that day just in case they didn't see the group
9 message.
10 From there, my next step would be to post it on the
11 Facebook group to see if someone from outside our store could
12 cover it.
13 Q And you've never been told that there's -- that you
14 shouldn't post it on the Facebook because maybe someone from a
15 different district would -- would pick it up?
16 A I've never been told that.
17 Q Okay.
18 MS. MULTHAUP: Madam Hearing Officer, this might be a good
19 place to pause for lunch.
20 HEARING OFFICER DEVLEMING: That sounds good. Let's go
21 off the record.
22 (Off the record at 11:54 a.m.)
23 HEARING OFFICER DEVLEMING: We are resuming Petitioner's
24 direct examination of the current witness, Ky Fireside.
25 Your witness, Ms. Multhaup.

1 MS. MULTHAUP: Thank you.

2 **RESUMED DIRECT EXAMINATION**

3 Q BY MS. MULTHAUP: Hi, Ky.

4 A Hi.

5 Q Hi. All right. So we had been talking about how to pick
6 up shifts at other stores, and I'd like to talk a bit about how
7 often or regularly you actually do that. Would you say that
8 you regularly work at other stores besides your home store?

9 A Not regularly. No.

10 Q In the past six months, do you have an idea of how many
11 times you've borrowed or -- a shift or worked at a store that
12 wasn't your home store?

13 A I think in the past six months, only once that I remember.

14 Q And have you ever borrowed at a store that was not in
15 district 156?

16 A I have worked at the Crossroads -- Crossroads location.

17 Q That's Crossroads store 11201 that's in the Springfield
18 district?

19 A It's in Springfield.

20 Q Okay.

21 MS. MULTHAUP: At this point, I -- let's see. So I would
22 like to describe how I -- how our office created what is marked
23 as Petitioner Exhibit 24. Unfortunately, it relies on the
24 aggregated data in ER-19, but I'm going to describe how we came
25 to Petitioner Exhibit 24 and then only use -- only look at the

1 data from after the gap. And let me know if anyone has
2 objections to that, but we'll go ahead. So let's see. Just a
3 second. Okay. Well, my computer's being a little funny.
4 HEARING OFFICER DEVLEMING: I don't see Petitioner 24 in
5 either the share file or in an email. Has that been sent over
6 yet?
7 MS. MULTHAUP: I think it will be momentarily.
8 HEARING OFFICER DEVLEMING: Okay.
9 MS. MULTHAUP: Sorry. Here we go. Okay. I'm going to
10 share my screen and, for the record, sort of describe our
11 process. This is -- I'm showing what's been marked Employer
12 Exhibit 19.
13 What we did was first sort by login name or partner
14 number, and we sorted A to Z. Then I asked Ky what their
15 partner number was.
16 Q BY MS. MULTHAUP: Can you tell us what your partner number
17 is, Ky?
18 A 2131866.
19 Q All right.
20 MS. MULTHAUP: And we found all of the entries that
21 corresponded with Ky's partner number. For the record, they
22 start on line number 143595 of Employer Exhibit 19, and they go
23 until line 143786 of Employer Exhibit 19.
24 We copied that information, and then we pasted it into a
25 new Excel spreadsheet, which is Petitioner Exhibit 24. Has

1 that made it to the share file?
2 HEARING OFFICER DEVLEMING: It did, but I opened it, and
3 it was blank. I'm reopening it, and it's still blank, so I
4 don't know that the right -- the actual 24 made it in to the
5 share file.
6 MS. MULTHAUP: Okay. It's not -- is it -- is it blank for
7 other folks?
8 MR. GROW: Yeah. It's -- it's blank here.
9 HEARING OFFICER DEVLEMING: Oh.
10 MR. GROW: Wait a minute. Actually --
11 HEARING OFFICER DEVLEMING: You know what, I just scrolled
12 to the left. There it all is.
13 MR. GROW: I -- I've got it.
14 MS. MULTHAUP: Okay. Great.
15 MR. GROW: It's 24?
16 MS. MULTHAUP: 24.
17 MR. GROW: We got it.
18 MS. MULTHAUP: Okay.
19 Q BY MS. MULTHAUP: So Ky, I'm going to show you what is
20 marked as Petitioner Exhibit 24. This is every line from
21 Employer Exhibit 19 that -- oh. Wait. Oh. I am so sorry.
22 I'm looking at the wrong one.
23 MS. MULTHAUP: What we meant to do was -- sorry about
24 this -- Petitioner Exhibit 23. Sorry about that. Okay. That
25 should be going in momentarily. Okay. That should be in now,

1 Petitioner Exhibit 23. So this is the data that we pulled from
2 Employer Exhibit 19. And that corresponds with -- Ky, does
3 that correspond with your partner login number?
4 THE WITNESS: Yes.
5 MS. MULTHAUP: In Column B? Okay, great. So I'm going to
6 sort by date, Column F.
7 And as previously described, I'm going to scroll down past
8 the data gap that exists in Employer Exhibit 19. And so I'd
9 like to start where the gap resumes at line 128 of Petitioner
10 Exhibit 23.
11 So Column A refers to the store that is being worked.
12 Column C refers to the home store.
13 Q BY MS. MULTHAUP: So Ky, do you recognize store number
14 22349?
15 A Yes.
16 Q Do you know what store that is?
17 A That's 29th and Willamette.
18 Q Okay, great. So previously, you testified that you don't
19 borrow shifts regularly. And in the past six months, maybe
20 you've borrowed one or two shifts; is that correct?
21 A Yes.
22 Q Okay. So I just wanted to make sure that this
23 corresponded with your experience. As we scroll down
24 through -- from 128 down to 154, I see that you worked at 29th
25 and Willamette. That was also your home store. At line 155, I

1 see that you worked at store number 3367, the Valley River
2 store, is that right?
3 A Yes.
4 Q And scrolling past line 155 to the end of the document at
5 line number 193, there are no -- there are no other shifts that
6 you worked at the store that is not your home store. Is that
7 correct?
8 A Yes.
9 Q Okay.
10 MS. MULTHAUP: I don't know how to say this.
11 Acknowledging that we would like to get a full copy of this
12 exhibit with the -- with the missing dates entered, I'd like to
13 submit Petitioner Exhibit 23 to the record.
14 HEARING OFFICER DEVLEMING: Any objection from the
15 Employer?
16 MR. GROW: No objection.
17 HEARING OFFICER DEVLEMING: Okay.
18 MR. GROW: Okay.
19 HEARING OFFICER DEVLEMING: Petitioner Exhibit 23 is
20 admitted.
21 **(Petitioner Exhibit Number 23 Received into Evidence)**
22 MS. MULTHAUP: Great.
23 Q BY MS. MULTHAUP: Okay. And I believe we've gone over
24 this, Ky, but just making sure. In the past six months that
25 you -- you've only borrowed one shift. You've never been

1 disciplined for not borrowing more shifts; is that correct?
2 A That's correct.
3 Q And have you ever been told that you should borrow more
4 shifts than you do?
5 A No.
6 Q Okay. I'd like to switch gears and talk about requesting
7 time off. If you want to request time off in advance, what do
8 you do?
9 A Usually, I just ask Matthew when I see him.
10 Q What do you say to him, usually?
11 A Usually, I'll say, hey, I have this thing coming up.
12 Could I have these dates off?
13 Q And how does he typically respond?
14 A Typically, he'll say no problem. Sometimes, he'll say
15 that other people have requested some of that time off, and
16 he'll look into it and get back to me.
17 Q What happens if you -- if you don't see him in the store?
18 A If I don't see him, I could leave him a note, or I could
19 call him or text him.
20 Q Have you done all three of those things?
21 A I have texted him.
22 Q Are you aware that there is an online portal or app called
23 My Partner, where you can log in your time-off requests?
24 A Yes.
25 Q Is it your typical process to use that method to request

1 time off?
2 A I used the app version of it for a time when I got
3 rehired, but I don't use it anymore.
4 Q Okay. I'd like to show you what's been marked Petitioner
5 Exhibit 21, which should be in the share file momentarily. Do
6 you see what's on the screen, Ky?
7 A Yes.
8 Q Okay.
9 MS. MULTHAUP: Has that made it into the share file yet?
10 MR. GROW: Not yet.
11 MS. MULTHAUP: Okay. It should be there momentarily.
12 Q BY MS. MULTHAUP: Ky, do you recognize what's on the
13 screen?
14 A I do.
15 Q Can you describe, generally, what we're looking at?
16 A It's a screenshot of a text conversation between me and
17 Matthew.
18 Q Do you remember when you took the screenshot,
19 approximately?
20 A Probably sometime last week.
21 Q Okay. It looks like on Monday, August 30th, you texted
22 him, if you haven't made the schedule yet, could I take off
23 September 15 through 18? What were you asking him in that text
24 message?
25 A I was requesting not to be scheduled for those days.

1 Q Did you also put that request in via the My Partner app or
2 another method?
3 A No.
4 Q Looks like he responded that same day, saying, hey, Ky, if
5 I can make that work, I will, but there are already four
6 requests off on those days, so it isn't very likely.
7 What did you understand his response to mean?
8 A I understood that to mean that there was a possibility,
9 but that he wasn't able to confirm yet if I would be able to
10 have those days off or not.
11 Q Okay. Scrolling down. Looks like, then, later that same
12 day on August 30th, Matthew texted, you are off 9/15 through
13 9/17. 18 was too difficult. What did you understand that
14 response to mean?
15 A I understood that to mean that he had found other people
16 to work the 15th, 16th, and 17th, but there wasn't anyone in
17 our store that had availability for the 18th to cover it, so I
18 would be on the schedule and expected to work on the 18th.
19 Q To the best of your recollection, do you remember if,
20 indeed, you were off the schedule from September 15th through
21 September 17th?
22 A I was.
23 Q And to the best of your recollection, do you remember if
24 you were, indeed, scheduled for September 18th?
25 A I was.

1 Q Was this request off and schedule change documented,
2 either online or in a physical form in the store?
3 A I didn't fill out anything online or on paper.
4 Q Okay. Was this text message exchange with Matthew a --
5 would you characterize it as a typical or atypical example of
6 how you request time off at your store?
7 A This is fairly typical.
8 Q All right. I'd like to scroll down further. We'll hit
9 page 3 of what's marked as Petitioner Exhibit 21, which I've
10 confirmed is in the share file now. Looks like on Monday,
11 October 11th, you texted Matthew, I was supposed to text you,
12 but I forgot why. Probably about scheduling. If I could
13 just -- if I could do just weekends, or even just Saturdays for
14 a bit?
15 What were you asking in that text?
16 A I was trying to change my availability to just weekends or
17 just Saturdays.
18 Q So previously, your availability had been different than
19 just weekends or just Saturdays?
20 A Previously, my availability was completely open.
21 Q Are you aware that there is a form on the Starbucks My
22 Partner app or website where you can change your availability?
23 A Yes.
24 Q Have you ever used that form at -- while you've been at
25 the 29th and Willamette store?

1 A I have used a printed copy of it previously.
2 Q Did you also fill out a my availability form (phonetic),
3 either online or printed version, in addition to sending this
4 text message that we're looking at?
5 A No.
6 Q It looks like Matthew responded that day and said, thank
7 you. The week posted today. I need you both weekend days, but
8 we can go to one for a bit after that.
9 What did you understand him to be saying with that
10 message?
11 A I understood that he had already written a schedule for
12 that week, because he usually posts them on Mondays, and
13 they're usually done three weeks out. So the schedule that he
14 wrote that Monday was already posted by the time I sent that
15 text.
16 So I took that to mean that my availability for that week
17 that he just posted was still going to look like it was open,
18 and then, the following week, then I would have the reduced
19 availability that I requested.
20 Q And did that, in fact, happen?
21 A Yes.
22 Q So prior to Monday, October 11th, you were scheduled for
23 weekdays, as well as weekends. And what happened after Monday,
24 October 11th?
25 A The following schedule that came out on the 18th, I was

1 scheduled only Saturday and Sunday.
2 Q All right. Okay. And looking at the second-to-last text.
3 Matthew on November 8th asked, my phone may be having issues.
4 Just want to verify whether or not you can work Thanksgiving
5 Day?
6 What did you understand him to be asking there?
7 A We had filled out sort of a paper survey regarding whether
8 we wanted to work holidays, because we get holiday pay and tips
9 are distributed differently. And originally, I had marked down
10 that I wanted to work Thanksgiving. He was confirming that I
11 still wanted to work, because it was a weekday, which would
12 technically be outside my availability.
13 Q And scrolling down, looks like on that same day, Monday,
14 November 8th, you texted, I can work Thanksgiving. I can also
15 do Black Friday. Were you then, indeed, scheduled for
16 Thanksgiving?
17 A I was.
18 Q Do you remember if you worked Thanksgiving?
19 A I did.
20 Q Great. And then, lastly, on Tuesday, December 28th,
21 Matthew texted, want to work 6:45 to 1:45 tomorrow? And you
22 said, sure.
23 What did you understand that interaction to mean?
24 A I understood that to mean that I would be expected to show
25 up for a shift starting at 6:45 on December 29th.

