FORM NLRB-501
(2-18)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE	
Case 19-CA-297282	Date Filed 6/8/2022

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

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Starbucks Corporation		b. Tel. No. (b) (6), (b) (7)(C)
		c. Cell No.
		f. Fax. No.
d. Address *(Street, city, state, and ZIP code)* 4303 Guide Meridian, Bellingham, WA 98226	e. Employer Representative Howard Schultz, CEO	g. e-mail hschultz@starbucks.com
		h. Number of workers employed Approx. 23
i. Type of Establishment *(factory, mine, wholesaler, etc.)* Coffee Shop	j. Identify principal product or service Food and Beverage	

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

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

Within the last six months, the Employer violated the Act when, among other things, it solicited grievances from workers after the Union filed a representation petition at the Bellingham Guide Meridian store.

3. Full name of party filing charge *(if labor organization, give full name, including local name and number)*
Workers United

4a. Address *(Street and number, city, state, and ZIP code)* Workers United 22 South 22nd St Philadelphia, PA 19103	4b. Tel. No. (646) 448-6414
	4c. Cell No.
	4d. Fax No. (215) 575-9065
	4e. e-mail rminter@pjbwu.org

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

6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief. *(signature of representative or person making charge)* — Michael White, Attorney *(Print/type name and title or office, if any)* Barnard Iglitzin & Lavitt LLP 18 West Mercer St., Ste. 400 Address Seattle, WA 98119 Date 06/08/2022	Tel. No. (206) 257-6032
	Office, if any, Cell No.
	Fax No. (206) 378-4132
	e-mail white@workerlaw.com

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

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

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 19
915 2nd Ave Ste 2948
Seattle, WA 98174-1006

Agency Website: www.nlrb.gov
Telephone: (206)220-6300
Fax: (206)220-6305

Download
NLRB
Mobile App

June 8, 2022

Starbucks Corporation
4303 Guide Meridian
Bellingham, WA 98226

Re: Starbucks Corporation
Case 19-CA-297282

Dear Sir or Madam:

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

Investigator: This charge is being investigated by Field Attorney Elizabeth H. DeVleming whose telephone number is (206)220-6280. If this Board agent is not available, you may contact Deputy Regional Attorney Martin Eskenazi whose telephone number is (206)220-6289.

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

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

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

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

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

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

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

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

Correspondence: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, www.nlrb.gov. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

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

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

Very truly yours,

RONALD K. HOOKS
Regional Director

Enclosures:
1. Copy of Charge
2. Commerce Questionnaire

cc: Alyson D. Dieckman, Attorney
Ryan P. Hammond, Attorney
Littler Mendelson, P.C.
600 University St., Ste. 3200
Seattle, WA 98101-3122

Renea I. Saade, Attorney
Littler Mendelson, P.C.
500 L Street, Suite 201
Anchorage, AK 99501-5909

FORM NLRB-5081
(3-11)

NATIONAL LABOR RELATIONS BOARD

QUESTIONNAIRE ON COMMERCE INFORMATION

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

CASE NAME	CASE NUMBER
	19-CA-297282

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

2. TYPE OF ENTITY

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

3. IF A CORPORATION or LLC

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

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

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

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

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

8. NUMBER OF PEOPLE PRESENTLY EMPLOYED

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

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

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

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

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

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

NAME	TITLE	E-MAIL ADDRESS	TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

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

PRIVACY ACT STATEMENT

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UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

STARBUCKS CORPORATION Charged Party and **WORKERS UNITED** Charging Party	**Case 19-CA-297282**

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on June 8, 2022**,** I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

Alyson D. Dieckman, Attorney
Littler Mendelson, P.C.
600 University St., Ste. 3200
Seattle, WA 98101-3122

Ryan P. Hammond, Attorney
Littler Mendelson, P.C.
600 University St., Ste. 3200
Seattle, WA 98101-3122

Renea I. Saade, Attorney
Littler Mendelson, P.C.
500 L Street, Suite 201
Anchorage, AK 99501-5909

Starbucks Corporation
4303 Guide Meridian
Bellingham, WA 98226

June 8, 2022
Date

Leila Robles, Designated Agent of NLRB
Name

/s/ Leila Robles
Signature

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 19
915 2nd Ave Ste 2948
Seattle, WA 98174-1006

Agency Website: www.nlrb.gov
Telephone: (206)220-6300
Fax: (206)220-6305

Download NLRB Mobile App

June 8, 2022

Richard A. Minter, Assistant Manager
Workers United
22 South 22nd Street
Philadelphia, PA 16103

Re: Starbucks Corporation
Case 19-CA-297282

Dear Mr. Minter:

The charge that you filed in this case on June 8, 2022 has been docketed as case number 19-CA-297282. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney Elizabeth H. DeVleming whose telephone number is (206)220-6280. If this Board agent is not available, you may contact Deputy Regional Attorney Martin Eskenazi whose telephone number is (206)220-6289.

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

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

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

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

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

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

Very truly yours,

RONALD K. HOOKS
Regional Director

cc: Michael White, Attorney
Barnard, Iglitzin & Lavitt, LLP
18 W Mercer St., Ste. 400
Seattle, WA 98119-3971

FORM NLRB-4701
(9-03)

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Individual

and

CASE 19-CA-297282

Starbucks Corporation

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF Workers United

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☒ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: Alyssa Garcia

MAILING ADDRESS: 18 West Mercer Street,Suite 400
Seattle WA

E-MAIL ADDRESS: garcia@workerlaw.com

OFFICE TELEPHONE NUMBER: 2062576007

CELL PHONE NUMBER: _____ *FAX:* _____

SIGNATURE: _____
(Please sign in ink.)

DATE: Thursday, June 23, 2022 3:12 PM Pacific Standard Time

[1] IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

FORM NLRB-501
(2-18)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
AMENDED CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE	
Case 19-CA-297282	Date Filed 7/26/2022

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

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer
Starbucks Corporation

b. Tel. No.
[redacted]

c. Cell No.

f. Fax. No.

d. Address *(Street, city, state, and ZIP code)*
4303 Guide Meridian,
Bellingham, WA 98226

e. Employer Representative
Howard Schultz, CEO

g. e-mail
hschultz@starbucks.com

h. Number of workers employed
25

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

j. Identify principal product or service
Food and beverage

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

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

See Attachment

3. Full name of party filing charge *(if labor organization, give full name, including local name and number)*
Workers United

4a. Address *(Street and number, city, state, and ZIP code)*
22 South 22nd Street,
Philadelphia, PA 19103

4b. Tel. No.
646-448-6414

4c. Cell No.

4d. Fax No.
212-575-9065

4e. e-mail
rminter@pjbwu.rog

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

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

(Signature of representative or person making charge)

Alyssa Garcia, Attorney
(Print/type name and title or office, if any)

Barnard Iglitzin & Lavitt LLP
18 West Mercer St., Ste. 400
Address Seattle, WA 98119

Date 07/26/2022

Tel. No.
(206) 257 6007

Office, if any, Cell No.

Fax No. 206-378-4132

e-mail
Garcia@workerlaw.com

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

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

ATTACHMENT

2. Basis of the Charge

Within the last six (6) months, Starbucks Corporation (the "Employer") has coerced and/or discouraged employees in their exercise of protected activities in violation of Section 8(a)(1) of the Act by soliciting their grievances during a nationwide unionizing campaign in a manner the Employer had not done before the union campaign(s) began, including by:

1) In about (b) (6), (b) (7)(C) 2022 (on a date better known to the Employer), by (b) (6), (b) (7)(at Store #354 ("the Store"), asking partners about changes they wanted to see in the Store;

2) In about (b) (6), (b) (7)(2022 (on a date better known to the Employer), by (b) (6), (b) (7)(C) , at the Store, inviting partners to come share their concerns with (b) (6), (about what was going on at the Store and informing them that the Employer planned to fix these things as quickly as possible;

3) In about (b) (6), (b) (7)(2022 (on the same date as the solicitation involved in #2, above), by (b) (6), (b) (7)(C) at the Store, informing partners that (b) (6) was developing a list of changes to make at the Store and soliciting partners' proposed additions to this list;

4) On about (b) (6), (b) (7)(C) 2022, by (b) (6), (b) (7)(C) at the Store, telling partners that (b wanted to do better so that the partners did not want to "do this" – referring to the Store's partners' filing of their (b) (6), (b) (7)(C) on (b) (6), (b) (7)(C) 2022 ((b) (6), (b) (7)(C));

5) On about (b) (6), (b) (7)(C) 2022, by (b) (6), (b) (7)(C) at the Store, asking partners whether there were things the Store could work on that (b) (6), (b) (7)(C) could pass on to (b) (6), (b) (7)(C); and

6) On about (b) (6), (b) (7)(C) 2022, by (b) (6), (b) (7)(C) at the Store, soliciting partners' grievances and proposed additions to a list of "Store Goals" to accomplish within 30, 60, and 90 days.

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 19
915 2nd Ave Ste 2948
Seattle, WA 98174-1006

Agency Website: www.nlrb.gov
Telephone: (206)220-6300
Fax: (206)220-6305

Download
NLRB
Mobile App

July 27, 2022

Starbucks Corporation
4303 Guide Meridian
Bellingham, WA 98226

Re: Starbucks Corporation
Case 19-CA-297282

Dear Sir or Madam:

Enclosed is a copy of the first amended charge that has been filed in this case.

Investigator: This charge is being investigated by Field Attorney ELIZABETH H. DEVLEMING whose telephone number is (206)220-6280. If the agent is not available, you may contact Deputy Regional Attorney MARTIN ESKENAZI whose telephone number is (206)220-6289.

Presentation of Your Evidence: As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the first amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

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

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

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

determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

RONALD K. HOOKS
Regional Director

Enclosure: Copy of first amended charge

cc: Alyson D. Dieckman, Attorney
Littler Mendelson, P.C.
600 University St., Ste. 3200
Seattle, WA 98101-3122

Ryan P. Hammond, Attorney
Littler Mendelson, P.C.
600 University St., Ste. 3200
Seattle, WA 98101-3122

Renea I. Saade, Attorney
Littler Mendelson, P.C.
500 L Street, Suite 201
Anchorage, AK 99501-5909

UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

STARBUCKS CORPORATION Charged Party and **CHICAGO & MIDWEST REGIONAL JOINT BOARD - WORKERS UNITED/SEIU** Charging Party	**Case 19-CA-297282**

AFFIDAVIT OF SERVICE OF FIRST AMENDED CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on July 27, 2022**,** I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

Alyson D. Dieckman, Attorney
Littler Mendelson, P.C.
600 University St., Ste. 3200
Seattle, WA 98101-3122

Renea I. Saade, Attorney
Littler Mendelson, P.C.
500 L Street, Suite 201
Anchorage, AK 99501-5909

Ryan P. Hammond, Attorney
Littler Mendelson, P.C.
600 University St., Ste. 3200
Seattle, WA 98101-3122

Starbucks Corporation
4303 Guide Meridian
Bellingham, WA 98226

July 27, 2022
Date

Dennis Snook, Designated Agent of NLRB
Name

/s/ Annie La
Signature

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 19
915 2nd Ave Ste 2948
Seattle, WA 98174-1006

Agency Website: www.nlrb.gov
Telephone: (206)220-6300
Fax: (206)220-6305

Download
NLRB
Mobile App

July 27, 2022

Richard A. Minter
Workers United/SEIU
22 South 22nd Street
Philadelphia, PA 16103

Re: Starbucks Corporation
Case 19-CA-297282

Dear Mr. Minter:

We have docketed the first amended charge that you filed in this case.

Investigator: This charge is being investigated by Field Attorney ELIZABETH H. DEVLEMING whose telephone number is (206)220-6280. If the agent is not available, you may contact Deputy Regional Attorney MARTIN ESKENAZI whose telephone number is (206)220-6289.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the first amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

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

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

Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlrb.gov). You must e-file all documents electronically or provide a

written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

RONALD K. HOOKS
Regional Director

cc: Alyssa Garcia, Attorney
Barnard, Iglitzin & Lavitt LLP
18 W Mercer St., Ste. 400
Seattle, WA 98119-3971

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 19

STARBUCKS CORPORATION

and **Case 19-CA-297282**

WORKERS UNITED LABOR UNION INTERNATIONAL, AFFILIATED WITH SERVICE EMPLOYEES INTERNATIONAL UNION

COMPLAINT AND NOTICE OF HEARING

This Complaint and Notice of Hearing is based on a charge filed by Workers United Labor Union International, affiliated with Service Employees International Union (the "Union"), herein identified by its proper legal name. It is issued pursuant to § 10(b) of the National Labor Relations Act (the "Act"), 29 U.S.C. § 151 *et seq.*, and § 102.15 of the Rules and Regulations of the National Labor Relations Board (the "Board"), and alleges that Starbucks Corporation ("Respondent") has violated the Act as described below.

1.

(a) The charge in this matter was filed by the Union on June 8, 2022, and a copy was served on Respondent by U.S. mail on about the same date.

(b) The amended charge in this matter was filed by the Union on July 26, 2022, and a copy was served on Respondent by U.S. mail on about July 27, 2022.

2.

(a) At all material times, Respondent has been a Washington corporation headquartered in Seattle, Washington, with an office and place of business located at 4303 Guide Meridian, Bellingham, WA 98226 ("Store #354" or the "Store"), and has been

engaged in operating over 17,000 restaurants selling food and beverages throughout the United States ("U.S. stores").

(b) In conducting its operations described above in paragraph 2(a) during the last twelve (12) months, a representative period, Respondent derived gross revenues in excess of $500,000.

(c) In conducting its operations described above in paragraph 2(a) during the last twelve (12) months, a representative period, Respondent sold and shipped from the State of Washington goods valued in excess of $50,000 directly to points outside the State of Washington.

(d) At all material times, Respondent has been an employer engaged in commerce within the meaning of §§ 2(2), (6), and (7) of the Act.

3.

At all material times, the Union has been a labor organization within the meaning of § 2(5) of the Act.

4.

At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of § 2(11) of the Act and/or agents of Respondent within the meaning of § 2(13) of the Act, acting on Respondent's behalf:

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

5.

In response to union organizing activity throughout its stores nationwide, including at neighboring stores to Store #354, Respondent,

(a) by (b) (6), (b) (7)(C) at the Store in about (b) (6), (b) (7)(C) or (b) (6), (b) (7)(C) 2022, on a date better known to Respondent, asked its employees about changes they wanted to see in the Store and whether they were happy in their jobs;

(b) by (b) (6), (b) (7)(C) at the Store in about (b) (6), (b) (7) 2022, on a date better known to Respondent, invited the Store's employees to come share their concerns with (b) (6), (b) about what was going on at the Store and informed them that Respondent intended to fix these things as quickly as possible;

(c) by (b) (6), (b) (7)(C) at the Store in about (b) (6), (b) (7) 2022, on the same date as the events described above in paragraph 5(b), informed the Store's employees that Respondent was developing a list of changes to make at the Store and solicited Store partners' proposed additions to this list.

6.

In response to the Store's employees' (b) (6), (b) (7)(C) on (b) (6), (b) (7)(C) 2022, (b) (6), (b) (7)(C) at Store #354, Respondent,

(a) by (b) (6), (b) (7)(C) at the Store on or about (b) (6), (b) (7)(C) 2022, told the Store's employees that Respondent wanted to do better so that the Store's employees did not want to "do this;"

(b) by (b) (6), (b) (7)(C), at the Store on or about (b) (6), (b) (7)(C) 2022, asked the Store's employees whether there were things the Store could work on that (b) (6), (b) (7)(C) could pass on to (b) (6), (b) (7)(C); and

(c) by (b) (6), (b) (7)(C) at the Store on or about (b) (6), (b) (7)(C), 2022, solicited the Store's employees' grievances and their proposed additions to a list of "Store Goals" for the Store to accomplish within 30, 60, and 90 days.

7.

By the conduct described above in paragraphs 5 and 6, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in § 7 of the Act in violation of § 8(a)(1) of the Act.

8.

The unfair labor practices of Respondent described above affect commerce within the meaning of §§ 2(6) and (7) of the Act.

WHEREFORE, as part of the remedy for the unfair labor practices alleged above, the General Counsel seeks an order requiring that Respondent electronically distribute any Notice to Employees and Explanation of Rights to all employees who are or have been employed by Respondent at the Store since January 15, 2022, by text messaging, e-mail, posting on social media websites, and posting on internal applications, if Respondent communicates with its employees by such means.

The General Counsel further seeks all other relief as may be just and proper to remedy the unfair labor practices alleged.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to §§ 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the Complaint. The answer must be **received by this office on or before November 17, 2022.** Respondent must serve a copy of the answer on each of the other parties.

The answer must be filed electronically through the Agency's website. To file electronically, go to www.nlrb.gov, click on **E-File Documents,** enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. *See* § 102.21. If the answer is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the answer to a Complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the Complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT**,** beginning at 9:00 a.m. on **the 21st day of February, 2023**, in a location to be determined in Bellingham, Washington, or via the Zoom videoconference platform, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this Complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated at Seattle, Washington, this 3rd day of November, 2022.

Ronald K. Hooks, Regional Director
National Labor Relations Board, Region 19
915 2nd Ave., Ste. 2948
Seattle, WA 98174

Attachments

Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative**. If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: www nlrb.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf.

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at www nlrb.gov, click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement. The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.

- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence**: At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.

- **Exhibits: Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered in evidence.** If a copy of any exhibit is not available when the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not

submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

- **Transcripts**: An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.

- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.

- **Date for Filing Post-Hearing Brief**: Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.

- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.

- **Exceptions to the ALJ's Decision**: The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.

FORM NLRB 4338
(6-90)

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

NOTICE

Case 19-CA-297282

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements ***will not be granted*** unless good and sufficient grounds are shown ***and*** the following requirements are met:

(1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).