1 Q And did you show up for that shift?
2 A I did.
3 Q Did you understand that, if you didn't show up, that that
4 would be called a no call, no show? Or was it more of a
5 casual, show up if you want, type thing?
6 A I understood that I was expected to show up, and if I
7 didn't, that would be a no call, no show.
8 Q Through the series of texts, we've seen you request time
9 off, change your availability, and pick up shifts through
10 texting Matthew. Do these texts reflect accurately or not
11 accurately your experience of working with Matthew as a
12 manager?
13 A These are accurate.
14 MS. MULTHAUP: Great. I would like to submit Petitioner
15 Exhibit 21 for the record.
16 HEARING OFFICER DEVLEMING: Any objection?
17 MR. GROW: No objection.
18 HEARING OFFICER DEVLEMING: All right. Petitioner Exhibit
19 21 is admitted.
20 **(Petitioner Exhibit Number 21 Received into Evidence)**
21 MS. MULTHAUP: Okay.
22 Q BY MS. MULTHAUP: Just a couple of more questions on time
23 off. Ky, what do you do if you want to use sick time or
24 vacation time?
25 A If I want to cash in sick time or vacation time and get

1 paid for those hours without working, I would write in the
2 punch communication log for the dates that I want them cashed
3 in. And when Matthew processes the next payroll, he will sign
4 off on those and apply them to my paycheck.
5 Q So just to be clear, you would go to the punch
6 communication log. But where is that located?
7 A It's part of the daily records book.
8 Q I'd like to show what's been previously admitted as
9 Petitioner Exhibit 12.
10 Ky, do you see Petitioner Exhibit 12 on the screen?
11 A Yes.
12 Q Is this a -- can you describe what this is?
13 A This is the punch communication log. So if you have not
14 been able to punch in or punch out for -- for your shift or for
15 your meals, you could mark that here on paper, instead of using
16 the store iPad. If you want to cash in any of the paid time
17 off options that you've accrued, you would also mark that down
18 here. And then, you would -- you'd just mark down what type of
19 paid time off or the reason for your missed punch. And when
20 Matthew processes the payroll, he'll initial it and put the
21 date that he -- that he submitted it.
22 Q To the best of your knowledge, does anyone else have to
23 sign off on this in order for you to cash in vacation time or
24 sick time?
25 A I believe it's just Matthew.

1 Q I'm going to stop sharing my screen. And then, finally,
2 if you don't know ahead of time that you're going to take time
3 off, but you're sick, or something comes up at the last minute
4 and you can't work, what do you do?
5 A Then I'd call the store, and I talk to the shift
6 supervisor that's running the shift.
7 Q And what do you they typically say?
8 A Typically, they just say, okay. I will then try to find
9 coverage if I can. I can put in -- in the store group chat app
10 that I need help. Or, if I'm unable to do that, then the shift
11 supervisor will put in that there are hours that need to be
12 covered.
13 Q Do you ever talk to Matthew when you're sick?
14 A I may have, but typically, I try to talk to the shift that
15 is actually running the floor.
16 Q Have you ever called a district manager when you've been
17 sick or had a last-minute emergency?
18 A No.
19 Q Okay. Switching gears a little bit. We talked about you
20 borrowing at other stores. Does it sometimes happen that you
21 work with borrowed partners from other stores?
22 A It happens occasionally.
23 Q How often would you say it happens, approximately?
24 A Not very often. In the last three months, I think I've
25 seen only two borrowed partners.

1 Q When a partner borrows into your store, describe that --
2 that process. Is it easy for them? Is it hard for them? Does
3 it vary?
4 A It -- it sort of depends. It depends on how long they've
5 been with the company and how comfortable they are with the
6 borrowing process. And it really depends on the setup of their
7 home store, because we're a drive-thru store, and we do
8 deliveries, and we -- so we have a couple of things that are
9 not available at every store.
10 Q Can you describe, if you have knowledge, what happens when
11 a partner borrows into your store who has never worked at a
12 drive-thru before?
13 A They struggle a little bit. It slows us down. We all try
14 to make the best of it, but if there's time, we can try to
15 train them on it. But usually, there's really not enough time
16 to have two people off the floor to train someone on -- on
17 drive-thru. So they just become limited in the positions that
18 they can fill effectively.
19 Q And you mentioned delivery. What happens when a partner
20 borrows in who doesn't -- who works at a store that does not do
21 delivery?
22 A A couple of things. The -- the amount of food and drink
23 that we're expected to prepare is generally greater than the
24 amount that they're used to seeing. Also, it limits the
25 positions that they can be in because there is a lot that goes

1 into consolidating a delivery order; the packaging is very
2 specific.
3 And again, there's not usually time to train a borrowed
4 partner on that process, so it becomes someone else's
5 responsibility to make sure all the delivery orders are
6 properly assembled.
7 Q Do you know if every store in your district does delivery?
8 A I don't believe they do.
9 Q So when a partner borrows in from a store that either
10 doesn't have delivery or doesn't have a drive-thru, would you
11 characterize your day that day as being similar to other days
12 or different from other days at your store?
13 A It's usually different. It's -- it's usually a bit more
14 hectic.
15 Q And you've worked at -- in your district, both the
16 Junction City store and 29th and Willamette. Is that right?
17 A Yes.
18 Q And those are both drive-thrus, right?
19 A Yes.
20 Q So are there still differences between working at Junction
21 City and 29th and Willamette, even though they're both drive-
22 thrus, or are they pretty much the same?
23 A They're still different. Even though they're both drive-
24 thrus, the drive-thru is positioned a little bit differently.
25 So at 29th, if we have a long line, it will flow out into the

1 street and start impeding traffic. The -- some of the
2 equipment that we have is -- is different. Both stores have a
3 nitro cold brew system, but the equipment for it is different.
4 All of the -- all of the beverage components are just located
5 in different places, and they're set up a little bit
6 differently. The back of the house is set up differently. The
7 clientele -- the general clientele is different.
8 Q So just to take the -- one example that you mentioned. If
9 you were trained on the nitro cold brew system at Junction
10 City, could you -- could you work the nitro brew system at 29th
11 and Willamette effectively, without further training?
12 A You could serve drinks effectively, but the maintenance
13 side of it, you would have to be trained on that.
14 Q Are you familiar with the concept of regular customers?
15 A Yes.
16 Q Can you describe what a regular customer is?
17 A I would describe a regular customer as someone that is in
18 the store often enough that we recognize them. We know their
19 name. If they have a regular drink, we know their drink.
20 Probably, they recognize at least a few of us and know our
21 names.
22 Q Does 29th and Willamette have regulars?
23 A We do.
24 Q Can you give us an example of maybe one or two?
25 A We have a regular named Rachel. She works as a cleaning

1 lady, and she works double shifts, seven days a week. And she
2 comes in every single day and orders 12 shots of espresso and
3 two trenta cups of ice. And she wants those 12 shots of
4 espresso all in a tall hot cup, but she wants it rung up as
5 three separate drinks that are each rung up as a quad shot,
6 because it's -- for some reason, it's significantly cheaper to
7 ring it up as three drinks of four shots each, instead of one
8 drink that's 12 shots.
9 We have a regular named Thomas. And he comes in just
10 about every day. And he only drinks dark roast coffee, and he
11 wants it brewed fresh, and he wants seven scoops of coffee,
12 instead of the regular four. And he wants a grande amount of
13 coffee in a venti cup, because he wants exactly four ounces of
14 half and half in it. And he brings in his own personal cup.
15 And it doesn't fit in any of our personal cup holders, but he's
16 also -- also a regular.
17 Q So you know all these details about these two examples of
18 regulars because you work regularly at 29th and Willamette,
19 right?
20 A Yes.
21 Q Does it change what you do at work when you see these
22 regulars come in?
23 A It does. Rachel drives a pretty conspicuous vehicle, so
24 when we see her vehicle in the street, we will start cuing up
25 all of her espresso shots, in the hopes that they are finished

1 by the time she gets to the drive-thru window so that we're not
2 holding up the line. Because it actually takes a really long
3 time to pull 12 shots of espresso. Also, it helps to know the
4 way that she orders it so we can ring it up properly. That
5 kind of expedites things.
6 The same thing with Thomas. His drink takes longer
7 because coffee needs to be freshly ground. We are brewing it
8 specifically for him, and we have to wait until we have his --
9 his cup and everything. And even though he doesn't come
10 through the drive-thru, we still don't want him to have to wait
11 terribly long.
12 Q Would a borrowed partner be able to recognize Rachel or
13 Tom?
14 A No.
15 Q And would a borrowed partner in that position be able to
16 effectively accommodate their orders, as you just described?
17 A I -- I don't doubt that a borrowed partner would be able
18 to accommodate all of their specifications, but it would
19 definitely take them a lot longer. And there's a lot of
20 emphasis from corporate on our drive-thru times and how long we
21 take to get people through the line. So it would really slow
22 us down in a -- in a pretty meaningful way.
23 Q Lastly, I just have some final questions. Do you know who
24 your district manager is?
25 A I do.

1 Q What's her name?
2 A Her name is Donay Cherry.
3 Q And have you ever had a -- a one-on-one coaching session
4 with Donay?
5 A No.
6 Q Have you ever been trained by Donay?
7 A No.
8 Q If you have had a problem with your schedule, have you
9 ever gone to Donay or contacted her about it?
10 A No.
11 Q If you've had a problem with a coworker, have you ever
12 contacted Donay about it?
13 A No.
14 Q If you have a problem in your life that was affecting work
15 in some way, have you ever contacted Donay about that?
16 A No.
17 Q In the past, when you've had a problem with your schedule,
18 who have you contacted?
19 A Just my store manager.
20 Q And what about when you've had a problem with a coworker?
21 Who have you contacted?
22 A Typically, I would contact my shift supervisor first,
23 depending on the issue, and then escalate it to the store
24 manager.
25 Q What about if you had another problem in your life that

1 was affecting your work life? Who would you reach out to?
2 A My store manager.
3 Q Can you think of a time that you have been unable to reach
4 your store manager, and thus, you've reached out to your
5 district manager?
6 A No.
7 MS. MULTHAUP: No further questions. Thank you.
8 HEARING OFFICER DEVLEMING: Mr. Grow, are you ready for
9 cross, or if you need a five-minute break, that's fine, too.
10 MR. GROW: Yes, five would be welcome. Thank you.
11 HEARING OFFICER DEVLEMING: Let's take a seven-minute
12 break and come back at 2:05.
13 MR. GROW: Thank you.
14 (Off the record at 1:58 p.m.)
15 THE COURT REPORTER: We are back on the record.
16 **CROSS-EXAMINATION**
17 Q BY MR. GROW: Good afternoon. Could I -- could I call you
18 Ky?
19 A Yes.
20 Q Okay. Thank you. my name is Tom Grow. You -- you
21 might've seen me in this, I know we're guessing day 3 of this.
22 I'm with corporate counsel for Starbucks. And just got a --
23 got a few questions for you here or there with respect to your
24 -- your testimony. And we'll go from there.
25 All right. I'd like to start just maybe, kind of, looking

1 back at, kind of, your history with Starbucks, which is -- is -
2 - I think a cool thing. I love the fact that people stay with
3 a company and work with it, have a chance to move around. You
4 indicated that you were hired in, I guess, initially in the
5 summer of 2015; is that correct?
6 A Yes.
7 Q Okay. And that first -- that first position you had was
8 in Colfax, California?
9 A Yes.
10 Q Okay. I think you testified that you might've been there
11 close to about a year and a half?
12 A I believe so.
13 Q Okay. And then, my understanding was that you moved to a
14 store in Grass Valley, California; is that correct?
15 A That's correct.
16 Q Okay. I just want to make sure I've got your chronology
17 down correct before we go any further. And then, you left the
18 company all together for -- for another opportunity. Then, I
19 believe, you indicated that you had rehired back into
20 Starbucks, I think, approximately January 2020; is that -- does
21 that sound about right?
22 A Yes.
23 Q Okay. When you rehired to Starbucks in 2020, I believe --
24 and again correct me if I'm wrong, you were -- you were hired
25 in and going to be working at Junction City, store number

1 60461; is that correct?
2 A That was the store I was hired for, yes.
3 Q And it's my understanding that because that -- that
4 facility was -- was not available at the time, or operational
5 at the time, I guess, you had worked for some other stores for
6 a period -- for a period of time; is that correct?
7 A Yes. The manager for that store was co-managing a
8 different store. So we -- we just worked with her there.
9 Q And that -- and that manager's name was? I'm sorry, I
10 might not have picked that up.
11 A Her name is Petra, P-E-T-R-A.
12 Q Okay. All right. When -- when did you -- just again,
13 approximately, I'm just trying to make sure again I get my
14 facts straight, you transferred to 29th and Willamette. And
15 that was after you spent some time at Junction City, correct?
16 A Correct.
17 Q And you were in Junction City for approximately, what six
18 to eight months, something like that?
19 A Approximately.
20 Q Okay. And at all times throughout your employment that we
21 just walked through, what was your -- you know, what was your
22 position title?
23 A I was a barista and a shift supervisor.
24 Q Okay. Where -- where were you the shift -- shift
25 supervisor? Excuse me.