(2) Grounds must be set forth in ***detail***;

(3) Alternative dates for any rescheduled hearing must be given;

(4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and

(5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

E-Service

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FORM NLRB 4338
(6-90)

Howard Schultz, Interim CEO
Starbucks Corporation
2401 Utah Ave. S, Ste. 800
Seattle, WA 98134
hschultz@starbucks.com

FIRST CLASS MAIL

Starbucks Corporation
4303 Guide Meridian
Bellingham, WA 98226

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 19

STARBUCKS CORPORATION **and** **WORKERS UNITED LABOR UNION INTERNATIONAL, AFFILIATED WITH SERVICE EMPLOYEES INTERNATIONAL UNION**	**Case 19-CA-297282**

AFFIDAVIT OF SERVICE OF: Complaint and Notice of Hearing (with forms NLRB-4338 and NLRB-4668 attached)

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on November 3, 2022, I served the above-entitled document(s) by **e-service or regular mail,** as noted below, upon the following persons, addressed to them at the following addresses:

E-Service

Renea I. Saade, Attorney
Littler Mendelson, P.C.
500 L St., Ste. 201
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Howard Schultz, Interim CEO
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E-Service

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Alyssa Garcia, Attorney
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Seattle, WA 98119-3971
garcia@workerlaw.com

FIRST CLASS MAIL

Starbucks Corporation
4303 Guide Meridian
Bellingham, WA 98226

November 3, 2022
Date

Kristy Kennedy
Designated Agent of NLRB
Name

Kristy Kennedy
Signature

FORM NLRB-4701
(9-03)

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

STARBUCKS CORPORATION

and

WORKERS UNITED

CASE 19-CA-297282

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF

Starbucks Corporation

IN THE ABOVE-CAPTIONED MATTER.

We respectfully request that the Region not contact Starbucks Corporation directly, but that all communication should be through the representatives listed below.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☒ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: Ryan P. Hammond, Alyson D. Dieckman and Derek Bishop

MAILING ADDRESS: 600 University Street, Suite 3200; Seattle, WA 98101

E-MAIL ADDRESS: rhammond@littler.com, adieckman@littler.com, debishop@littler.com; starbucksnlrb@littler.com

OFFICE TELEPHONE NUMBER: 206-381-4913

CELL PHONE NUMBER: 206-724-7706 *FAX:* 206-447-6965

SIGNATURE:
(Please sign in ink.)

DATE: November 16, 2022

[1] IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

CERTIFICATION OF SERVICE

I certify that on November 16, 2022, I caused a copy of the Notice of Appearance in 19-CA-297282 to be e-Filed with the NLRB and served electronically via e-mail upon the following:

Ben Berger
Danielle Franco-Malone
Marina Multhaup
Dmitri Iglitzin
Alyssa Garcia
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By ☐ Hand ☐ Mail ☑ Email

By: *s/ Katie Angelikis*
Katie Angelikis

4858-2493-3183.1 / 055187-2394

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 19

STARBUCKS CORPORATION and WORKERS UNITED	Case No. 19-CA-297282

ANSWER TO COMPLAINT

Starbucks Corporation ("Respondent") hereby answers the Complaint dated November 3, 2022 and issued in the above-captioned matter as follows:

1.

(a) Respondent admits that prior to receiving the present Complaint, its legal counsel received a copy of an unfair labor charge in Case 19-CA-297282 dated June 8, 2022 and filed by Workers United (the "Union"). Respondent is without sufficient knowledge to admit or deny the alleged date the charge was filed or actually served and therefore, denies those remaining allegations in paragraph 1(a) of the Complaint.

(b) Respondent admits that prior to receiving the present Complaint, its legal counsel received a copy of an amended unfair labor charge in Case 19-CA-297282 dated July 27, 2022. Respondent is without sufficient knowledge to admit or deny whether the amended charge was filed or actually served and therefore, denies those remaining allegations in paragraph 1(b) of the Complaint.

2.

(a) Respondent admits that it is a Washington Corporation headquartered in Seattle, Washington with an office and place of business located at 4303 Guide Meridian, Bellingham, Washington. Respondent denies the remaining allegations contained in Paragraph 2(a).

(b) Admitted.

(c) Admitted.

(d) Admitted.

3.

Admitted.

4.

It is not clear what period of time is encompassed by the phrase "at all material times" used in paragraph 4 of the Complaint. Respondent, therefore, only admits that at certain times between (b) (6), (b) (7)(C) 2022, and the present time, (b) (6), (b) (7)(C) have worked for Starbucks as supervisors within the meaning of § 2(11) of the Act and/or been Respondent's agents within the meaning of § 2(13) of the Act, acting on Respondent's behalf. However, Respondent denies the overly broad allegations inferred by paragraph 4 of the Complaint that each and every action by all four individuals was always as an agent and/or on Respondent's behalf.

5.

(a) Denied.

(b) Denied.

(c) Denied.

6.

(a) Denied.

(b) Denied.

(c) Denied.

7.

Denied.

8.

Denied.

Respondent further denies it has committed any unfair labor practices or that the General Counsel is entitled to any remedial Order, any special or extraordinary remedies sought in the Consolidated Complaint, and/or to any other relief.

WHEREFORE except as specifically admitted above, Respondent denies each and every remaining allegation or request for relief in the Complaint.

AFFIRMATIVE AND OTHER DEFENSES

1. The allegations in the Complaint fail to state a claim upon which relief may be granted.

2. The allegations in the Complaint are impermissibly vague and ambiguous and a denial of due process.

3. The allegations in the Complaint, and the charges underlying the Complaint, were filed and made in bad faith, and for vexatious and improper purposes, including to infringe upon Respondent's rights and the operation of its business.

4. To the extent that the Complaint contains allegations that are beyond the scope of the charge(s), such allegations are barred.

5. The determination to issue the Complaint was made without affording Respondent adequate notice of the purported basis for the underlying Charge and/or a fair and equal opportunity to present evidence responding to the Charging Party's claims, and as a result without such notice or evidence, thus depriving Respondent of the due process to which it is entitled.

6. Respondent has acted at all times in good faith and in compliance with the Act and pursuant to its well-established rules and practices.

7. Respondent acted at all times in accordance with its lawful property and managerial

rights.

8. Respondent acted at all times in accordance with legitimate and sufficient business reasons and the same actions would have been taken absent any protected union activities.

9. The purported violations of Section 8(a)(1) alleged in Complaint are barred to the extent that they conflict with, are contrary to, and are precluded by the free speech rights Respondent has under Section 8(c) of the Act.

10. The purported violations of Sections 8(a)(1) alleged in the Complaint are barred to the extent that they conflict with, are contrary to, and are precluded by Section 10(c) of the Act.

11. None of the alleged violations of the Act are predicated upon conduct that could be found to have interfered with, restrained, or coerced any employees in the exercise of rights guaranteed in Section 7 of the Act.

12. The National Labor Relations Board is not empowered to substitute its judgment for Respondent's lawful operational and/or employment decisions.

13. Assuming, arguendo, any Complaint allegation is found to be a violation of the Act, a retroactive remedy would be a manifest injustice and denial of due process.

14. Any statement made by any of Respondent's supervisors and/or agents falls within the scope of Section 8(c) of the Act, and as such, neither constitutes nor can be used as evidence of an unfair labor practice.

15. To the extent any statement made by any Respondent's supervisor and/or agents was an incomplete or misstatement of law, neither constitutes nor can be used as evidence of an unfair labor practice.

16. The conduct alleged in the Complaint had a *de minimis* impact, if any, on rights guaranteed by Section 7 of the Act and thus no remedy exists that would further the purposes of

the Act.

17. The allegations in the Complaint are contrary to, precluded by, and violate the First Amendment rights of Respondent and/or the individual managers.

18. The General Counsel lacks the proper authority to issue and litigate the Complaint.

19. Insofar as this case comes before the Board, Members Gwynne Wilcox and David Prouty should recuse themselves based on their past, present, and perceived relationship with the Service Employees ("SEIU") International and Local Unions, and their affiliates, including the charging party Workers United.

20. The National Labor Relations Act, as interpreted and/or applied, violates the Respondent's rights under the U.S. Constitution.

21. The allegations in the Complaint are directly contrary to long-settled Board law, violate Respondent's Constitutional rights, and have a clear chilling effect on Respondent's constitutional and statutory rights to communicate with its partners about unions including without limitation their right to refrain from supporting any union.

22. Respondent reserves the right to amend, modify, revise and plead further any additional defenses, affirmative or otherwise, during the course of these proceedings.

WHEREFORE, Respondent Starbucks Corporation requests that an Order dismissing the Complaint in its entirety, with prejudice, be entered and that Respondent have such other and further relief to which it may be entitled.