1 A Both in Colfax and Grass Valley.
2 Q Okay. You were asked during your -- your direct testimony
3 about the involvement of the district manager with respect to
4 your move, what -- right after you started in -- in Colfax.
5 And you moved to -- to Grass Valley; is that correct:
6 A I -- I -- yeah. I started in the Colfax store. And then,
7 I transferred to the Grass Valley store.
8 Q And -- and -- and you had -- and yeah, I believe that you
9 were asked by counsel as to whether or not you spoke with the
10 district manager? And -- and you indicated that you had not;
11 is that correct?
12 A That's correct. I did not speak to that district manager.
13 Q Okay. And that -- and just so I'm certain, this -- this
14 was back -- what -- what time period would that have been that
15 you're reflecting on? What -- what year was that?
16 A I transferred in the fall of 2016.
17 Q Okay. So that'll -- maybe less than six years ago. So
18 that -- that's good recollection. I -- I was just making sure
19 that we had that -- that correct. Do you know -- and can --
20 can you tell me for certain if that's -- if that is the
21 approach in that store, or is that just your experience when
22 you moved from that store that there -- that you did not speak
23 with a district manager? Can you affirmably tell me that
24 that's the case with all individuals or partners in that store?
25 A I had a number of friends in that store that also

1 transferred to other locations. And none of us spoke with our
2 district manager.
3 Q Okay. And again, that was -- that was back in the fall of
4 2016, correct?
5 A Correct.
6 Q Okay. Thank you. Moving forward, as you -- as you've --
7 as you progressed and moved your way into some other stores, I
8 know after your 2020 rehiring, you again testified that you
9 didn't speak with the -- the district manager; is that -- is
10 that correct?
11 A That's correct.
12 Q Isn't it possible that the DM could've been involved with
13 the process and that you just didn't know?
14 A That is possible. Although, I believe the district was
15 also transitioning district managers at that point in time.
16 Q But -- but it's possible though that -- that -- that one
17 of the store managers could've reached to a -- to a district
18 manager or somebody above them in the process, correct?
19 A They may have talked without my knowledge.
20 Q Okay. Fair enough. Have you -- tell me, had -- had you
21 ever worked as borrowed partner in any of your earlier
22 experiences in California?
23 A Yes.
24 Q You had? And -- and that was in both the Colfax store and
25 Grass Valley?

1 A As well as several other stores in the Sacramento area.
2 Q Okay. All right. Let's -- let's shift gears for a minute
3 to -- to the -- to the Facebook posts that were -- that had to
4 do with the -- the -- the Facebook page for -- for area
5 partners to discuss shifts, trade shifts, and whatnot. Is that
6 a -- a company Facebook site, one that's branded by the -- by
7 Starbucks, to you -- the best of your knowledge?
8 A I don't know.
9 Q Okay. Do you recall how many Facebook members were --
10 were a member of that -- of that site?
11 A As I recall, it's somewhere between 3 and 400.
12 Q Yeah. You got a good memory. That's -- that's exactly
13 right. Yeah, there -- there were 312 members on that site.
14 There was some testimony provided about partners in the
15 neighboring Spring -- neighboring Springfield stores who are
16 utilizing that site. Do -- do you have any idea how many
17 stores reside in Springfield?
18 A I think there are three corporate-run stores in
19 Springfield.
20 Q That's right. Isn't -- isn't it probably fair to say
21 that if you've got 312 members, that a lot of the members that
22 are on that site are probably not working in Springfield, given
23 that there's just three stores in Springfield?
24 A I don't know. I don't know the -- the distribution.
25 Q Are there more than three stores in the -- in the Eugene

1 area that you're aware of?
2 A Yes.
3 Q Okay. All right. You testified with respect to picking
4 up shifts at other stores, that when asked how often you -- you
5 do that, you said not regularly, and that you don't. And that
6 you, basically, in the past six months have just picked up one
7 store; is that correct?
8 A Yes.
9 Q Ky, is that -- is that -- that's -- that's just -- that's
10 you, right? That's -- that's what you've -- that's what you
11 have done with respect to picking up shifts. But is that
12 representative, to the best of your knowledge, of what others
13 at 29th and Willamette have done, or they do, with respect to
14 picking up shifts?
15 A In -- in my experience from the few different stores I've
16 worked at, baristas and shift supervisors at 29th do not cover
17 as regularly as partners at other stores.
18 Q What -- what's the -- what's -- from a -- from a work
19 standpoint, when -- when -- do you have a preferred shift,
20 hours of work, like, when you -- when you like to work? I know
21 I've -- I've realized it fluctuates, but I'm just curious.
22 A I -- I don't. I don't mind when I work.
23 Q I guess -- I guess, the -- the question really is, are you
24 there 24-7? Do you see every time someone's potentially
25 borrowing a shift?

1 A I -- I'm not there 24-7. But I do stay pretty up-to-date
2 with who's working at other stores. Because I am really
3 worried about COVID exposures.
4 Q Understood. Counsel showed you what was marked as
5 Petitioner Exhibit 23. I believe it was 23. And it showed all
6 your shifts, basically, with respect to what you've chosen to
7 work and where -- and where you had chosen to work. I just --
8 I want to reaffirm. Those were just your shifts, correct?
9 A I believe so.
10 Q Is it -- is it possible that others could've chosen with
11 greater frequency to -- to choose to work other shifts at other
12 locations that -- than what you've chosen, or just do you all
13 kind of do everything the same?
14 A It's possible that other people cover shifts more often
15 than I do.
16 Q Fair enough. You indicated that when you request time off
17 in advance, you -- you've got a -- there's a couple of methods
18 to do that, one -- one is just the -- the verbal, or you know,
19 seen it obviously via text. You stated in your testimony that
20 Matt -- you would ask Matthew, and Matthew would say, hey, I'll
21 look at it. And I'll get back to you. Isn't it possible that
22 Matthew's saying, hey, let me get back to you, that he might
23 have to confer with somebody to -- to check on that?
24 A That was --
25 Q Is it --

1 A -- not what I took his implication to be. But it is
2 theoretically possible.
3 Q Okay. With respect to the process of sick time and
4 vacation time and that -- and that approval, and that -- and
5 that cash out, you had indicated that you believe that just
6 Matthew signs off on that. Again, is it possible that, say, a
7 district manager audits that process or sees that or has input
8 on it that you might not see?
9 A The reason I believe that not to be the case is, because
10 in that same daily records book, there is a section -- there is
11 a section that does require district manager and store manager
12 sign off. And so they're -- there are spaces there for -- for
13 both of those to happen. But on the punch communication log,
14 there is only a space for the barista or shift supervisor and
15 the store manager to sign off on it.
16 Q Fair enough. But -- but -- but you don't know? You --
17 you really don't know if -- if that -- if that book, the daily
18 record book, is actually reviewed by the district manager, do
19 you?
20 A I do not know that she reviews that book.
21 Q Again, you were -- you were asked about your -- you --
22 your specific work with borrowed partners from other stores.
23 And your recollection is, over the last three months, that
24 there were two borrowed partners in that store. Is it fair to
25 say that you could potentially be inaccurate in that -- with

1 that statement?
2 A I only recall seeing the two. But it's possible that
3 there were others.
4 Q And it's fair to say, you're -- you're -- you're not
5 working in the store every day; is that correct?
6 A That's correct.
7 Q You mentioned two of your regulars, two of your regular
8 customers at 29th and Willamette. I believe it was Rachel
9 (phonetic throughout) and Thomas (phonetic throughout). If
10 Rachel -- if you were -- if you were working at another
11 location in -- in the district -- say you had swapped a shift
12 or did a borrowed shift or working somewhere else just nearby,
13 and Rachel and Thomas walked into that store, and Rachel asked
14 for the quad shot, and Thomas asked to make the dark roast.
15 Would you be able to make those drinks for them?
16 A Yes.
17 Q Okay. You testified to a series of -- of -- of questions
18 at the end of your testimony with respect to the district
19 manager, Ms. Donay Cherry. And I won't -- I know -- I won't go
20 through every one of the -- every one of the questions, but
21 they -- they span the gamut of your experiences with Ms.
22 Cherry, your direct experiences with her, spanning the globe
23 from one-on-one's with Ms. Cherry, being trained by Ms. Cherry,
24 having issues on whether or not you would ever go to Ms.
25 Cherry. And per the script, you were -- it was no, or your

1 experience was no. Matt was, I believe, the person you would
2 go to, at least for scheduling issues. I believe with a co-
3 worker you talked -- you'd go speak to a shift supervisor, then
4 perhaps Matthew.
5 I want to make sure that -- again, the record's clear that
6 -- that these are Ky's experiences. These are -- these were
7 choices, and to -- with instances having issues with co-
8 workers, life issues, issues of that degree. Those -- you
9 chose not to go to her; is that correct?
10 A I don't know what avenue I would have open to me to
11 contact her if I wanted to.
12 Q Okay. Have you ever -- if -- if you had, and if you did
13 have an issue with -- with an employee, I'm just curious, or a
14 -- an iss -- a personal issue, where -- where would the first
15 place you'd go be?
16 A It -- it would probably depend on the severity of the
17 issue.
18 Q Okay.
19 A If it were something minor, like, I noticed someone
20 improperly building a drink, then I could just tell the shift
21 supervisor that they needed to be coached on that. If it were
22 something that I thought needed to be kept a bit more private,
23 that's when I would talk to Matthew first.
24 Q You say, first. If -- what -- what would be second, if --
25 if you had to go do something, other than Matthew?

1 A If I were not able to resolve it with Matthew, then I
2 would probably take it up with the, like, partner relations
3 hotline.
4 Q Um-hum.
5 MR. GROW: Nothing further. Thanks.
6 HEARING OFFICER DEVLEMING: Okay.
7 Redirect?
8 MS. MULTHAUP: Nothing. Thank you.
9 HEARING OFFICER DEVLEMING: All right.
10 Well, thank you so much, Ky, for your time today. We
11 really appreciate it. Please, don't discuss your specific
12 testimony with any other witness until we conclude the hearing.
13 But with that, you are free to go. We appreciate you.
14 Are we ready with Petitioner's next witness, or should we
15 go off the record, either to get that organized or to talk
16 about the Employer exhibits?
17 MS. MULTHAUP: I'm ready to go.
18 Oh, sorry.
19 MR. DILGER: No, I think that we can -- we can probably
20 talk about the Employer exhibits.
21 HEARING OFFICER DEVLEMING: Okay.
22 MR. DILGER: I think that will be --
23 HEARING OFFICER DEVLEMING: Let's go off the record and
24 try to clean that up, if possible.
25 THE COURT REPORTER: We are off the record.

1 (Off the record at 2:26 p.m.)
2 THE COURT REPORTER: We are back on the record.
3 HEARING OFFICER DEVLEMING: We just wrapped with
4 Petitioner's second witness, about to begin with their third.
5 But before we do that, there was a little confusion about
6 Employer Exhibits 16 through 19, which have not yet been
7 admitted. But the parties have reached a stipulation.
8 And I'll defer to Mr. Dilger to explain it.
9 MR. DILGER: Right. We -- the Employer offers Employer
10 Exhibits 16 through 20, which includes Employer 18, alpha
11 through foxtrot, inclusive. And in Employer 19 is actually the
12 aggregated data set. It appeared to be missing a portion of
13 the data for several months in 20 -- early 2021. And the
14 Employer stipulates that Employer Exhibit 19 was the document
15 used for the basis of the report that was generated as Employer
16 Exhibit 20. And so with that stipulation, we offer Employer 16
17 through 19.
18 HEARING OFFICER DEVLEMING: Any objection from the
19 Petitioner?
20 MR. IGLITZIN: No objection.
21 HEARING OFFICER DEVLEMING: Okay. Employer Exhibits 16,
22 17, 18, and 19 are admitted.
23 **(Employer Exhibit Number 16 through 19 Received into Evidence)**
24 HEARING OFFICER DEVLEMING: Two clarifications.
25 Ms. Multhaup, which exhibit was it that you guys based on

1 Employer 19? Just for the record.
2 MS. MULTHAUP: So far, what's been admitted, we have based
3 Petitioner Exhibit 23 and Petitioner -- well, 23 is the only
4 one that's been admitted that we base it on.
5 HEARING OFFICER DEVLEMING: Okay. Got it. And then, I
6 think, I'm not sure we yet took administrative notice of the
7 testimony from Mr. Eli Hanna, from case 19-RC-287954, the
8 Seattle hearing, transcript pages -- and correct me if I'm
9 wrong, 448 through 484, which were where he described what
10 these types of data sets are, and how he collected them.
11 Am I summarizing that right?
12 MR. DILGER: You are. Thank you, Madam Hearing Officer.
13 MR. IGLITZIN: Yes.
14 HEARING OFFICER DEVLEMING: Okay. Great.
15 Your -- you feel free to call your next witness, Ms.
16 Multaup -- Multhaup.
17 MS. MULTHAUP: Petitioner calls Bex Littleton.
18 HEARING OFFICER DEVLEMING: And I think I asked the other
19 day, am I saying your name wrong? Every time I say it, I'm
20 like, do I pronounce the TH, or?
21 MS. MULTHAUP: You're saying it perfectly.
22 HEARING OFFICER DEVLEMING: Oh, good.
23 MS. MULTHAUP: Incredibly.
24 HEARING OFFICER DEVLEMING: I'm glad. Everyone gets mine
25 wrong. So I'm used to double-checking.

1 Hi there, Bex. My name is Liz DeVleming. I'm the hearing
2 officer for the hearing. And I've seen your name come in and
3 out. So you may already have heard my schpeel. But I'll give
4 it to you anyway. Before we go much further would you raise
5 your right hand for me?
6 Whereupon,
7 **BEX LITTLETON**
8 having been duly sworn, was called as a witness herein and was
9 examined and testified, telephonically as follows:
10 HEARING OFFICER DEVLEMING: Thank you very much. Is there
11 anyone else in the room with you today while you testify?
12 THE WITNESS: No.
13 HEARING OFFICER DEVLEMING: Awesome. And can you state
14 and spell your full name for the record?
15 THE WITNESS: Bex Littleton, B-E-X L-I-T-T-L-E-T-O-N.
16 HEARING OFFICER DEVLEMING: Perfect. And then, just final
17 instructions. We're trying to create as clear as possible of a
18 written transcript of these proceedings. So even if it feels
19 unnatural, if I can encourage you to take a two-second pause
20 after hearing a question before you begin your answer. I've
21 asked counsel to do the same, before they ask the next question
22 to make sure you're finished. That's also to give opposing
23 counsel a chance to weigh in with an objection to the question
24 you're being asked. If you do hear the word objection, just go
25 quiet for a minute. They'll duke it out. And ultimately, I

1 will direct you whether or not to answer that question. And
2 we'll go on from there. And that's all I've got.
3 So over to Ms. Multhaup for direct.
4 MS. MULTHAUP: Thanks so much.
5 **DIRECT EXAMINATION**
6 Q BY MS. MULTHAUP: Bex, who do you currently work for?
7 A I work for Starbucks.
8 Q And what store is your current home store?
9 A 29th and Willamette.
10 Q And what is your job title?
11 A I'm a shift supervisor.
12 Q When were you first hired by Starbucks?
13 A I was first hired about September 1st, I think, 2000 --
14 I'm pretty sure 2015.
15 Q And what store were you first hired at?
16 A I was initially hired in Florida at the Abacoa store.
17 Q How long did you work at that store?
18 A Roughly two years.
19 Q What was your job title at that store?
20 A When I was hired, I was hired on as a barista.
21 Q Did you continue as a barista for your whole time at the
22 Abacoa store in Florida?
23 A I was a barista for about year. And then, I was promoted
24 to shift supervisor.
25 Q Where did you go after the Florida store?

1 A After Florida, I moved to Eugene and transferred into the
2 29th and Willamette store.
3 Q Do you remember approximately when that was?
4 A That was about August, like, late August 2017, I'm pretty
5 sure. Um-hum. Yeah.
6 Q What store in Eugene did you transfer into?
7 A The 29th and Willamette store.
8 Q And has 29th been your home store ever since?
9 A Yes.
10 Q If I asked you who your manager is, who would you say?
11 A Matthew Marjenka.
12 Q And do you know his title?
13 A He's the store manager.
14 Q Can you briefly describe the transfer process from Florida
15 into 29th and Willamette?
16 A When I wanted to transfer, I talked to my current boss at
17 the time in the Abacoa store where I worked. And he just had
18 some paperwork I, kind of, filled out. I gave it to him. And
19 as far as I understood, he mailed it off to -- or sent it to --
20 I don't know how they would send paperwork. But he sent it to
21 the store in Eugene that I was looking into.
22 Q And what happened next?
23 A As far as I know, it just got transferred to the manager.
24 And they approved me. And when I moved out, I started getting
25 shifts.

1 Q And how did you know when your first shift was?
2 A I believe it was by, like, probably by text.
3 Q You're not positive? But that's -- that's --
4 A Yeah, I'm not positive. It was -- since it was quite a
5 few years ago.
6 Q Understood. Did you transfer to 29th and Willamette as a
7 shift supervisor?
8 A No. There were no open positions at the time. So I
9 stepped back down to barista.
10 Q How long did you work as a barista at 29th and Willamette?
11 A It was about, like, another two years as a barista. And
12 then, I went through the process of being promoted.
13 Q Can you talk to us about the process of being promoted to
14 shift supervisor at 29th and Willamette?
15 A Yeah. When I got promote -- well, when I was working
16 towards getting promoted, I would go to Matthew. And I told
17 him a couple of times I was looking into it again. Because I
18 was, like, decided to be a shift. And I was just told that I
19 needed to have, like, a meeting with another manager, just to
20 get interviewed by someone outside of him. And I got
21 interviewed by (indiscernible). And then, once I was
22 interviewed, they were, like, yeah, they seem great. And then,
23 I got promoted.
24 Q Okay. I think I missed, who was the other manager you got
25 interviewed by, do you remember?

1 A I do. It was -- she no longer works for the company,
2 actually. But it was -- I was interviewed by Wendy, and the
3 other manager, because there was two managers, was Amanda
4 (phonetic throughout) -- and don't -- I believe her last name
5 was actually Amanda Gay (phonetic throughout). And I don't
6 think either of them actually work for the company anymore.
7 Q Great. I'm going to ask you to remember to speak slowly,
8 if you can.
9 A Sorry.
10 Q For the court reporter. No worries. You said you were
11 interviewed by two managers, one named Wendy, and one named
12 Amanda.
13 A Yes.
14 Q To the best of your knowledge, are you talking about store
15 managers?
16 A Yes. I believe they were both store managers at the time.
17 Q Do you happen to remember what stores they managed at the
18 time?
19 A They were actually both working together to manage West
20 11th.
21 Q Do you remember where the meeting took place?
22 A I believe it actually took place in West 11th, at their --
23 at their store.
24 Q And what happened after the interview with Wendy and
25 Amanda (phonetic throughout)?

1 A As far as I understand, they reached -- they reached out
2 to Matthew to let him know that I seemed good. And then he let
3 me know either by text or the next time I saw him that I was
4 okay to go, and then he started planning training shifts.
5 Q And by "okay to go", do you mean you got promoted?
6 A Yes, sorry.
7 Q That's okay. Great, and you said Matthew set up training
8 shifts. Can you describe the training process of becoming a
9 shift supervisor at 29th and Willamette?
10 A Yes, there were, of course, the standard modules that you
11 would have to do on the computer or an iPad. But outside of
12 the modules, I was paired up with another shift supervisor who
13 had already been doing the job to learn the different day
14 parts.
15 Q Did someone oversee your training to be a shift
16 supervisor?
17 A It was primarily a fellow shift supervisor whose name is
18 Kristen (phonetic throughout).
19 Q Who told you when you were done training and ready to go
20 as a shift supervisor?
21 A Matthew did.
22 Q Was there anyone else involved in your training to be a
23 shift supervisor besides Matthew and the other shift
24 supervisor?
25 A No, not that I'm aware of.

1 Q Did you speak directly with a district manager during the
2 promotion process or the training process to becoming a shift
3 supervisor?
4 A No, I did not speak to the district manager at all during
5 the process.
6 Q Was it ever indicated to you that your promotion or
7 training was contingent or reliant at all upon a district
8 manager's approval?
9 A No, it was not.
10 Q I'd like to shift gears a bit and talk a little bit about
11 the schedule. How do you know what your schedule is at 29th
12 and Willamette?
13 A Matthew typically -- well, usually always has the schedule
14 posted three weeks ahead of time. And you can either check it
15 in the back, or I will check it personally online, because
16 there's a way to get to the website to see your schedule.
17 Q And if you need to take time off, what do you do?
18 A You -- typically, you're supposed to go through the online
19 portal, or you can just reach out to Matthew.
20 Q What do you typically do?
21 A I typically go through the online portal and then inform
22 Matthew so he's aware of it.
23 Q So it's unclear. You fill out a form online, and then --
24 A Um-hum.
25 Q -- you have a follow-up conversation in person with

1 Matthew; is that right?
2 A Yeah, if I will not see him, I will text him.
3 Q Why do you take that extra step of talking to Matthew or
4 texting him about -- about your online request?
5 A Mainly, just sort of to be polite and just to let him know
6 ahead of time that he'll have to fit in my availability of
7 being out of town.
8 Q And what typically happens when you tell Matthew that you
9 submitted a request online?
10 A I'll tell them the days. He'll be like, okay. And then
11 he'll just tell me he'll make sure it can happen, unless -- as
12 long as, you know, I -- I already went through the proper steps
13 putting it through the online portal, it should be fine. And
14 if it's last-minute, he'll let me know if anything will make
15 that an issue.
16 Q What happens if you're sick and you have a last-minute
17 request for time off?
18 A Oh, like, I -- if I have to call out?
19 Q Right.
20 A I would -- I would typically just -- I would just call the
21 store, and whoever has the shift on, let them know. If I know
22 I'm supposed to be running the floor that day myself, I may
23 reach out to Matthew to let him know.
24 Q What happens if the store is closed, and you know, you're
25 not going to be able to work the next day?

1 A I would probably text Matthew.
2 Q And what typically happens after you text him that you're
3 sick and you can't come in?
4 A If I tell him I'm sick, he says, okay, and he'll do what
5 he can to take care of it, like, reach out to anyone else to
6 see if they can get it covered, anyone within our store.
7 Q Do you ever swap shifts with other people?
8 A I have, yes.
9 Q What's that process like?
10 A I'll either text them, reach out to them in our group
11 chat, or if we are at work at the same time, I'll go to them
12 and ask if they can swap shifts. And if they can, we'll fill
13 it out in a little log we have in our big daily records book.
14 And then another shift may approve it if need -- it needs to be
15 approved by someone else.
16 Q And what do you do if you want to use vacation or sick
17 time?
18 A I write it in the -- the same book, the daily records
19 book, just on the punch communication log, and I fill out the
20 form correctly and put, like, V for vacation or S for sick.
21 Q And then what happens next?
22 A Matthew will -- generally, whenever he does the payroll,
23 he'll put it into the system so that I can get paid for those,
24 approximate time I put in.
25 Q We've gone through, I think, three or four different

1 scenarios: requesting time off ahead of time, requesting time
2 off because you're sick, swapping shifts with other people, and
3 requesting vacation or sick time. Do you involve the district
4 manager in any of those circumstances?
5 A No.
6 Q Have you ever gone to the district manager with a problem
7 about any one of those four circumstances?
8 A I have not, no.
9 Q To the best of your knowledge, has -- to the best of your
10 recollection, has anyone indicated to you that the district --
11 that your ability to take time off in any of those ways was
12 contingent on the district manager's approval?
13 A As far as I know, no.
14 Q Are you familiar with the concept of being a borrowed
15 partner?
16 A Yes.
17 Q What is it? What do you understand it to mean?
18 A I understand that it is generally someone from another
19 store will come in to work at our store if we have open -- some
20 available hours because someone was sick or someone just needed
21 a shift covered, maybe, and they just sort of borrow a partner
22 for that day.
23 Q Would you say that, in general, you borrow at other stores
24 often?
25 A Me?

1 Q Yeah.
2 A I do not.
3 Q In the past six months, can you estimate how many shifts
4 you've worked at a store that wasn't 29th and Willamette?
5 A To the best of my knowledge, I'm fairly certain I've only
6 done about once in the past six months.
7 MS. MULTHAUP: At this point, I would like to direct our
8 attention to what was previously dropped and the share drive as
9 Petitioner Exhibit 24. I'm going to share my screen. So for
10 the record, Petitioner Exhibit 24 was created using the same
11 method as Petitioner Exhibit 23, which was we went into
12 Employer Exhibit 19 and we searched for Bex's partner number.
13 Q BY MS. MULTHAUP: Bex, can you give your partner number?
14 A Yes, it is U-S and then 2158807.
15 MS. MULTHAUP: We identified the cells with that number in
16 Employer Exhibit 19. We copy and pasted them into a new
17 spreadsheet that is currently being looked at as Petitioner --
18 marked as Petitioner Exhibit 24. Column B has Bex's partner
19 number. Column A is the store that they worked at. Column Cis
20 the store that is indicated as their home store.
21 Again, because Petitioner Exhibit 24 was created based on
22 Employer Exhibit 19, which has been missing time period, we are
23 only going to focus on the past six months past the time period
24 break. So I'm going to sort column H, which is the date, by
25 oldest to newest. Then, I'm going to scroll down to after

1 the -- so the last sequential day is line number 331, and then
2 it skips to 7/1/2021 at line 32.
3 Q BY MS. MULTHAUP: So Bex, we'll just look at this briefly.
4 You previously indicated that you're not positive, but you
5 don't often borrow shifts in the past six months, you borrow
6 maybe one shift. You can scroll through this from line 332
7 down to -- well, it appears from this document that there is
8 not a borrowed shift that you worked. Do you think that there
9 could be one and this is not picking it up?
10 A I think I saw it a little farther up. I might have just
11 not counted months correctly. The last time I borrowed, to my
12 knowledge, was, like, Thanksgiving Day.
13 Q Okay. Let's see. Well, reflected on here is not a
14 borrowed shift; possibly, there was one that didn't get picked
15 up. Other than that, does this look generally accurate to you
16 in terms of your work -- work history since July of last year?
17 A Yes.
18 MS. MULTHAUP: Okay. I would like to offer Petitioner's
19 Exhibit 24 for the record.
20 HEARING OFFICER DEVLEMING: Any objection?
21 MR. GROW: No objection from the Employer.
22 HEARING OFFICER DEVLEMING: Okay. Petitioner Exhibit 24
23 is admitted.
24 **(Petitioner Exhibit Number 24 Received into Evidence)**
25 HEARING OFFICER DEVLEMING: Two things. One, I'm just

1 reminding the decision writer that she had -- Ms. Multhaup had
2 toggled with the dates there. So when she referenced line
3 numbers, that was after sorting the column by dates.
4 And then the second thing is the court reporter just
5 reminded me that I never did admit Employer Exhibit 20 because
6 Mr. Iglitzin had requested to look at the underlying documents
7 first. So Employer Exhibit 20 is admitted.
8 **(Employer Exhibit Number 20 Received into Evidence)**
9 MR. GROW: Thank you.
10 Q BY MS. MULTHAUP: Just a couple of more questions, Bex.
11 Do you know who your district manager is?
12 A Yes.
13 Q What is their name?
14 A Donay Sherry -- Cherry.
15 Q And have you ever had a one-on-one coaching session with
16 Donay?
17 A Not to my recollection, no.
18 Q When you have had a problem in the past with your
19 schedule, have you ever reached out to Donay about it?
20 A I have not.
21 Q When you have had a problem in the past with a coworker,
22 have you ever reached out to Donay about it?
23 A Not that I can remember.
24 Q When you have had a problem in the past, maybe about a
25 problematic customer, have you reached out to Donay about it?