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//

//

Dated: November 17, 2022

/s/ Ryan P. Hammond

Ryan P. Hammond
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Alyson D. Dieckman
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Attorneys for Starbucks Corporation

CERTIFICATE OF SERVICE:

I hereby certify that on the 17th day of November, 2022, a true and correct copy of the foregoing document was caused to be served on:

Ben Berger
Danielle Franco-Malone
Marina Multhaup
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Ronald K. Hooks, Regional Director
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By ☐ Hand ☐ Mail ☑ Email

/s/ Ryan P. Hammond
Ryan P. Hammond

4867-6032-1342.2 / 055187-2394

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 19

STARBUCKS CORPORATION

and **Case 19-CA-297282**

WORKERS UNITED LABOR UNION INTERNATIONAL, AFFILIATED WITH SERVICE EMPLOYEES INTERNATIONAL UNION

ORDER RESCHEDULING HEARING

IT IS HEREBY ORDERED that, due to the scheduling needs of the General Counsel, the hearing in the above-entitled matter is rescheduled from 9:00 AM on February 21, 2023, to 9:00 AM on **May 9, 2023,** in a location to be determined in Bellingham, Washington, or via the Zoom videoconference platform depending upon the circumstances of the COVID pandemic. The hearing will continue on consecutive days until concluded.

Dated at Seattle, Washington, this 16th day of December, 2022.

Ronald K. Hooks

Ronald K. Hooks, Regional Director
National Labor Relations Board, Region 19
915 2nd Ave., Ste. 2948
Seattle, WA 98174-1006

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 19

STARBUCKS CORPORATION **and** **WORKERS UNITED LABOR UNION INTERNATIONAL, AFFILIATED WITH SERVICE EMPLOYEES INTERNATIONAL UNION**	**Case 19-CA-297282**

AFFIDAVIT OF SERVICE OF ORDER RESCHEDULING HEARING

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on December 16, 2022**,** I served the above-entitled document(s) by **electronic service** upon the following persons, addressed to them at the following addresses:

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December 16, 2022
Date

Kristy Kennedy
Designated Agent of NLRB
Name

Kristy Kennedy
Signature

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 19

STARBUCKS CORPORATION

and

WORKERS UNITED LABOR UNION INTERNATIONAL, affiliated with SERVICE EMPLOYEES INTERNATIONAL UNION

Cases 19-CA-297282
19-CA-300224
19-CA-300352

ORDER CONSOLIDATING CASES, CONSOLIDATED COMPLAINT AND NOTICE OF HEARING

On November 3, 2022, a Complaint and Notice of Hearing issued in Case 19-CA-297282 based on a charge filed by Workers United Labor Union International, affiliated with Service Employees International Union (the "Union"), herein identified by its proper legal name, against Starbucks Corporation ("Respondent") alleging that Respondent engaged in unfair labor practices in violation of the National Labor Relations Act (the "Act"), 29 U.S.C. § 151 *et seq*. Pursuant to § 102.33 of the Rules and Regulations of the National Labor Relations Board (the "Board"), and to avoid unnecessary costs or delay, **IT IS ORDERED THAT** that case is consolidated with Cases 19-CA-300224 and 19-CA-300352, also filed by the Union, which allege that Respondent has engaged in further unfair labor practices within the meaning of the Act.

This Order Consolidating Cases, Consolidated Complaint and Notice of Hearing, which is based on these charges, is issued pursuant to § 10(b) of the Act and § 102.15 of the Board's Rules and Regulations, and alleges that Respondent has violated the Act as described below.

1.

(a) The charge in Case 19-CA-297282 was filed by the Union on June 8, 2022, and a copy was served on Respondent by U.S. mail on about the same date.

(b) The amended charge in Case 19-CA-297282 was filed by the Union on July 26, 2022, and a copy was served on Respondent by U.S. mail on about July 27, 2022.

(c) The charge in Case 19-CA-300224 was filed by the Union on July 26, 2022, and a copy was served on Respondent by U.S. mail on about July 27, 2022.

(d) The amended charge in Case 19-CA-300224 was filed by the Union on December 6, 2022, and a copy was served on Respondent by U.S. mail on about December 7, 2022.

(e) The charge in Case 19-CA-300352 was filed by the Union on July 28, 2022, and a copy was served on Respondent by U.S. mail on about July 29, 2022.

(f) The amended charge in Case 19-CA-300352 was filed by the Union on December 6, 2022, and a copy was served on Respondent by U.S. mail on about December 7, 2022.

2.

(a) At all material times, Respondent has been a Washington corporation headquartered in Seattle, Washington, and has been engaged in operating over 17,000 restaurants selling food and beverages throughout the United States, including stores in Bellingham, Washington, located at 4303 Guide Meridian (the “Guide Meridian store”) and 814 Iowa Street (the “Iowa Street store”).

(b) In conducting its operations described above in paragraph 2(a) during the last twelve (12) months, a representative period, Respondent derived gross revenues in excess of $500,000.

(c) In conducting its operations described above in paragraph 2(a) during the last twelve (12) months, a representative period, Respondent sold and shipped from the State of Washington goods valued in excess of $50,000 directly to points outside the State of Washington.

(d) At all material times, Respondent has been an employer engaged in commerce within the meaning of §§ 2(2), (6), and (7) of the Act.

3.

(a) At all material times, the Union has been a labor organization within the meaning of § 2(5) of the Act.

(b) At all material times, each joint board affiliate of the Union has been a labor organization within the meaning of § 2(5) of the Act.

4.

At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of § 2(11) of the Act and/or agents of Respondent within the meaning of § 2(13) of the Act, acting on Respondent's behalf:

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

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

5.

(a) The following employees of Respondent constitute units appropriate for the purposes of collective bargaining within the meaning of § 9(b) of the Act:

(i) All full-time and regular part-time baristas and shift supervisors employed by Respondent at its store located at 814 Iowa Street, Bellingham, Washington; but excluding all store managers, office clericals, confidential employees, managerial employees, and all other employees, professional employees, and guards and supervisors as defined in the Act (the "Iowa Street store Unit").

(ii) All full-time and regular part-time baristas and shift supervisors employed by Respondent at its store located at 4303 Guide Meridian, Bellingham, Washington; but excluding all store managers, office clericals, confidential employees, managerial employees, and all other employees, professional employees, and guards and supervisors as defined in the Act (the "Guide Meridian store Unit"); and

(b) On July 5, 2022, after a representation election, the Board certified the Union as the exclusive collective bargaining representative of the Iowa Street store Unit.

(c) On July 14, 2022, after a representation election, the Board certified the Union as the exclusive collective bargaining representative of the Guide Meridian store Unit.

(d) At all material times since about July 5, 2022, based on § 9(a) of the Act, the Union has been the exclusive collective bargaining representative of the Iowa Street store Unit.

(e) At all material times since about July 14, 2022, based on § 9(a) of the Act, the Union has been the exclusive collective bargaining representative of the Guide Meridian store Unit.

6.

In response to union organizing activity throughout its stores nationwide, including at neighboring stores to the Guide Meridian store, Respondent:

(a) by (b) (6), (b) (7)(C) at the Guide Meridian store in about (b) (6), (b) (7)(C) 2022, on a date better known to Respondent, asked its employees about changes they wanted to see in the Guide Meridian store and whether they were happy in their jobs;

(b) by (b) (6), (b) (7)(C) at the Guide Meridian store in about (b) (6), (b) (7) 2022, on a date better known to Respondent, invited the Guide Meridian store's employees to come share their concerns with (b) (6), (b) about what was going on at the Guide Meridian store and informed them that Respondent intended to fix these things as quickly as possible; and

(c) by (b) (6), (b) (7)(C) at the Guide Meridian store in about April (b) (6), (b) (7)(C) on the same date as the events described above in paragraph 6(b), informed the Guide Meridian store's employees that Respondent was developing a list of changes to make at the Guide Meridian store and solicited Guide Meridian store Unit employees' proposed additions to this list.

7.

In response to the Guide Meridian store's employees' (b) (6), (b) (7)(C) on (b) (6), (b) (7)(C) 2022, (b) (6), (b) (7)(C) at the Guide Meridian store, Respondent,

(a) by (b) (6), (b) (7)(C) at the Guide Meridian store on or about (b) (6), (b) (7)(C) 2022, told the Guide Meridian store's employees that Respondent wanted to do better so that the Guide Meridian store's employees did not want to "do this;"

(b) by (b) (6), (b) (7)(C) at the Guide Meridian store on or about (b) (6), (b) (7)(C) 2022, asked the Guide Meridian store's employees whether there were things the Guide Meridian store could work on that (b) (6), (b) (7)(C) could pass on to (b) (6), (b) (7)(C); and

(c) by (b) (6), (b) (7)(C) at the Guide Meridian store on or about (b) (6), (b) (7)(C), 2022, solicited the Guide Meridian store's employees' grievances and their proposed additions to a list of "(b) (6), (b) (7)(C) for the Guide Meridian store to accomplish within 30, 60, and 90 days.

8.

(a) On or around (b) (6), (b) (7)(C) 2022, Respondent, by (b) (6), (b) (7)(C) at the Guide Meridian store, announced that Respondent would soon be changing the Guide Meridian store's operating hours.

(b) In about (b) (6), (b) (7)(C) 2022, Respondent, by (b) (6), (b) (7)(C) at the Iowa Street store, announced that Respondent would soon be changing the Iowa Street store's operating hours.

(c) On or around August 8, 2022, Respondent implemented changes to its operating hours at the Guide Meridian store and to the hours of work of its employees in the Guide Meridian store Unit.