1 A No, I have not.
2 Q And when you've had an issue in your life that was
3 affecting your work, have you ever reached out to Donay about
4 that?
5 A No.
6 Q When you have had a problem with your schedule, who have
7 you reached out to?
8 A I would typically -- I would reach out to Matthew.
9 Q What about when you've had a problem with a coworker, who
10 would you reach out to?
11 A I would also reach out to Matthew.
12 Q What about a problem with a customer, who would you reach
13 out to?
14 A It would be Matthew, as well.
15 Q And what about a problem in your life that was affecting
16 your work, who would you reach out to?
17 A If I needed to discuss it with anyone, it would have been
18 Matthew.
19 MS. MULTHAUP: No further questions at this time.
20 HEARING OFFICER DEVLEMING: Mr. Grow, I'm always willing
21 to give you a few minutes if you need to prep for cross, or are
22 you ready?
23 MR. GROW: I -- I really appreciate that, but I think I'm
24 ready to roll.
25 HEARING OFFICER DEVLEMING: Okay.

1 MR. GROW: Thanks so much. All right.

2 **CROSS-EXAMINATION**

3 Q BY MR. GROW: Bex, how are you?

4 A I'm good.

5 Q Good. And I can call you Bex? I always like to make sure

6 I got the -- the -- the -- I'm calling the person by their --

7 their right names. Is that -- does that work for you?

8 A Yes, thank you.

9 Q Great, thanks. Well, it says Thomas on here, but you can

10 call me Tom.

11 A Okay.

12 Q Now, and you might have -- I know several folks have been

13 watching these -- these riveting proceedings over the last few

14 days. But in case you didn't pick it up, I'm counsel for

15 Starbucks and just would like to ask you just a few follow-up

16 questions with respect to your testimony. First and foremost,

17 just so I have -- have it correct, I want to make sure. You

18 hired on with Starbucks in Abacoa, Florida, in September 2015;

19 does that sound about right?

20 A It was at the Abacoa store in Jupiter, Florida, yes.

21 Q In Jupiter, okay. And you spent, I guess, about a year as

22 a barista and a year as, I guess, a shift -- shift supervisor;

23 is that correct?

24 A Yes.

25 Q Okay, and then you transferred in directly -- I -- I

1 think -- I think you said right around August 2017 straight to
2 the 29th and Willamette store; is that correct?
3 A Yes.
4 Q Okay. Is it -- is it an accurate statement to say that --
5 I know you testified that you talked to your boss at that store
6 in Jupiter, and that he -- with respect to your transfer, he
7 sent that -- that paperwork to the store in Willamette; is that
8 correct?
9 A Yes, I believe so.
10 Q Is -- is it also fair to say that -- that during your
11 testimony, as far as you know, that's -- that's what happened?
12 You weren't a hundred percent certain where your paperwork
13 went, who looked at it, and how the process worked?
14 A Yes.
15 Q Fair enough. You -- you mentioned that there was --
16 unfortunately, there was not a -- a shift supervisor position
17 open at 29th and Willamette when you arrived there. I know you
18 eventually did promote into a shift supervisor position at 29th
19 and Willamette. That's correct?
20 A That's correct.
21 Q And I know you mentioned briefly when you were training
22 for that process. It's true that you used standardized modules
23 to -- on a computer to train for that position; is that
24 correct?
25 A Yes.

1 Q Okay. It's also true that with respect to reviewing your
2 schedule, which is usually put up three times ahead, you can
3 also view that online, correct?
4 A That is correct.
5 Q Also, with respect to time off, it's true that you
6 testified that you can either go through an online portal or
7 speak to Matthew about that, and that you did, in fact, testify
8 that oftentimes he'll do it both ways, and out of a courtesy to
9 Matthew, kind of an extra step to be polite, you -- you would,
10 in addition to using the portal, let him know directly,
11 correct?
12 A That is also correct.
13 Q Last question. With respect to -- with respect to several
14 of the items that -- that Counsel just referenced concerning
15 Ms. Cherry and your utilization of Ms. Cherry with respect to a
16 number of -- of situations, with respect to potentially
17 conferring with her about one-on-one personal situations,
18 scheduling situations, or just a myriad of different
19 situations, you -- you indicated that you -- that you, in fact,
20 did not reach out on any occasion to Donay concerning those --
21 those -- those situations that she represented; is that
22 correct?
23 A That is correct.
24 Q And it's also correct to say that you chose to reach out
25 to Matthew on occasion with respect to these types of issues;

1 is that correct?
2 A Yeah, yes.
3 Q Question. If -- when you reached out to Matthew and then
4 Matthew decided that he would need to reach to Donay Cherry,
5 the DM, is it safe to say that you might not necessarily know
6 if he's reaching out with respect to an issue that -- that
7 you've raised to him?
8 A I would not know if you chose to bring it up to Donay, no.
9 MR. GROW: Thanks. Nothing further.
10 HEARING OFFICER DEVLEMING: Before I ask if there's
11 redirect, before I forget, Bex, long ago, the court reporter
12 had direct messaged me, at the very beginning of your
13 testimony. She sometimes needs spellings of things. You
14 referenced something that sounds like -- and I don't even
15 remember this, so sorry -- Abacoa?
16 THE WITNESS: It was Abacoa, yeah.
17 HEARING OFFICER DEVLEMING: Yeah, what is that, and how do
18 you spell it?
19 THE WITNESS: It's the store I was located at in Florida,
20 and it is spelled A-B-A-C-O-A.
21 HEARING OFFICER DEVLEMING: Perfect. Thank you so much.
22 THE WITNESS: Yes, sorry.
23 HEARING OFFICER DEVLEMING: Ms. Multhaup, any redirect?
24 MS. MULTHAUP: Nothing, thank you.
25 HEARING OFFICER DEVLEMING: Awesome. Well, that means,

1 Bex, that you are totally off the hook. Thank you so much for
2 your time today. Please don't -- I don't know if we're done or
3 not. But if not, please don't discuss your testimony with any
4 other witnesses until the hearing concludes. Thank you for
5 your time, and you can disconnect your video or leave us,
6 whatever your schedule calls for.
7 THE WITNESS: Thank you.
8 HEARING OFFICER DEVLEMING: Thanks.
9 Ms. Multhaup, are there more witnesses?
10 MS. MULTHAUP: There is another witness, one last witness,
11 and there's also a couple of exhibits I'd like to submit.
12 HEARING OFFICER DEVLEMING: Okay, through the witness, or
13 stipulations with the Employer, or?
14 MS. MULTHAUP: I was hoping that the Employer would
15 stipulate to Petitioner Exhibit 25, which is going into the
16 share drive now.
17 HEARING OFFICER DEVLEMING: I think I already saw it in
18 there --
19 MS. MULTHAUP: Okay.
20 HEARING OFFICER DEVLEMING: -- before, unless it's
21 something different. This is the Starbucks Eugene data, and it
22 starts with an email?
23 MS. MULTHAUP: Right.
24 HEARING OFFICER DEVLEMING: Okay. Let's go off the record
25 so you two can chat, and then we will --

1 THE COURT REPORTER: We are off the record.
2 (Off the record at 2:59 p.m.)
3 HEARING OFFICER DEVLEMING: So first, during our very
4 brief break, the parties discussed what's been marked as
5 Petitioner Exhibit 25, which is in Petitioner's ShareFile. And
6 I understand that there won't be an objection to the admission
7 of that exhibit.
8 Is that right, Mr. Grow?
9 MR. GROW: That's correct.
10 HEARING OFFICER DEVLEMING: Okay, so Petitioner Exhibit 25
11 is received.
12 **(Petitioner Exhibit Number 25 Received into Evidence)**
13 MR. GROW: Wait, we have one question.
14 HEARING OFFICER DEVLEMING: Okay.
15 MR. GROW: Go ahead.
16 MS. DIECKMAN: I just got an email from my legal assistant
17 that Petitioner Exhibit 4 was corrupt and can't be saved to our
18 system. Marina, is that something you could resend to us? I'm
19 sorry to bug you.
20 MS. MULTHAUP: Petitioner Exhibit 4.
21 MS. DIECKMAN: Yeah.
22 MS. MULTHAUP: Yeah, I can ask our paralegal to redrop it
23 in the ShareFile.
24 MS. DIECKMAN: Thanks, sorry. I just -- we were
25 discussing exhibits, and I wanted to get that out of the way.

1 Thank you.

2 MS. MULTHAUP: Thank you.

3 HEARING OFFICER DEVLEMING: Great, and before we end, I

4 will confer with our court reporter and make sure we're on the

5 same page about exhibits.

6 But with that, Ms. Multhaup, why don't you call your next

7 witness?

8 MS. MULTHAUP: Great. The petitioner calls Quentin

9 Piccolo.

10 HEARING OFFICER DEVLEMING: Hi, Quentin. How are you?

11 MR. PICCOLO: Hi, I'm good.

12 HEARING OFFICER DEVLEMING: Okay. My name is Liz

13 DeVleming. I'm the hearing officer for the National Labor

14 Relations Board running today's hearing. A couple of

15 instructions for you before I hand you over to Ms. Multhaup.

16 First, before we go much further, would you raise your

17 right hand for me?

18 Whereupon,

19 **QUENTIN PICCOLO**

20 having been duly sworn, was called as a witness herein and was

21 examined and testified, telephonically as follows:

22 HEARING OFFICER DEVLEMING: Excellent. Will you please

23 state and spell your full name for the record?

24 THE WITNESS: Quentin Piccolo. That's Q-U-E-N-T-I-N P-I-

25 C-C-O-L-O.

1 HEARING OFFICER DEVLEMING: Perfect. And is there anyone
2 else in the room with you while you're testifying today?
3 THE WITNESS: There is not.
4 HEARING OFFICER DEVLEMING: Awesome. Final instructions.
5 As you may have heard multiple times already if you've
6 been joining us, it's hard to create a written transcript of a
7 hearing, even in person, let alone when we're doing it with
8 technological struggles through video conference. So I'd ask
9 you, even if it feels uncomfortable, to try to take a dramatic
10 two-second pause between hearing a question and beginning your
11 answer. I've asked counsel to do the same so that we can
12 preserve our nice, clear record, and also to give the attorneys
13 a chance to interject with an objection before you begin your
14 answer. If you do hear the word, objection, just hang on a
15 minute. We will resolve the issue, and I'll give you a
16 direction one way or another whether you should answer that
17 question, or I'll direct counsel to ask you a different
18 question.
19 And that's all from me, so your witness, Mr. -- Ms.
20 Multhaup.
21 MS. MULTHAUP: Thanks so much.
22 **DIRECT EXAMINATION**
23 Q BY MS. MULTHAUP: Quentin, who is your current employer?
24 A Starbucks.
25 Q And what is your current home store?

1 A 29th and Willamette.
2 Q And what is your current job title?
3 A I'm a shift supervisor.
4 Q When were you first hired by Starbucks?
5 A I was first hired by corporate Starbucks June 2019, and I
6 had worked for a licensed store for the year before that.
7 Q Can you describe what a licensed store is?
8 A A licensed store is typically a kiosk inside of, like, a
9 Safeway or an Albertsons. And Starbucks employees at that --
10 at those locations are technically employees of the bigger
11 stores, so like, the Safeway or the Albertsons, and not
12 Starbucks.
13 Q When you worked at that licensed store, were you an
14 employee of Starbucks or the licensee?
15 A I was an employee of Safeway.
16 Q So you first became a Starbucks employee in June 2019; is
17 that correct?
18 A That is correct.
19 Q And what store did you get hired at in 2019?
20 A I got hired at the since-closed campus location on 13th
21 and Alder.
22 Q Store number 459, is that correct?
23 A That is -- that is correct.
24 Q What was your job title there?
25 A I was a barista.

1 Q How long did you work at 13th and Alder?
2 A I worked at 13th and Alder until sometime into 2020, maybe
3 summer of 2020.
4 Q And what happened next?
5 A The store closed indefinitely for COVID reasons, and I
6 took a leave of absence.
7 Q And what happened after that?
8 A And then I transferred to 29th and Willamette.
9 Q Do you remember approximately when you transferred to 29th
10 and Willamette?
11 A Yeah, it would have been August of 2020.
12 Q And has 29th and Willamette been your home store since
13 August 2020?
14 A It has.
15 Q If I ask you who your manager is, who would you say?
16 A Matthew Marjenka?
17 Q And once his job title?
18 A Store manager.
19 Q Great. Can you tell me about the process of how you
20 transferred to 29th and Willamette in August of 2020 after
21 taking a leave of absence?
22 A Yeah, so to the best of my memory, I called the store and
23 spoke with a shift supervisor, and I was inquiring whether they
24 had any positions open for transfers. And then after some
25 time, I heard back from -- I think it was the same shift

1 supervisor saying there was and that my transfer got approved.
2 And she gave me a couple of dates for my first few shifts at
3 that store.
4 Q So to be clear, when you say you called the store, you
5 called the 29th and Willamette location?
6 A Yes.
7 Q And you spoke to a shift supervisor; is that right?
8 A I did.
9 Q And then the shift supervisor reached out to you shortly
10 thereafter and told you that you were hired, essentially?
11 A Yes.
12 Q And what happens next?
13 A And then I got a text directly from Matthew asking if I
14 had gotten those dates communicated to me and asked me to
15 confirm that I can indeed show up for those days.
16 Q I'm going to show you what's been marked as Petitioner
17 Exhibit 29, which should be in the ShareFile. Do you recognize
18 this, Quentin?
19 A Yes.
20 Q Can you describe generally what this is?
21 A This is a screenshot I took maybe two weeks ago of a text
22 conversation between me and Matthew regarding those first two
23 shifts when I transferred.
24 Q So where in the process of the trans -- where in the
25 transfer process did this text come?

1 A This was, I believe, the first text I got from Matthew.
2 This was when he was confirming the two shifts that are
3 communicated by the shift supervisor.
4 Q So he says, hey, Quentin, this is Matthew, your new store
5 manager at 29th and Willamette. I just wanted to check in and
6 see if you were ever told that you are scheduled to work
7 tomorrow, Friday, 5 to 10 a.m. and Sunday, 5 to 10:45 a.m.
8 Just let me know. Thank you, and I look forward to having you
9 join the team.
10 Was that the only hiring conversation that you had with
11 Matthew?
12 A I believe so, yes.
13 Q After you -- and it looks like you responded, hello,
14 Matthew. Yes, I've got those shifts on my calendar.
15 After that response, what did you understand your
16 employment relationship with 29th and Willamette to be?
17 A I had -- had successfully transferred in that Matthew was
18 my new store manager.
19 Q And in fact, is that what your experience was when you
20 showed up for that first Friday, 5 to 9 -- 9 a.m. shift?
21 A Yes.
22 Q It looks like there are two identical text messages. Do
23 you know what that's about?
24 A I think it's either Matthew accidentally sent it twice or
25 it's something wrong with my phone.

1 MS. MULTHAUP: I'd like to offer Petitioner's Exhibit 29
2 for the record.
3 HEARING OFFICER DEVLEMING: Any objection?
4 MR. GROW: No objection.
5 HEARING OFFICER DEVLEMING: Petitioner Exhibit 29 is it --
6 received.
7 **(Petitioner Exhibit Number 29 Received into Evidence)**
8 Q BY MS. MULTHAUP: At any point in the process of
9 transferring to 29th and Willamette, did you speak to anyone
10 besides the shift supervisor or Matthew?
11 A I don't believe so.
12 Q Do you remember if you spoke to a district manager about
13 your transfer?
14 A I did not.
15 Q Do you remember if you submitted a written transfer
16 request?
17 A I don't believe I did.
18 Q And did anyone communicate to you you have a shift
19 supervisor or Matthew that your transfer was contingent on the
20 district manager's approval?
21 A No.
22 Q Are you familiar with the concept of being a borrowed
23 partner at Starbucks?
24 A Yes.
25 Q What do you understand that to mean?

1 A So a borrowed partner is someone working at a store that
2 is not their home store to cover a shift or more than one
3 shift.
4 Q Have you ever borrowed shifts before?
5 A I have.
6 Q Would you say that you regularly borrow shifts?
7 A I used to.
8 Q What was the period where you used to regularly borrow
9 shifts?
10 A Like, end of last summer to end of fall.
11 Q Why during that period were you regularly borrowing
12 shifts?
13 A I was actively trying to get my hours up to 40.
14 Q And then, was there a period where you stopped borrowing
15 shifts?
16 A Yes. I got promoted to shift supervisor, and I was able
17 to reduce my hours.
18 Q Do you remember when you got promoted to shift supervisor?
19 A Yes, my first day as shift supervisor was Thanksgiving.
20 Q Okay. I would like to show you what's been marked and
21 dropping imminently as Petitioner Exhibit 26. Do you see this
22 on the screen?
23 A I do.
24 MS. MULTHAUP: Okay. Again, for the record, I would like
25 to explain that Petitioner Exhibit 26 was made from Employer

1 Exhibit 19. We took Employer Exhibit 19 and we sorted it by
2 partner number, and then we searched for Quentin's partner
3 number.
4 Q BY MS. MULTHAUP: Quentin, can you tell us what your
5 partner number is?
6 A Yeah, it's 2723835.
7 MS. MULTHAUP: We isolated the cells in Employer Exhibit
8 19 that relate to Quentin's partner number. We copied and
9 pasted them into a new Excel spreadsheet, which we have marked
10 as Petitioner's Exhibit 26, understanding with the gap in
11 Employer Exhibit 19 that we are just going to look at the most
12 recent time period post-gap. So that end, I'm going to sort
13 Petitioner Exhibit 26 by date and scroll down to line number
14 87 -- or, sorry -- yeah, line number 87, which is the first
15 shift post data gap, and it looks like that is a borrowed
16 shift.
17 Q BY MS. MULTHAUP: Do you work at Store 449 Oakway; does
18 that sound correct?
19 A That sounds correct.
20 Q And this period last summer was the -- the period that you
21 described as one where you were borrowing shifts more
22 regularly; is that correct?
23 A Yes.
24 Q For example, it looks like on line 91, you worked a shift
25 at Store 25591, which is the EMU; is that correct?

1 A Yes.
2 Q And then again, at line 98, it looks like you worked a
3 shift at Store 17920, which is West 11th; is that correct?
4 A That is correct.
5 Q All right. Scrolling down, I see a couple more: 105,
6 106. Again, that is West 11th and the EMU. Scrolling further
7 down, on line 142, you worked a shift at Store 2976, the Mohawk
8 store; is that correct?
9 A That is correct.
10 Q Do you know what district the Mohawk store is in?
11 A I believe the Mohawk store is in the Springfield district.
12 Q That's District 489; is that correct?
13 A I believe so.
14 Q Again, on 145, you worked another shift at the Mohawk
15 store; does that seem right?
16 A Yeah.
17 Q Okay, going down, another shift at -- a shift at Store
18 Number 27299. That's the Franklin location. Another shift at
19 West 11th on line 149. Line 152, you worked a shift at Store
20 Number 11291. That's the Crossroads store; is that correct?
21 A Yes.
22 Q Are you familiar with what district the Crossroads store
23 is in?
24 A Yes, I believe it's in the Springfield district.
25 Q Okay, and that's District 489; is that correct?

1 A Yeah.
2 Q Okay. So don't have to go through every line, but I would
3 characterize generally the time period through October as one
4 where you worked both shifts at your home store and borrowed
5 shifts at other stores, both in the Eugene district, 156, and
6 in the Springfield district, 489. We'll scroll down to --
7 sorry -- scroll down to late November, which is when you said
8 that you got promoted; is that correct?
9 A Yes.
10 Q And after you got promoted, you stopped borrowing shifts;
11 is that right?
12 A That is correct.
13 Q And so we'll just take a quick scroll through December and
14 January, and it does not appear that there's another borrowed
15 shift since your promotion; is that right?
16 A That is.
17 MS. MULTHAUP: Okay. And I'd like to offer Petitioner
18 Exhibit 26 for the record.
19 HEARING OFFICER DEVLEMING: Any objection?
20 MR. GROW: No objection.
21 HEARING OFFICER DEVLEMING: Okay, aga -- again, just want
22 to remind the reader of the record that to the extent Ms.
23 Multhaup was referencing line numbers, she had already flipped
24 the order of the dates in column -- was it H, so if you're
25 confused, make sure you tweak the document before following

1 along.

2 MS. MULTHAUP: Thank you.

3 Q BY MS. MULTHAUP: Quentin, so what we just saw is that

4 during the period where you were borrowing more regularly, you

5 borrowed at stores both in the district and outside of

6 district; is that right?

7 A That is.

8 Q Is there a practical difference between how you borrow at

9 a store within your district or not in your district?

10 A No.

11 Q Is it the same process or a different process for bo --

12 borrowing in a store in your district or if it's outside of

13 your district?

14 A It's the same process.

15 Q What is that process, typically?

16 A In my case, I would typically visit the Facebook group,

17 which is shared between both districts, and I'd look for shifts

18 that people were trying to get covered, and I would respond if

19 I could pick them up.

20 Q Just briefly, I'd like to show you what's previously been

21 admitted as Petitioner's Exhibit 18. Do you see this on the

22 screen?

23 A Yeah.

24 Q Does this appear to be the Facebook group that you were

25 pre -- previously referencing?

1 A Yes.
2 Q And is this where you would go to pick up shifts
3 typically?
4 A Yes.
5 Q Have you ever been told that you should only cover or
6 borrow at stores in your district?
7 A No.
8 Q Have you ever been told that it's better to cov -- to
9 borrow at stores in your district versus outside of your
10 district?
11 A No.
12 Q Have you ever been told that you have to borrow shifts in
13 general?
14 A No.
15 Q Have you ever been told that it's better for your position
16 at Starbucks if you do borrow shifts?
17 A No.
18 Q Since you have stopped borrowing shifts since your
19 promotion, have you faced any consequences for not bor --
20 borrowing shifts?
21 A No.
22 Q And at any point in the borrowing process, did -- have you
23 involved a district manager in that process?
24 A No.
25 Q I'd like to switch gears to your promotion. You mentioned

1 you got promoted and your first shift was Thanksgiving Day.
2 Can you describe the promotion process?
3 A Yeah. So maybe about a month before, I applied online to
4 a shift supervisor position at 29th and Willamette, and then,
5 maybe a couple weeks later, Matthew scheduled an interview with
6 me, and I was interviewed by Matthew and Jorge Gonzalez, the
7 manager of the Delta store, and then, maybe a couple more weeks
8 after that, Matthew told me on the floor that I had gotten the
9 promotion.
10 Q Do you remember how Matthew reached out to you to tell you
11 you had an interview?
12 A I think it was in person.
13 Q And you said it was -- the in -- interview was with him
14 and Jorge Gonzalez. Is he another store manager?
15 A Yeah, he's the manager of the Delta location.
16 Q And then Matthew told you in person that you got the
17 promotion; is that true?
18 A That is true.
19 Q What happened after that?
20 A Then maybe another week or two after that, I started my
21 shift supervisor training with Matthew.
22 Q Can you describe the shift supervisor training process
23 with Matthew?
24 A Yeah. So I was promoted the same time as another shift
25 supervisor, and so we were both training, and Matthew had us

1 scheduled to work as noncoverage shifts, and he would walk us
2 through the tasks and then reverse the roles where we will be
3 doing the tasks and he will be watching us and helping us if we
4 have questions.
5 Q Was there also an online training portion?
6 A There was.
7 Q What -- do you have an approximation what the ratio was
8 between the online portion and the hands-on training with
9 Matthew?
10 A The online training was maybe a couple of hours, and most
11 of my training was on the floor with Matthew.
12 Q Was there anyone else involved in your training process?
13 A No.
14 Q During the process of getting your promotion or being
15 trained for your promotion. Did you speak with a district
16 manager ever?
17 A No.
18 Q Were you ever told that your promotion was contingent on a
19 district manager's approval?
20 A No.
21 Q How many days did your training take?
22 A They weren't all back-to-back. There were a couple days
23 focused on opening, and then maybe a month later, there were a
24 handful more days on closing.
25 Q And who scheduled those training shifts?

1 A Matthew.
2 Q Are you familiar with the concept of being a key holder?
3 A Yes.
4 Q What do you understand that to mean?
5 A So a key holder is a person scheduled to be in charge of
6 the keys, so typically, this person is also in charge of the
7 safe and the money in the store and keeping track of that
8 stuff. Usually, it's the shift supervisor. This can be the
9 manager at times, but the keys are for the tills and the drop
10 boxes and the doors to the store.
11 Q When you're a key holder versus when you're not a key
12 holder, does that change what you do during a given shift?
13 A Yes. So when you're a key holder, your responsibilities
14 revolve more around money and leading the floor and putting
15 certain baristas in different positions, and then when you're
16 not a key holder, the emphasis is more on beverage making and
17 food and cleaning.
18 Q As a shift su -- supervisor, do you work both key holder
19 and non-key holder shifts?
20 A Yes.
21 Q And who determines whether you're going to work a key
22 holder or a non-key holder shift?
23 A Matthew.
24 Q And how do you know what you're scheduled for that day?
25 A It says on the schedule.