(d) On or around August 8, 2022, Respondent implemented changes to its operating hours at the Iowa Street store and to the hours of work of its employees in the Iowa Street store Unit.

(e) The subjects set forth above in paragraph 8(c) relate to wages, hours, and other terms and conditions of employment of the Guide Meridian store Unit and are mandatory subjects for the purposes of collective bargaining.

(f) The subjects set forth above in paragraph 8(d) relate to wages, hours, and other terms and conditions of employment of the Iowa Street store Unit and are mandatory subjects for the purposes of collective bargaining.

(g) Respondent engaged in the conduct described above in paragraphs 8(c) and 8(d) without prior notice to the Union and without affording the Union an opportunity to bargain with Respondent with respect to this conduct or the effects of this conduct, and without first bargaining with the Union to an overall good-faith impasse in collective-bargaining agreement negotiations for the Guide Meridian and Iowa Street stores.

(h) On or about July 26, 2022, the Union requested in writing that Respondent furnish it with information about its plans to change the Guide Meridian store's operating hours.

(i) On or about July 28, 2022, the Union requested in writing that Respondent furnish it with information about its plans to change the Iowa Street store's operating hours.

(j) The information requested by the Union, as described above in paragraph 8(h), is necessary for, and relevant to, the Union's performance of its duties as the exclusive collective-bargaining representative of the Guide Meridian store Unit.

(k) The information requested by the Union, as described above in paragraph 8(i), is necessary for, and relevant to, the Union's performance of its duties as the exclusive collective-bargaining representative of the Iowa Street store Unit.

(l) Since about July 26, 2022, Respondent has failed and refused to provide the Union with the information it requested, described above in paragraph 8(h).

(m) Since about July 28, 2022, Respondent has failed and refused to provide the Union with the information it requested, described above in paragraph 8(i).

9.

By the conduct described above in paragraphs 6 and 7, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in § 7 of the Act in violation of § 8(a)(1) of the Act.

10.

By the conduct described above in paragraph 8, Respondent has been failing and refusing to bargain collectively and in good faith with the exclusive collective-bargaining representative of its employees in violation of §§ 8(a)(1) and (5) of the Act.

11.

The unfair labor practices of Respondent described above affect commerce within the meaning of §§ 2(6) and (7) of the Act.

WHEREFORE, as part of the remedy for the unfair labor practice allegations alleged above, the General Counsel seeks an Order requiring that Respondent:

(a) bargain in good faith with the Union, on request, for the period required by *Mar-Jac Poultry Co.,* 136 NLRB 785 (1962), as the recognized bargaining representative of the Units;

(b) upon the Union's request, rescind or bargain over its decisions to change the operating hours of the Guide Meridian and Iowa Street stores and the Guide Meridian and Iowa Street Units' working hours;

(c) post the Board's Explanation of Employee Rights poster alongside the Notice to Employees issued in this case for a period of 90 consecutive days after the initial postings;

(d) electronically distribute the Notice to Employees and Explanation of Rights to all employees at the Guide Meridian store who are or have been employed by Respondent since January 31, 2022, by text messaging, e-mail, posting on social media websites, and posting on internal applications, including Partner Hub, if Respondent communicates with its employees by such means;

(e) electronically distribute the Notice to Employees and Explanation of Rights to all employees at the Iowa Street store who are or have been employed by Respondent since July 15, 2022, by text messaging, e-mail, posting on social media websites, and posting on internal applications, including Partner Hub, if Respondent communicates with its employees by such means;

(f) at meetings scheduled to ensure the widest possible attendance, have a responsible management official of Respondent read both the Notice to Employees and an Explanation of Rights to all employees employed by Respondent at the Guide Meridian and Iowa Street stores on work time in the presence of a Board agent and a representative of the Union, or have a Board agent read the Notice to Employees and Explanation of Rights to employees employed by Respondent at the Guide Meridian and Iowa Street stores on work time in the presence of a representative of the Union and a responsible management official of Respondent, and that video recordings of the readings of the Notice to Employees and the Explanation of Rights shall be made, with the recordings being distributed to employees by electronic means or by mail;

(g) schedule a mandatory 45-minute training session or sessions for the Store Managers and District Managers responsible for the Guide Meridian and Iowa Street stores, to be conducted via Zoom or similar platform by an Agent of the National Labor Relations Board, covering employee rights protected under the National Labor Relations Act;

(h) grant Board agents access to its facilities and produce records so that the Board agents can determine whether it has complied with posting, distribution, and mailing requirements; and

(i) grant the Union reasonable access to its bulletin boards and all places where notices to employees are customarily posted.

The General Counsel further seeks all other relief as may be just and proper to remedy the unfair labor practices alleged.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to §§ 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the Consolidated Complaint. The answer must be **received by this office on or before January 31, 2023.** Respondent must serve a copy of the answer on each of the other parties.

The answer must be filed electronically through the Agency's website. To file electronically, go to www.nlrb.gov, click on **E-File Documents,** enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period

of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. *See* § 102.21. If the answer is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the answer to a Complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the Consolidated Complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT**,** beginning at 9:00 a.m. on **the 9th day of May, 2023**, in a location to be determined in Bellingham, Washington, or via the Zoom videoconference platform, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this Consolidated Complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-

4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated at Seattle, Washington, this 17th day of January, 2023.

Ronald K. Hooks, Regional Director
National Labor Relations Board, Region 19
915 2nd Ave., Ste. 2948
Seattle, WA 98174

Attachments

Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative**. If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: www nlrb.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf.

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at www nlrb.gov, click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement. The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.

- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence**: At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.

- **Exhibits: Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered in evidence.** If a copy of any exhibit is not available when the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not

submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

- **Transcripts**: An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.

- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.

- **Date for Filing Post-Hearing Brief**: Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.

- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.

- **Exceptions to the ALJ's Decision**: The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.

FORM NLRB 4338
(6-90)

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

NOTICE

Cases 19-CA-297282, et al.

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements ***will not be granted*** unless good and sufficient grounds are shown ***and*** the following requirements are met:

(1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).

(2) Grounds must be set forth in ***detail***;

(3) Alternative dates for any rescheduled hearing must be given;

(4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and

(5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

E-Service

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FORM NLRB 4338
(6-90)

Howard Schultz, Interim CEO
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UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 19

STARBUCKS CORPORATION **and** **WORKERS UNITED LABOR UNION INTERNATIONAL, affiliated with SERVICE EMPLOYEES INTERNATIONAL UNION**	**Cases 19-CA-297282** **19-CA-300224** **19-CA-300352**

AFFIDAVIT OF SERVICE OF: Order Consolidating Cases, Consolidated Complaint and Notice of Hearing (with forms NLRB-4338 and NLRB-4668 attached)

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on January 17, 2023, I served the above-entitled document(s) by **electronic service,** as noted below, upon the following persons, addressed to them at the following addresses:

E-Service

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Yijee Jeong, Attorney
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January 17, 2023
Date

Kristy Kennedy
Designated Agent of NLRB
Name

Kristy Kennedy
Signature

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 19

STARBUCKS CORPORATION and WORKERS UNITED LABOR UNION INTERNATIONAL, affiliated with SERVICE EMPLOYEES INTERNATIONAL UNION	Case No. 19-CA-297282 19-CA-300224 19-CA-300352

ANSWER TO CONSOLIDATED COMPLAINT

Starbucks Corporation ("Respondent") hereby answers the Consolidated Complaint ("Complaint") dated January 17, 2023 and issued in the above-captioned matter as follows. To the extent any allegation below is not expressly admitted, Respondent denies same.

Unnumbered Paragraphs in the Complaint

On November 3, 2022, a Complaint and Notice of Hearing issued in Case 19-CA-297282 based on a charge filed by Workers United Labor Union International, affiliated with Service Employees International Union (the "Union"), herein identified by its proper legal name, against Starbucks Corporation ("Respondent") alleging that Respondent engaged in unfair labor practices in violation of the National Labor Relations Act (the "Act"), 29 U.S.C. § 151 *et seq*. Pursuant to § 102.33 of the Rules and Regulations of the National Labor Relations Board (the "Board") and to avoid unnecessary costs and delay, IT IS ORDERED THAT that case is consolidated with Cases 19-CA-300224 and 19-CA-300352, also filed by the Union, which allege that Respondent has engaged in further unfair labor practices within the meaning of the Act.

This Order Consolidating Cases, Consolidated Complaint and Notice of Hearing, which is

based on these charges, is issued pursuant to § 10(b) of the National Labor Relations Act ("the Act"), 19 U.S.C. § 151 et seq., and § 102.15 of the Board's Rules and Regulations, and alleges that Respondent has violated the Act as described below.

ANSWER: The unnumbered paragraphs contain legal conclusions for which no response is required. To the extent a response is required, Respondent denies the allegations, denies that it has violated the Act, and denies that this Order Consolidating Cases, Consolidated Complaint and Notice of Hearing was properly issued pursuant to Section 10(b) of the Act and § 102.15 of the Board's Rules and Regulations.

1.