1 MS. MULTHAUP: I'd like to take a look at one, if that's
2 okay. Okay. I'm showing you what's been marked as Petitioner
3 Exhibit 27. Should be in the share file momentarily. I would
4 like to explain that this is a collection of the last six
5 months of daily coverage reports for the 29th and Willamette
6 store that was produced to us by Starbucks in response to our
7 subpoena. I'm looking at page 2.
8 Q BY MS. MULTHAUP: Quentin, can you just generally describe
9 what this is?
10 A Yeah, so this is the daily coverage report. This is
11 the -- essentially the schedule for the day. It shows all the
12 partners that worked that day, and it has scheduled in breaks
13 and lunches. There's some leniency on whether or not the key
14 holder, the shift supervisor on the floor has to follow
15 these -- the breaks and lunches exactly. Yeah, and it also
16 shows what kind of shift each person has, so it's, like, if
17 it's a key holder shift or a training shift or noncoverage.
18 Q Is that -- is the key holder status indicated by the
19 little "k" next to your name?
20 A Yeah, so the k says -- yeah, that indicates key holder.
21 Q Okay. And there's a lot of writing on this. Do -- can
22 you explain briefly if -- if you have knowledge of what this
23 handwritten portion is about?
24 A Yeah, so the highlight in the middle is marking when peak
25 is. That's, like, when we're busiest. And then, the times

1 written out are the breaks that the shift supervisor has
2 decided each person will be taking at what time, and then,
3 they're crossed out, meaning the breaks have been done.
4 There's some marks on the names, so someone's called out sick,
5 someone else is covering a shift. There's some notes for
6 communication, like when cold brew is ready, and then some
7 writing on who's been at the window position for which hours.
8 MS. MULTHAUP: Great. Tom, I know we just gave this to
9 you. I think there's 57 DCRs going back the past six months,
10 so if you need some time to re review it, that's fine, but I'd
11 like to offer Petitioner Exhibit 27 to the record.
12 HEARING OFFICER DEVLEMING: I know this was provided
13 pursuant to the subpoena, so do you need time to --
14 MR. GROW: Yeah.
15 HEARING OFFICER DEVLEMING: -- look at it?
16 MR. GROW: No, we're -- we're -- we're good. My -- the
17 team -- the team here is telling me we're good.
18 HEARING OFFICER DEVLEMING: Okay.
19 MR. GROW: I recognize it, as well. Thank you.
20 HEARING OFFICER DEVLEMING: Great. Petitioner Exhibit 27
21 is admitted.
22 **(Petitioner Exhibit Number 27 Received into Evidence)**
23 HEARING OFFICER DEVLEMING: And before we go too much
24 further, the court reporter had a question about something that
25 sounded like Mohawk store.

1 THE COURT REPORTER: Yeah.
2 HEARING OFFICER DEVLEMING: Is that it?
3 THE COURT REPORTER: So Mohawk store, M-O-H-A-U-K?
4 THE WITNESS: A-W-K.
5 THE COURT REPORTER: Oh, what'd I say? Sorry.
6 HEARING OFFICER DEVLEMING: Uh-uh. And as, like, Mohawk,
7 is -- is that a place or what is that?
8 MS. MULTHAUP: That is Store Number 2976. It's a store in
9 the Springfield district.
10 HEARING OFFICER DEVLEMING: Perfect. Thank you.
11 Q BY MS. MULTHAUP: All right. I'd like to transition to
12 asking about have -- Quentin, have you ever received overtime
13 pay while working at 29th and Willamette?
14 A I have.
15 Q Can you estimate how many times approximately?
16 A When I was regularly borrowing shifts, I was actively
17 trying to get past 40 hours, which would be into overtime, so
18 pretty frequently then. I would say almost every week.
19 Q Do -- can you just work however many hours you want, or do
20 you have to get approval to get overtime?
21 A I have to get approval for overtime.
22 Q Who do you have to get approval from for overtime?
23 A My store manager.
24 Q Who is that?
25 A Matthew.

1 Q What if you go over 40 hours because you're borrowing at
2 another store? Do you have to get that store manager's
3 approval?
4 A No, I still have to get Matthew's approval because I'm on
5 his payroll.
6 Q So to your knowledge, you have to get the approval of your
7 home store manager to get overtime regardless of the store that
8 you work at; is that true?
9 A That is correct.
10 Q Okay. Have you ever gotten overtime approval from anyone
11 besides Matthew?
12 A No.
13 Q Has Matthew ever denied your overtime?
14 A Not directly. There have been times he's asked if I can
15 cover a shift, and I said I was willing if I could be approved
16 for overtime, and then he was able to find someone else who
17 wouldn't be going into overtime that could cover it.
18 Q Did you appeal that decision to anyone?
19 A Sorry, I don't understand the question.
20 Q Was there anyone else that you thought to go to to get
21 your overtime approved?
22 A No.
23 Q Because you've borrowed at several other stores, both in
24 the district and out of the district, are there things, aspects
25 of different stores, that make borrowing easier or harder?

1 A Yes.
2 Q What are some of the biggest things about a store that
3 makes borrowing there easier or harder?
4 A I'd say the biggest things are going to be layout of the
5 store and how the store managers run their stores.
6 Q What do you mean by layout? How does that affect
7 borrowing?
8 A So just physically, each store is a different layout, so
9 the different positions will be in different places within the
10 store. So like, the back room will be shaped and organized
11 differently. The equipment throughout the store will be found
12 in different places compared to other stores, usually, just
13 dependent on the shape of the store.
14 Q Is that true even if both stores are cafe stores or both
15 stores are drive-thru stores?
16 A Yes, it's still true.
17 Q What does that mean for you as a borrowed partner?
18 A It means that if I'm borrowing at a store I'm unfamiliar
19 with, I'm usually less efficient when I'm working because I'm
20 still learning where everything is and have to get used to
21 where to find everything and I can't rely on muscle memory.
22 Q The other thing you mentioned is making the biggest
23 difference between -- when you borrow is how the manager runs
24 their store. What do you mean by that?
25 A So each store manager will often emphasize or sometimes

1 ignore specific Starbucks standards based on their specific
2 store and the types of customers that they get at that store.
3 Q Can you think of an example of that?
4 A Yeah. So the first one that comes to mind is Starbucks
5 has a standard for sleeving cups. So you don't sleeve every
6 hot drink. You only sleeve the ones that have hot water in
7 them that are extra hot or are venti in size, and at my home
8 store, we follow the standard, but at a handful of other stores
9 I've worked at, the managers decided that because customers
10 generally prefer their drinks sleeved no matter what type of
11 hot drink it is, they just decided that partners at that store
12 sleeve every drink and essentially ignore that standard.
13 Q Does it affect -- does -- does that type of managerial
14 discretion affect your ability to borrow easily when you --
15 at -- at that store?
16 A It can, yeah. It can take some getting used to because I
17 will generally follow what my store does out of habit, and then
18 I have to break that habit when working under different
19 managers.
20 Q Are there di -- are there differences between clientele at
21 the stores in your district that you've worked at?
22 A Yeah. So the closer the store is to the U of O campus,
23 the clientele is generally younger and we have more students,
24 and then the farther out, they start getting older clientele.
25 Q And what does it mean for you working a shift if the

1 clientele is generally students or generally older?
2 A So generally speaking in my experience, older clientele
3 tend to tip better and they get less complicated drinks, so
4 more black coffees and fewer Frappuccinos.
5 Q And does it impact your shift when you're making mostly
6 Frappuccinos versus mostly black coffees?
7 A Yeah. So Frappuccinos take more time to make, so it'll
8 take longer to get all those drinks out, and the customer wait
9 time or our drive time is longer.
10 Q So the type of clientele of -- of -- ca -- can affect
11 the -- your drive times at a -- at a given store?
12 A Yes.
13 Q Is there a store like that in the district that you've
14 worked at?
15 A Yeah, so Franklin, which is close to campus, has a lot of
16 students, and so drive times are harder to keep low, and then,
17 like, at 29th, my home store, especially, like, in the mornings
18 when we get a lot of older customers, drive times tend to be
19 easier to keep down.
20 Q So -- so both stores are drive-thrus and they're both in
21 the same district. Your experience at working at them to --
22 are -- is different; is that fair to say?
23 A Yes.
24 Q Just like to ask you a couple questions about your
25 district manager. Do you know who your district manager is?

1 A Yes, Donay Cherry.
2 Q And have you ever been coached by Donay one on one on the
3 proper way to do something?
4 A No.
5 Q Have you ever gone to Donay when you had a problem with
6 your pay?
7 A No.
8 Q Have you ever gone to Donay when you had a problem with
9 your hours?
10 A No.
11 Q Have you ever gone to Donay when you had a problem with
12 another coworker?
13 A No.
14 Q Have you ever gone to Donay when you had a problem with
15 taking time off or your schedule?
16 A No.
17 Q Who have you gone to when you had a problem with your pay?
18 A Matthew.
19 Q And who have you gone to when you had a problem with your
20 hours?
21 A Matthew.
22 Q And who have you gone to when you had a problem with
23 another coworker?
24 A Matthew.
25 Q And who have you gone to when you had a problem with

1 taking time off?
2 A Matthew.
3 MS. MULTHAUP: No further questions.
4 HEARING OFFICER DEVLEMING: Mr. Grow, ready for cross?
5 MR. GROW: All right, one second.
6 **CROSS-EXAMINATION**
7 Q BY MR. GROW: Good afternoon, Quentin. How are you?
8 A I'm good.
9 Q Good. As you likely heard, I -- my name's Tom Grow with
10 cou -- counsel for Starbucks. Just going to just take you just
11 through a -- a few questions regarding your testimony, and
12 we'll go from there. All right.
13 So just kind of looking back over your -- your notes, you
14 started off at a kiosk at Safeway, I believe, and correct me if
15 I'm wrong, which is a licensed store. When was that? Maybe
16 back in 2018, you said?
17 A Yeah, so it would've been -- I think I started October
18 2017, and then, right up until June -- yeah, I think it was
19 right before I started at corporate, so June 2019.
20 Q And what position did you have at the kiosk licensed
21 store?
22 A I was a barista.
23 Q And -- and subsequent to that, you moved to -- or
24 transfer -- or transferred to -- or excuse me, you -- you moved
25 to the campus location, Store Number 459, which was

1 subsequently closed be -- due to COVID, and I believe that that
2 store was at 13th and Alder; is that correct?
3 A That is correct.
4 Q Okay. And during that time at the campus location,
5 what -- what position did you have?
6 A I was a barista.
7 Q And it's correct that you then -- or subsequent to
8 arriving at the campus location, you then took a leave of
9 absence; is that correct?
10 A That is correct.
11 Q Okay. And then, you transferred to the 29th and
12 Willamette store. I believe you testified that was sometime on
13 or about August 2020, correct?
14 A That is correct.
15 Q And you testified today that during that process, you
16 initially called the store and spoke to the -- the shift
17 supervisor there; is that correct?
18 A That is correct.
19 Q You also testified to te -- a text from Matthew about
20 some -- some dates that had been provided to show up. Do you
21 recall talking to anybody else during that process at that
22 store?
23 A No, just Matthew and the shift supervisor.
24 Q Do you recall ever talking to anybody in the district
25 about your desire to transfer to that store?

1 A no, just Matthew and the shift supervisor.
2 Q Let's move to borrowed shifts for a minute. You --
3 Counsel went through Union Exhibit 26 and took us through a
4 series of shifts that you had borrowed, and I want to make sure
5 the record's clear that a number of these shifts were 156
6 stores. Did you -- based on your recollection, did you borrow
7 a shift at Oakway Store 449?
8 A Yes.
9 Q Thank you. Based on your recollection, what you
10 testified -- or looked at, did you work at the EMU location,
11 25591?
12 A Yes.
13 Q On at least one occasion?
14 A Yes, on multiple.
15 Q Multiple? Okay. Do you -- you also worked at West 11th,
16 correct?
17 A Correct.
18 Q And you also worked -- which -- which is in 156, correct?
19 A I believe so. That's the Eugene district?
20 Q Correct.
21 A Yeah.
22 Q And you also worked at Store Number 27299, which is the
23 Franklin store location, which is also in Eugene, correct?
24 A Yes.
25 Q All right. Want to make sure the record's clear on that.

1 All right. Maybe you can edif -- edify a few things here with
2 respect to the Facebook page. The Facebook page that was shown
3 and put into evidence, that is a Facebook page that's been --
4 been put together by partners in the Eugene/Springfield area,
5 correct?
6 A Yes.
7 Q It is not a officially sanctioned page coming from
8 Starbucks, correct?
9 A I am unsure. I don't think so.
10 Q Okay. Couple more for you, and I promise I'll let you go.
11 Promotions, real quick. You -- you indicated, cor -- and
12 correct me if I'm wrong, that you applied through the corporate
13 online process for the shift supervisor pro -- position,
14 correct?
15 A Yes.
16 Q And you don't know if the district manager for the --
17 for -- for Region 156, you don't know if Ms. Cherry actually
18 sees that application, do you?
19 A I'm unsure.
20 Q You're -- okay. And you don't know if Matthew conferred
21 with Ms. Cherry, do you, before he offered you the shift
22 supervisor position?
23 A I don't know.
24 Q And why were -- I guess let's just shift gears for a
25 minute again. I promise we'll -- we'll -- we'll make it brief.