(a) The charge in Case 19-CA-297282 was filed by the Union on June 8, 2022, and a copy was served on Respondent by U.S. mail on about the same date.

ANSWER: Respondent admits it received the charges identified in paragraph 1(a) of the Complaint but lacks the requisite knowledge to admit or deny the remaining allegations in this paragraph and therefore denies those allegations.

(b) The amended charge in Case 19-CA-297282 was filed by the Union on July 26, 2022, and a copy was served on Respondent by U.S. mail on about July 27, 2022.

ANSWER: Respondent admits it received the charges identified in paragraph 1(b) of the Complaint but lacks the requisite knowledge to admit or deny the remaining allegations in this paragraph and therefore denies those allegations.

(c) The charge in Case 19-CA-300224 was filed by the Union on July 26, 2022, and a copy was served on Respondent by U.S. mail on about July 27, 2022.

ANSWER: Respondent admits it received the charges identified in paragraph 1(c) of the Complaint but lacks the requisite knowledge to admit or deny the remaining allegations in this

paragraph and therefore denies those allegations.

(d) The amended charge in Case 19-CA-300224 was filed by the Union on December 6, 2022, and a copy was served on Respondent by U.S. mail on about December 7, 2022.

ANSWER: Respondent admits it received the charges identified in paragraph 1(d) of the Complaint but lacks the requisite knowledge to admit or deny the remaining allegations in this paragraph and therefore denies those allegations.

(e) The charge in Case 19-CA-300352 was filed by the Union on July 28, 2022, and a copy was served on Respondent by U.S. mail on about July 29, 2022.

ANSWER: Respondent admits it received the charges identified in paragraph 1(e) of the Complaint but lacks the requisite knowledge to admit or deny the remaining allegations in this paragraph and therefore denies those allegations.

(f) The amended charge in Case 19-CA-300352 was filed by the Union on December 6, 2022, and a copy was served on Respondent by U.S. mail on about December 7, 2022.

ANSWER: Respondent admits it received the charges identified in paragraph 1(f) of the Complaint but lacks the requisite knowledge to admit or deny the remaining allegations in this paragraph and therefore denies those allegations.

2.

(a) At all material times, Respondent has been a Washington corporation headquartered in Seattle, Washington, and has been engaged in operating over 17,000 restaurants selling food and beverages throughout the United States, including stores in Bellingham, Washington, located at 4303 Guide Meridian (the "Guide Meridian store") and 814 Iowa Street (the "Iowa Street store").

ANSWER: Respondent admits it has been a Washington corporation headquartered in Seattle, Washington and is engaged in operating retail stores selling food and beverages throughout

the United States. Respondent admits that it operated the Guide Meridian store and the Iowa Street store. Except a specifically admitted, Respondent denies each and every allegation.

(b) In conducting its operations described above in paragraph 2(a) during the last twelve (12) months, a representative period, Respondent derived gross revenues in excess of $500,000.

ANSWER: Respondent admits that, during the last 12 months, Respondent derived gross revenues in excess of $500,000. As to the allegation that the above was "a representative period," Respondent lacks the requisite knowledge to admit or deny the remaining allegations in this paragraph as "a representative period" is a vague term and therefore denies the allegation to that extent.

(c) In conducting its operations described above in paragraph 2(a) during the last twelve (12) months, a representative period, Respondent sold and shipped from the State of Washington goods valued in excess of $50,000 directly to points outside the State of Washington.

ANSWER: Respondent admits that, during the last 12 months, Respondent purchased and received goods in the State of Washington valued in excess of $50,000 directly from points located outside the State of Washington. As to the allegation that the above was "a representative period," Respondent lacks the requisite knowledge to admit or deny the remaining allegations in this paragraph as "a representative period" is a vague term and therefore denies the allegation to that extent.

(d) At all material times, Respondent has been an employer engaged in commerce within the meaning of §§ 2(2), (6), and (7) of the Act.

ANSWER: The allegations contained in paragraph 2(d) of the Complaint constitute legal conclusions and argument for which no answer is required. To the extent an answer is required, Respondent admits Respondent has been an employer engaged in commerce within the meaning

of §§ 2(2), (6), and (7) of the Act. As to the allegation that the above was true "at all material times," Respondent lacks the requisite knowledge to admit or deny the remaining allegations in this paragraph as "all material times" is a vague term and therefore denies the allegation to that extent.

3.

(a) At all material times, the Union has been a labor organization within the meaning of § 2(5) of the Act.

ANSWER: The allegations contained in paragraph 3(a) of the Complaint constitute legal conclusions and argument for which no answer is required. To the extent an answer is required, Respondent admits the Union has been a labor organization within the meaning of § 2(5) of the Act. As to the allegation that the above was true "at all material times," Respondent lacks the requisite knowledge to admit or deny the remaining allegations in this paragraph as "all material times" is a vague term and therefore denies the allegation to that extent.

(b) At all material times, each joint board affiliate of the Union has been a labor organization within the meaning of § 2(5) of the Act.

ANSWER: The allegations contained in paragraph 3(b) of the Complaint constitute legal conclusions and argument for which no answer is required. To the extent an answer is required, Respondent lacks the requisite knowledge to admit or deny the allegations in this paragraph and therefore denies the allegation.

4.

At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of § 2(11) of the Act and/or agents of Respondent within the meaning of § 2(13) of the Act, acting on Respondent's

behalf:

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

ANSWER: Respondent admits that, at certain times, (b) (6), (b) (7)(C) held the listed titles and have been supervisors of Respondent within the meaning of § 2(11) of the Act and/or agents of Respondent within the meaning of § 2(13) of the Act, acting on Respondent's behalf. As to the allegation that the above was true "at all material times," Respondent lacks the requisite knowledge to admit or deny the remaining allegations in this paragraph as "all material times" is a vague term and therefore denies the allegation to that extent. Respondent denies the overly broad allegations inferred by paragraph 4 of the Complaint that each and every action by these individuals was always as an agent and/or acted on Respondent's behalf. Except a specifically admitted, Respondent denies each and every allegation.

5.

(a) The following employees of Respondent constitute units appropriate for the purposes of collective bargaining within the meaning of § 9(b) of the Act:

> (i) All full-time and regular part-time baristas and shift supervisors employed by Respondent at its store located at 814 Iowa Street, Bellingham, Washington; but excluding all store managers, office clericals, confidential employees, managerial

employees, and all other employees, professional employees, and guards and supervisors as defined in the Act (the "Iowa Street store Unit").

ANSWER: Incorporating the answer to paragraph 2(a) herein, Respondent answers that the certified NLRB unit descriptions contained in the Certification of Representative at the Iowa Street store speaks for itself and does not require a legal answer. To the extent an answer is required, Respondent admits that the unit for the Iowa Street store was certified as a single-store unit. Except a specifically admitted, Respondent denies each and every allegation.

(ii) All full-time and regular part-time baristas and shift supervisors employed by Respondent at its store located at 4303 Guide Meridian, Bellingham, Washington; but excluding all store managers, office clericals, confidential employees, managerial employees, and all other employees, professional employees, and guards and supervisors as defined in the Act (the "Guide Meridian store Unit"); and

ANSWER: Incorporating the answer to paragraph 2(a) herein, Respondent answers that the certified NLRB unit descriptions contained in the Certification of Representative at the Guide Meridian store speaks for itself and does not require a legal answer. To the extent an answer is required, Respondent admits that the unit for the Guide Meridian store was certified as a single-store unit. Except a specifically admitted, Respondent denies each and every allegation.

(b) On July 5, 2022, after a representation election, the Board certified the Union as the exclusive collective bargaining representative of the Iowa Street store Unit.

ANSWER: Respondent admits that, on July 5, 2022, representation election was conducted among the employees in NLRB defined units as ultimately listed on the Certification of Representative. Respondent admits that on the date set forth above, the Union was certified as the exclusive collective bargaining representative of employees as defined on the Certification of Representative issued in the election. Except a specifically admitted, Respondent denies each and every allegation.

(c) On July 14, 2022, after a representation election, the Board certified the Union as the exclusive collective bargaining representative of the Guide Meridian store Unit.

ANSWER: Respondent admits that, on July 14, 2022, representation election was conducted among the employees in NLRB defined units as ultimately listed on the Certification of Representative. Respondent admits that on the date set forth above, the Union was certified as the exclusive collective bargaining representative of employees as defined on the Certification of Representative issued in the election. Except a specifically admitted, Respondent denies each and every allegation.

(d) At all material times since about July 5, 2022, based on § 9(a) of the Act, the Union has been the exclusive collective bargaining representative of the Iowa Street store Unit.

ANSWER: Respondent admits that from on or about July 5, 2022, the Union, pursuant to § 9(a) of the Act, was certified as the exclusive collective bargaining representative of the unit of all the full-time and regular part-time baristas and shift supervisors at the Iowa Street store. Except a specifically admitted, Respondent denies each and every allegation.

(e) At all material times since about July 14, 2022, based on § 9(a) of the Act, the Union has been the exclusive collective bargaining representative of the Guide Meridian store Unit.

ANSWER: Respondent admits that from on or about July 14, 2022, the Union, pursuant to § 9(a) of the Act, was certified as the exclusive collective bargaining representative of the unit of all the full-time and regular part-time baristas and shift supervisors at the Guide Meridian store. Except a specifically admitted, Respondent denies each and every allegation.

6.

In response to union organizing activity throughout its stores nationwide, including at neighboring stores to the Guide Meridian store, Respondent:

(a) by (b) (6), (b) (7)(C) [redacted] at the Guide Meridian store in about (b) (6), (b) (7)(C) [redacted] 2022, on a date better known to Respondent, asked its employees about

changes they wanted to see in the Guide Meridian store and whether they were happy in their jobs;

ANSWER: Respondent denies the allegations contained in paragraph 6(a) of the Complaint.

(b) by (b) (6), (b) (7)(C) at the Guide Meridian store in about (b) (6), (b) (7)(2022, on a date better known to Respondent, invited the Guide Meridian store's employees to come share their concerns with (b) (6), (about what was going on at the Guide Meridian store and informed them that Respondent intended to fix these things as quickly as possible; and

ANSWER: Respondent denies the allegations contained in paragraph 6(b) of the Complaint.

(c) by (b) (6), (b) (7)(C) at the Guide Meridian store in about (b) (6), (b) (7)(2022, on the same date as the events described above in paragraph 6(b), informed the Guide Meridian store's employees that Respondent was developing a list of changes to make at the Guide Meridian store and solicited Guide Meridian store Unit employees' proposed additions to this list.

ANSWER: Respondent denies the allegations contained in paragraph 6(c) of the Complaint.

7.

In response to the Guide Meridian store's employees' (b) (6), (b) (7)(C) on (b) (6), (b) (7)(C) 2022, (b) (6), (b) (7)(C) at the Guide Meridian store, Respondent,

(a) by (b) (6), (b) (7)(C) at the Guide Meridian store on or about (b) (6), (b) (7)(C) 2022, told the Guide Meridian store's employees that Respondent wanted to do better so that the Guide Meridian store's employees did not want to "do this;"

ANSWER: Respondent denies the allegations contained in paragraph 7(a) of the

Complaint.

(b) by (b) (6), (b) (7)(C) at the Guide Meridian store on or about (b) (6), (b) (7)(C) 2022, asked the Guide Meridian store's employees whether there were things the Guide Meridian store could work on that (b) (6), (b) (7)(C) could pass on to (b) (6), (b) (7)(C); and

ANSWER: Respondent denies the allegations contained in paragraph 7(b) of the Complaint.

(c) by (b) (6), (b) (7)(C) at the Guide Meridian store on or about (b) (6), (b) (7)(C) 2022, solicited the Guide Meridian store's employees' grievances and their proposed additions to a list of "Store Goals" for the Guide Meridian store to accomplish within 30, 60, and 90 days.

ANSWER: Respondent denies the allegations contained in paragraph 7(c) of the Complaint.

8.

(a) On or around (b) (6), (b) (7)(C) 2022, Respondent, by (b) (6), (b) (7)(C) at the Guide Meridian store, announced that Respondent would soon be changing the Guide Meridian store's operating hours.

ANSWER: Respondent admits the allegations contained in paragraph 8(a) of the Complaint. Respondent denies the Act restricted it in any way from making that change.

(b) In about (b) (6), (b) (7)(C) 2022, Respondent, by (b) (6), (b) (7)(C) at the Iowa Street store, announced that Respondent would soon be changing the Iowa Street store's operating hours.

ANSWER: Respondent admits the allegations contained in paragraph 8(b) of the Complaint. Respondent denies the Act restricted it in any way from making that change.

(c) On or around August 8, 2022, Respondent implemented changes to its operating hours

at the Guide Meridian store and to the hours of work of its employees in the Guide Meridian store Unit.

ANSWER: Respondent admits the allegations contained in paragraph 8(c) of the Complaint. Respondent denies the Act restricted it in any way from making that change.

(d) On or around August 8, 2022, Respondent implemented changes to its operating hours at the Iowa Street store and to the hours of work of its employees in the Iowa Street store Unit.

ANSWER: Respondent admits the allegations contained in paragraph 8(d) of the Complaint. Respondent denies the Act restricted it in any way from making that change.

(e) The subjects set forth above in paragraph 8(c) relate to wages, hours, and other terms and conditions of employment of the Guide Meridian store Unit and are mandatory subjects for the purposes of collective bargaining.

ANSWER: Respondent denies each and every allegation in paragraph 8(e). The changes to Hours of Operation ("HOO") were core entrepreneurial decisions, not subject to bargaining, which continued in line with Respondent's long-established past practice of altering store hours based on the business environment.

(f) The subjects set forth above in paragraph 8(d) relate to wages, hours, and other terms and conditions of employment of the Iowa Street store Unit and are mandatory subjects for the purposes of collective bargaining.

ANSWER: Respondent denies each and every allegation in paragraph 8(f). The changes to HOO were core entrepreneurial decisions, not subject to bargaining, which continued in line with Respondent's long-established past practice of altering store hours based on the business environment.

(g) Respondent engaged in the conduct described above in paragraphs 8(c) and 8(d) without

prior notice to the Union and without affording the Union an opportunity to bargain with Respondent with respect to this conduct or the effects of this conduct, and without first bargaining with the Union to an overall good-faith impasse in collective-bargaining agreement negotiations for the Guide Meridian and Iowa Street stores.

ANSWER: Respondent admits that it changed its HOO at the Guide Meridian store Unit and Iowa Street store Unit without notice to the Union or an opportunity to bargain. The changes to HOO were core entrepreneurial decisions, not subject to bargaining, which continued in line with Respondent's long-established past practice of altering store hours based on the business environment. Except as specifically admitted, Respondent denies each and every allegation in paragraph 8(g) of the Complaint.

(h) On or about July 26, 2022, the Union requested in writing that Respondent furnish it with information about its plans to change the Guide Meridian store's operating hours.

ANSWER: Respondent admits the allegations contained in paragraph 8(h) of the Complaint.

(i) On or about July 28, 2022, the Union requested in writing that Respondent furnish it with information about its plans to change the Iowa Street store's operating hours.

ANSWER: Respondent admits the allegations contained in paragraph 8(i) of the Complaint.

(j) The information requested by the Union, as described above in paragraph 8(h), is necessary for, and relevant to, the Union's performance of its duties as the exclusive collective-bargaining representative of the Guide Meridian store Unit.

ANSWER: Respondent denies each and every allegation contained in paragraph 8(j) of the Complaint.

(k) The information requested by the Union, as described above in paragraph 8(i), is necessary for, and relevant to, the Union's performance of its duties as the exclusive collective-bargaining representative of the Iowa Street store Unit.

ANSWER: Respondent denies each and every allegation contained in paragraph 8(k) of the Complaint.

(l) Since about July 26, 2022, Respondent has failed and refused to provide the Union with the information it requested, described above in paragraph 8(h).

ANSWER: On August 10, 2022, Respondent advised the Union of its longstanding practice of adjusting store hours based on a variety of business factors, including customer traffic patterns. Respondent advised the Union that the announced decision to adjust HOO at the Guide Meridian store Unit and Iowa Street store Unit did not involve a change in the dynamic status quo and thus was not subject to bargaining. Nevertheless, Respondent advised the Union that it would continue to bargain in good faith over the subject of hours of work and partner scheduling upon request in connection with the parties' bargain toward a new collective bargaining agreement. Respondent requested that the Union advise of dates and locations proposed for bargaining to the extent the Union was requesting to bargain over these or other subjects involving terms and conditions. Respondent also advised the Union that it would maintain the dynamic status quo while bargaining in good faith with the Union toward a collective bargaining agreement. Except as specifically admitted, Respondent denies each and every allegation of paragraph 8(l) of the Complaint.

(m) Since about July 28, 2022, Respondent has failed and refused to provide the Union with the information it requested, described above in paragraph 8(i).

ANSWER: On August 10, 2022, Respondent advised the Union of its longstanding

practice of adjusting store hours based on a variety of business factors, including customer traffic patterns. Respondent advised the Union that the announced decision to adjust HOO at the Guide Meridian store Unit and Iowa Street store Unit did not involve a change in the dynamic status quo and thus was not subject to bargaining. Nevertheless, Respondent advised the Union that it would continue to bargain in good faith over the subject of hours of work and partner scheduling upon request in connection with the parties' bargain toward a new collective bargaining agreement. Respondent requested that the Union advise of dates and locations proposed for bargaining to the extent the Union was requesting to bargain over these or other subjects involving terms and conditions. Respondent also advised the Union that it would maintain the dynamic status quo while bargaining in good faith with the Union toward a collective bargaining agreement. Except as specifically admitted, Respondent denies each and every allegation of paragraph 8(m) of the Complaint.

9.

By the conduct described above in paragraphs 6 and 7, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in § 7 of the Act in violation of § 8(a)(1) of the Act.

ANSWER: Respondent denies the allegations contained in paragraph 9 of the Complaint.

10.