1 With respect to overtime, you testified that Matthew has not
2 ever directly denied it, correct?
3 A Correct.
4 Q Isn't it true that you don't know if somebody above
5 Matthew actually reviews overtime requests or audit requests
6 for a store, do you?
7 A I'm unsure.
8 Q Okay. You also testified that -- that borrowing stores
9 isn't easier, and you -- and you cited a lot of -- you cited
10 two primary areas where -- which -- which makes the borrowing
11 aspect difficult, that one being layout of the store and how
12 the store manager runs the store, correct?
13 A Correct.
14 Q It's true, though, that the issues you cited here didn't
15 stop you from borrowing at several stores, correct?
16 A Correct.
17 Q You also cited, correct me, that the clientele, in
18 addition to the layout, how the manager run the stores, drive
19 times, things of that nature, it's also true that those things
20 didn't stop you from borrowing at several occasions, correct?
21 A Correct.
22 Q It's also true that the drinks being served at -- at
23 the -- at the various locations that you referenced, the ones
24 that you borrowed stores from, are they serving the same
25 beverages?

1 A Yes.
2 Q Is the same -- same equipment being used by and large to
3 make the drinks?
4 A Generally. Some stores have more upgraded equipment than
5 others.
6 Q Okay. Finally, you testified that you had no interactions
7 with Ms. Donay Cherry with respect to coaching, hours issues,
8 time off, other types of -- of issues to that -- to that
9 degree. Have you -- have you ever asked or felt the need to
10 speak with Ms. Cherry about any of the -- any of these items
11 that were asked you by Counsel?
12 A No.
13 MR. GROW: That's it. Thank you.
14 HEARING OFFICER DEVLEMING: Redirect, Ms. Multhaup?
15 MS. MULTHAUP: Nothing.
16 HEARING OFFICER DEVLEMING: Okay. Mr. -- well, Quentin,
17 thank you so much for your time today. We really appreciate
18 your help, and I'll ask you if we're not done -- why, I know we
19 have at least a little bit of administrative stuff to finish --
20 to hold off on discussing your testimony with any other witness
21 until the record closes. But with that, you can either turn
22 off your video and stay with us or leave us if you have
23 something else to get done. Thanks again.
24 THE WITNESS: Thank you.
25 HEARING OFFICER DEVLEMING: Uh-huh. And Ms. Multhaup, any

1 other Petitioner witnesses?

2 MS. MULTHAUP: No Petitioner witnesses. I have two more

3 exhibits I'm hoping that Employer will stip to.

4 HEARING OFFICER DEVLEMING: Okay.

5 MS. MULTHAUP: At least if the --

6 HEARING OFFICER DEVLEMING: So let's go off the record

7 just to make sure that we've crossed all our T's and dotted our

8 I's.

9 (Off the record at 3:51 p.m.)

10 HEARING OFFICER DEVLEMING: Okay, we are wrapping things

11 up here with this Eugene-based Starbucks Corporation case.

12 Several administrative items to cover. The first, in no

13 particular order, is that my understanding is that the Employer

14 and the Petitioner have both reviewed what have been marked as

15 Petitioner's Exhibits 22 and 28, both of which are uploaded to

16 the Petitioner's share file site, and that there will be no

17 objection from the Employer to the admission of those two

18 exhibits; is that correct, Mr. Grow?

19 MR. GROW: That's correct.

20 HEARING OFFICER DEVLEMING: Excellent. So Petit --

21 Petitioner Exhibits 22 and 28 are admitted.

22 **(Petitioner Exhibit Numbers 22 and 28 Received into Evidence)**

23 HEARING OFFICER DEVLEMING: Next, Mr. Dilger, who has left

24 us at the moment, did some great work in the background on a

25 new version of what we've marked for identification as Board

1 Exhibit 5, which is a lengthier document this time around than
2 it was two weeks ago in large part. It's a summary chart of
3 all of the pending (indiscernible) petitions in all regional
4 offices around the country and all things Starbucks
5 Corporation, and it even specifically includes asterisks --
6 that word is very hard to say -- next to the completed hearing
7 records so that the hearing a -- the hearing -- sorry -- I'm
8 the hearing examiner -- so that the decision writer in this
9 case can take administrative notice of and refer to, where
10 helpful, those completed records.
11 So any objection to the admission of Board Exhibit 5 from
12 the Employer, Mr. Grow?
13 MR. GROW: No. I'm sorry. Yeah, no objection.
14 HEARING OFFICER DEVLEMING: Okay. And Mr. Iglitzin?
15 MR. IGLITZIN: No.
16 HEARING OFFICER DEVLEMING: Great, Board Exhibit 5, which
17 was attached to an email just a moment ago from, I believe, Mr.
18 Dilger, is admitted.
19 **(Board Exhibit Number 5 Received into Evidence)**
20 HEARING OFFICER DEVLEMING: Also, we have discussed that
21 there is one remaining potential Petitioner exhibit, which if
22 it does come in, it's going to be marked as Petitioner Exhibit
23 30. That exhibit would be a compilation of corrective
24 active -- action memos from the Employer's subpoena production,
25 which I understand, the Petitioner is still reviewing. Rather

1 than keeping us and showing up again on Zoom tomorrow morning,
2 we are going to provisionally close the hearing record when we
3 finish in a few minutes with the understanding that the
4 Petitioner has until 12 p.m. noon Seattle time tomorrow,
5 Wednesday, 2nd -- Wednesday, February 2nd to either submit
6 whatever documents they are marking as Petitioner Exhibit 30,
7 with the understanding that those will be the corrective action
8 memos they've found in the subpoena production. Tho -- the
9 Petitioner Exhibit 30, if submitted, will be admitted into the
10 record, or as a courtesy, if no such documents are found, no
11 Petitioner 30 will be submitted, but the Petitioner will send
12 us all an email, including the court reporter, just letting us
13 know that we are not to be expecting that. One way or another,
14 the record will formally completely close at noon tomorrow.
15 And finally, it's my understanding from an off-the-record
16 discussion, but we'll confirm it on the record, there was no
17 rebuttal from the Employer; is that right, Mr. Grow?
18 MR. GROW: That's correct.
19 HEARING OFFICER DEVLEMING: Okay. And therefore, no
20 Petitioner rebuttal. So one last kind of administrative
21 subject that we discussed off the record was the Employer's
22 statement of position, which is in the record as Board Exhibit
23 3, specifically proposes a Davison-Paxon eligibility formula
24 for part-time employees. While the Board often uses the
25 Davison-Paxon formula to resolve questions of voter

1 eligibility, it does not always. Nonetheless, it is my
2 understanding that neither party is concerned that will be a --
3 that there will be a number of part-time employees in either
4 possible unit that will exceed 20 percent of the total unit for
5 whom resolving eligibility under extant Board law will be an
6 issue which the parties disagree. That was quite a sentence.
7 If we all understood what I just said, is that correct for
8 the Employer, Mr. Grow?
9 MR. GROW: Correct.
10 HEARING OFFICER DEVLEMING: Okay, and for the Petitioner,
11 Mr. Iglitzin?
12 MR. IGLITZIN: Yes, it is.
13 HEARING OFFICER DEVLEMING: Okay, then it is not a pre-
14 election hearing issue. Any employee who either party believes
15 has insufficient hours or is otherwise ineligible to vote can
16 vote subject to challenge, and this will be resolved post-
17 election if necessary.
18 Okay, and finally, moving on to briefly solicit the
19 parties positions on election details. First, Mr. Iglitzin,
20 does the Petitioner seek to be on a ballot in an election if
21 the Regional Director deems the appropriate unit to be other
22 than that petitioned-for?
23 MR. IGLITZIN: Yes.
24 HEARING OFFICER DEVLEMING: Mr. Grow, what is the
25 Employer's position on the type of election? I -- I understand

1 from the statement of position that the parties agreed to a
2 mail-ballot, but feel free to correct me if that's wrong.
3 MR. GROW: That's correct.
4 HEARING OFFICER DEVLEMING: Okay, that's correct, then --
5 MR. GROW: Yeah.
6 HEARING OFFICER DEVLEMING: -- we will skip place, time,
7 but does the Employer have a opinion or position on the
8 eligibility date or the date for mailing the ballots?
9 MR. GROW: We do not.
10 HEARING OFFICER DEVLEMING: And Mr. Iglitzin, thoughts on
11 election details?
12 MR. IGLITZIN: A mail-ballot as soon as can be arranged is
13 what we want.
14 HEARING OFFICER DEVLEMING: Okay. And as noted in Board
15 Exhibit 2 on that note, Mr. Iglitzin, will you confirm that, if
16 an election is directed, the Petitioner wishes to waive the
17 entire ten-day requirement for having the list --
18 MR. IGLITZIN: We do.
19 HEARING OFFICER DEVLEMING: -- voter list. Are there any
20 other facts that the Regional Director should be aware of
21 before scheduling an election for the earliest practical --
22 practicable date in this case should one be directed? I hear
23 nothing.
24 MR. GROW: Nothing here.
25 HEARING OFFICER DEVLEMING: Does either party anticipate

1 the need for the notice of election or the ballots themselves
2 to be translated into languages other than English?
3 MR. GROW: The Employer does not.
4 MR. IGLITZIN: The Petitioner does not.
5 HEARING OFFICER DEVLEMING: For the Employer, my
6 understanding is that the Employer requests that most documents
7 relevant to this matter not be served on the Employer directly,
8 but instead, only on counsel; however, as we discussed off the
9 record, there are certain documents, including the notice of
10 election, that the Board's rules require the Region to serve
11 directly on the Employer. With that in mind, would you like
12 to -- part of my script is to solicit the name, address, email
13 address, fax number, telephone number of the onsite
14 representative to whom the Director should transmit the notice
15 of election.
16 MR. GROW: Let's see here. I would likely have to get
17 back with you on that because I don't have it in front of me.
18 HEARING OFFICER DEVLEMING: Okay. Let's just note here
19 I -- I don't think we need to hold things up, but --
20 MR. GROW: Yeah, we don't.
21 HEARING OFFICER DEVLEMING: -- the Region might have to be
22 in touch about getting that information. In the last hearing I
23 just was like, okay, you want it served on counsel. I now know
24 that the rules require us to serve it on you -- obviously, for
25 due process reasons directly on your client. Of course, you'll

1 be copied, but I will leave it to the Region to make sure we
2 have that before the time comes.
3 MR. GROW: Terrific. We'll let you know. Thank you.
4 HEARING OFFICER DEVLEMING: Okay. I'd also encourage
5 everyone to file notices of appearance in this case, if you
6 haven't already, to make sure that everyone who needs to be
7 copied on things is.
8 And finally, the Regional Director will issue a decision
9 in this matter as soon as practicable and will immediately
10 transmit the document to the parties and their designated
11 representatives by email, facsimile, or by overnight mail if
12 neither email address nor facsimile number is provided.
13 If an election is directed, the Employer must provide the
14 voter list. To be timely filed and served, the voter list must
15 be received by the Regional Director and -- and the parties
16 named in the direction of election within two business days
17 after the issuance of the direction unless a longer period,
18 based on extraordinary circumstances, is specified in the
19 decision and direction of election. A certificate of service
20 on all parties must be filed with the Regional Director when
21 the voter list is filed. The Region does not serve the voter
22 list on the parties.
23 In terms of briefs, by my math, briefs are going to be due
24 next Tuesday, February 8th, 2022, assuming that is five
25 business days from today. I have --

1 MR. IGLITZIN: I'm sorry --
2 HEARING OFFICER DEVLEMING: -- (indiscernible,
3 simultaneous speech).
4 MR. IGLITZIN: -- Madam Hearing Officer. Because we're
5 closing the record tomorrow morning, isn't that when we should
6 start counting?
7 HEARING OFFICER DEVLEMING: Thank you for that reminder.
8 That's how we did it last time, so yes, let's say Wednesday,
9 February 9th --
10 MR. IGLITZIN: Yeah, and --
11 HEARING OFFICER DEVLEMING: -- (indiscernible,
12 simultaneous speech) --
13 MR. IGLITZIN: -- Thomas is going to need that extra day.
14 HEARING OFFICER DEVLEMING: Looks like it from Board
15 Exhibit --
16 MR. GROW: Hopefully it's not me. I'll tell you that.
17 HEARING OFFICER DEVLEMING: Okay, failure to request an --
18 MR. GROW: We got a real problem if it is.
19 HEARING OFFICER DEVLEMING: Love it. Failure to request
20 an expedited copy of the transcript will not be grounds for
21 granting an extension of time to file briefs, so hint, let's
22 chat about that before we leave.
23 Is -- is there anything further to discuss before we close
24 the hearing?
25 MR. IGLITZIN: Not for the Petitioner.

1 MR. GROW: Not for the Employer.

2 HEARING OFFICER DEVLEMING: Great. Hearing nothing

3 further, the hearing is now closed. We can go off the record.

4 **(Whereupon, the hearing in the above-entitled matter was closed**

5 **at 4:35 p.m.)**

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1 **C E R T I F I C A T I O N**

2 This is to certify that the attached proceedings before the
3 National Labor Relations Board (NLRB), Region 19, Case Number
4 19-RC-288594, STARBUCKS CORPORATION, Employer, and WORKERS
5 UNITED, Petitioner, held at the National Labor Relations Board,
6 Region 19, Subregion 36, 1220 Southwest 3rd Avenue, Suite 605,
7 Portland, Oregon 97204-2818, on February 1, 2022, at 9:11 a.m.
8 was held according to the record, and that this is the
9 original, complete, and true and accurate transcript that has
10 been compared to the reporting or recording, accomplished at
11 the hearing, that the exhibit files have been checked for
12 completeness and no exhibits received in evidence or in the
13 rejected exhibit files are missing.
14
15
16
17 JACQUELINE DENLINGER
18 Official Reporter
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