By the conduct described above in paragraph 8, Respondent has been failing and refusing to bargain collectively and in good faith with the exclusive collective-bargaining representative of its employees in violation of §§ 8(a)(1) and (5) of the Act.

ANSWER: Respondent denies the allegations contained in paragraph 10 of the Complaint.

11.

The unfair labor practices of Respondent described above affect commerce within the meaning of §§ 2(6) and (7) of the Act.

ANSWER: Respondent denies the allegations contained in paragraph 11 of the Complaint.

WHEREFORE, as part of the remedy for the unfair labor practice allegations alleged above, the General Counsel seeks an Order requiring that Respondent:

(a) bargain in good faith with the Union, on request, for the period required by *Mar-Jac Poultry Co*., 136 NLRB 785 (1962), as the recognized bargaining representative of the Units;

(b) upon the Union's request, rescind or bargain over its decisions to change the operating hours of the Guide Meridian and Iowa Street stores and the Guide Meridian and Iowa Street Units' working hours;

(c) post the Board's Explanation of Employee Rights poster alongside the Notice to Employees issued in this case for a period of 90 consecutive days after the initial postings;

(d) electronically distribute the Notice to Employees and Explanation of Rights to all employees at the Guide Meridian store who are or have been employed by Respondent since January 31, 2022, by text messaging, e-mail, posting on social media websites, and posting on internal applications, including Partner Hub, if Respondent communicates with its employees by such means;

(e) electronically distribute the Notice to Employees and Explanation of Rights to all employees at the Iowa Street store who are or have been employed by Respondent since July 15, 2022, by text messaging, e-mail, posting on social media websites, and posting on internal applications, including Partner Hub, if Respondent communicates with its employees by such means;

(f) at meetings scheduled to ensure the widest possible attendance, have a responsible

management official of Respondent read both the Notice to Employees and an Explanation of Rights to all employees employed by Respondent at the Guide Meridian and Iowa Street stores on work time in the presence of a Board agent and a representative of the Union, or have a Board agent read the Notice to Employees and Explanation of Rights to employees employed by Respondent at the Guide Meridian and Iowa Street stores on work time in the presence of a representative of the Union and a responsible management official of Respondent, and that video recordings of the readings of the Notice to Employees and the Explanation of Rights shall be made, with the recordings being distributed to employees by electronic means or by mail;

(g) schedule a mandatory 45-minute training session or sessions for the Store Managers and District Managers responsible for the Guide Meridian and Iowa Street stores, to be conducted via Zoom or similar platform by an Agent of the National Labor Relations Board, covering employee rights protected under the National Labor Relations Act;

(h) grant Board agents access to its facilities and produce records so that the Board agents can determine whether it has complied with posting, distribution, and mailing requirements; and

(i) grant the Union reasonable access to its bulletin boards and all places where notices to employees are customarily posted.

The General Counsel further seeks all other relief as may be just and proper to remedy the unfair labor practices alleged.

ANSWER: Respondent denies each and every allegation in paragraph 11 of the Complaint. It further denies it has committed any unfair labor practices or that the General Counsel is entitled to any remedial Order, any special or extraordinary remedies sought in the Complaint, and/or to any other relief.

WHEREFORE, except as specifically admitted above, Respondent denies each and every allegation or request for relief in the Complaint.

AFFIRMATIVE AND OTHER DEFENSES

1. The allegations in the Complaint fail to state a claim upon which relief may be granted.

2. The Complaint allegations are impermissibly vague and ambiguous, and therefore are a denial of Starbucks due process rights under the Act and the U.S. Constitution.

3. The Complaint, and the charges underlying the Complaint, are frivolous and were filed and made in bad faith, and for vexatious and improper purposes, including to infringe upon Starbucks' statutory and constitutional rights and the operation of its business.

4. To the extent the Complaint contains allegations beyond the scope of the charges, or evidence offered at trial is not encompassed within the charges, as required in Section 10(b) of the Act, such allegations and/or evidence are barred.

5. The Complaint was issued without affording Respondent adequate notice of the purported basis for the underlying charges and/or a fair and equal opportunity to present evidence responding to the charges, thus depriving Respondent of the due process to which it is entitled under the Act and the U.S. Constitution.

6. The Complaint conflicts with, is contrary to, and is precluded by the free speech rights Starbucks has under Section 8(c) of the Act and the U.S. Constitution.

7. The allegations in the Complaint are directly contrary to settled Board law and have a clear chilling effect on Starbucks' constitutional and statutory rights to communicate with its partners about unions including without limitation their right to refrain from supporting any union.

8. Respondent has not, at any time, interfered with, restrained, or coerced employees in the exercise of their Section 7 rights under the Act.

9. Respondent has at all times acted in good faith, for legitimate non-discriminatory reasons, consistent with its rules and past practices, and in compliance with the Act and decisions interpreting the Act issued by the Board and federal courts.

10. Assuming, arguendo, any Complaint allegation is found to be a violation of the Act, a retroactive remedy would be a manifest injustice and denial of due process.

11. If any conduct alleged in the Complaint is found to be a violation of the Act, said conduct had a *de minimis* impact, if any, on rights guaranteed by Section 7 of the Act and thus no remedy exists that would further the purposes of the Act.

12. The General Counsel lacks the proper authority to issue and litigate the Complaint.

13. Insofar as this case comes before the Board, Members Gwynne Wilcox and David Prouty should recuse themselves based on their past, present, and perceived relationship with the Service Employees ("SEIU") International and Local Unions, and their affiliates, including the charging party Workers United and to the extent applicable and/or any of the alleged "parties in interest" listed in the caption.

14. The National Labor Relations Act, as interpreted and/or applied in this matter, is unconstitutional.

15. Any Complaint allegations outside the applicable statute of limitations or any evidence relating to conduct outside the applicable statute of limitations are time barred by Section 10(b) of the Act.

16. By virtue of its actions and inactions, the Region has exceeded or abused its authority under the U.S. Constitution and other laws in the investigation of the unfair labor practice charge(s) and issuance of the Complaint, including the denial of Respondent's due process.

17. Respondent learned of a whistleblower complaint by a career NLRB professional alleging election misconduct by Board personnel and the Union in Respondent's elections. The whistleblower complaint reflects significant bias in the processing of cases involving Respondent, including, but not limited to, violating the Section 7 rights of its partners and collaborating with the Union to affect the outcome of elections. This misconduct demonstrates a failure of the Board to maintain and protect the integrity and neutrality of its processes involving Respondent, impugns the impartiality the Board is statutorily required to maintain, and provides an additional basis for dismissing the Complaint.

18. By virtue of their actions, inactions, bias and/or conflicts of interest referenced in Affirmative Defense No. 17 above, the Board, and/or the General Counsel has failed to remain neutral in their investigation of the allegations in and pursuit of the Complaint, violated the Board's Rules and Regulations, abdicated its statutory duties, and have denied Respondent due process of law.

19. Respondent relied on the law as it exists and as it existed at the time of its actions.

20. Through this Complaint, the General Counsel is engaged in improper rulemaking in violation of the Administrative Procedures Act.

21. The Complaint, and the General Counsel's pursuit of same, violates Respondent's rights under the Seventh Amendment to United States Constitution, for it constitutes an improper assignment of the adjudication of claims to which Respondent has the right of a jury trial, to an administrative agency instead.

22. To the extent there is any finding of delay in bargaining, the Union is equally or more responsible for the delay than Respondent.

23. The Complaint and all claims therein are barred by the equitable doctrines of waiver, estoppel, and unclean hands.

24. Respondent reserves the right to amend, modify, revise, and plead further any additional defenses, affirmative or otherwise, during the course of these proceedings.

25. The Complaint, and the General Counsel's pursuit of same, violates Respondent's rights under the United States Constitution, because the National Labor Relations Board's method of appointing Administrative Law Judges violates the Appointments Clause of United States Constitution.

26. The Complaint, and the General Counsel's pursuit of same, constitutes an improper combination of investigatory, prosecutorial, and adjudicatory functions which violates the Respondent's due process rights under the United States Constitution.

27. The Complaint, and the General Counsel's pursuit of same, should be stayed pending the Supreme Court's issuance of decisions in *Securities and Exchange Commission v. Cochran*, Docket No. 21-1239 (oral argument held November 7, 2022) and *Axon Enterprise. Inc. v. Federal Trade Commission*, Docket No. 21-86 (oral argument held November 7, 2022).

WHEREFORE, Respondent Starbucks Corporation prays that an Order dismissing the Complaint in its entirety with prejudice be entered and that Respondent have such other and further relief to which it may be entitled.

Dated: January 30, 2023

Respectfully submitted,

/s/ Ryan P. Hammond

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Attorney for Respondent
Starbucks Corporation

CERTIFICATE OF SERVICE

I certify that Respondent Starbucks Corporation's Answer to Complaint in Case Nos. 19-CA-297282, 19-CA-300224, and 19-CA-300352 was electronically filed on January 30, 2023 through the Board's website, and served via Email, on the following:

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By ☐ Hand ☐ Mail ☑ Email

/s/Vicky Ramirez
Vicky Ramirez
4873-0974-3691.1 / 055187-1251