UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 12

STARBUCKS CORPORATION

and Case 12-CA-295949

WORKERS UNITED, SOUTHERN REGIONAL
JOINT BOARD a/w SERVICE EMPLOYEES
INTERNATIONAL UNION

COMPLAINT AND NOTICE OF HEARING

This Complaint and Notice of Hearing is based on a charge filed by Workers United, Southern Regional Joint Board a/w Service Employees International Union (the Union). It is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq., and Section 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 original charge in this proceeding was filed by the Union on May 17, 2022, and a copy was served on Respondent by U.S. mail on May 17, 2022.

(b) The first amended charge in this proceeding was filed by the Union on August 5, 2022, and a copy was served on Respondent by U.S. mail on August 5, 2022.

2.

(a) At all material times, Respondent has been a Washington corporation with its principal office and place of business in Seattle, Washington, and with stores located throughout the United States, including a store located at 19533 Highland Oaks Drive, Estero, Florida,

herein called Respondent's Estero store, and has been engaged in the operation of restaurants selling food and beverages.

(b) During the past 12 months, Respondent, in conducting its business operations described above in 2(a), derived gross revenues in excess of $500,000.

(c) During the past 12 months, Respondent, in conducting its business operations described above in 2(a), purchased and received at its stores located in the State of Florida, goods valued in excess of $50,000 directly from points outside the State of Florida.

(d) At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 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 Section 2(11) of the Act, and agents of Respondent within the meaning of Section 2(13) of the Act:

(b) (6), (b) (7)(C)	--	(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)	--	(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)	--	(b) (6), (b) (7)(C)
Howard Schultz	--	Chief Executive Officer

5.

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

All full-time and regular part-time Baristas and Shift Supervisors employed by Respondent at 19533 Highland Oaks Dr., Estero, Florida, Store #52053; excluding all Store Managers, office clerical employees, professional employees, guards, and supervisors as defined by the Act.

(b) From on or about on or about February 23, 2022, to on or about March 12, 2022, a majority of the Unit designated the Union as their exclusive collective-bargaining representative.

(c) On May 5 and May 6, 2022, the Union lost a secret ballot election that was conducted among the Unit employees in Case 12-RC-292669.

(d) On May 13, 2022, the Union filed timely objections to the election described above in paragraph 14(a).

6.

Respondent, by (b) (6), (b) (7)(C), at its Estero store:

(a) On or about February 25, 2022, Respondent, interrogated employees about their union activities and sympathies.

(b) On or about dates in late February or March 2022, more precise dates being presently unknown to the undersigned, prohibited employees from posting union literature in the back room of its Estero store, notwithstanding that Respondent permitted the posting of other documents that were not related to work in the back room of its Estero store.

(c) On or about dates in March and April, 2022, threatened employees with loss of work opportunities, loss of benefits, and loss of the right to transfer to other stores if they selected the Union as their collective-bargaining representative.

(d) On or about a date in early April 2022, a more precise date being presently unknown to the undersigned, interrogated employees about their union activities and sympathies.

(e) On or about dates in March, April, and early May 2022, more precise dates being presently unknown to the undersigned, required employees to attend meetings, including Partner

Development meetings and Connection meetings, to listen to Respondent state its views opposing unions and opposing the Union.

7.

On or about dates in April, and early May 2022, more precise dates being presently unknown to the undersigned, Respondent, by (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C), required employees to attend meetings, including Partner Development meetings and Connection meetings, to listen to Respondent state its views opposing unions and opposing the Union.

8.

On or about April 19, 2022, Respondent, by (b) (6), (b) (7)(C), at its Estero store, interrogated employees about their union activities and sympathies.

9.

On or about April 20, 2022, Respondent, by (b) (6), (b) (7)(C), at its Estero store:

(a) Interrogated employees about their union activities and sympathies.

(b) Created the impression among its employees that its employees' union activities were under surveillance by Respondent.

(c) Solicited grievances from employees and impliedly promised to remedy the grievances to induce employees to abandon their support for the Union.

(d) Threatened employees with the loss of wages and benefits if they selected the Union as their collective-bargaining representative.

(e) Told employees that it would be futile for them to select the Union as their collective-bargaining representative.

10.

On or about a date in early May 2022, a more precise date being presently unknown to the undersigned, Respondent, by (b) (6), (b) (7)(C), at its Estero store, threatened employees with halting or delaying the granting of improved wages and benefits if they voted for the Union.

11.

On or about May 3, 2022, Respondent, by (b) (6), (b) (7)(C), at its Estero store, promised employees improved wages and benefits if they voted against union representation.

12.

On or about May 5, 2022, Respondent, by (b) (6), (b) (7)(C), (b) (6), (b) (7)(C), and (b) (6), (b) (7)(C), engaged in closer than normal supervision of employees in order to discourage them from voting for the Union.

13.

(a) On or about (b) (6), (b) (7)(C), 2022, Respondent discharged its employee, (b) (6), (b) (7)(C).

(b) Respondent engaged in the conduct described above in paragraph 13(a) because (b) (6), (b) (7)(C) formed, assisted and supported the Union, and to discourage employees from engaging in these or other concerted activities.

14.

The serious and substantial unfair labor practices by Respondent described above in paragraphs 6(a) through 6(e), 7, 8, 9(a) through 9(e), 10, 11, 12, 13(a), and 13(b) are such that there is only a slight possibility of traditional remedies erasing the effects of these unfair labor practices and of conducting a fair rerun election. Therefore, on balance, the employees' sentiments regarding representation, having been expressed through authorization cards would, on balance, be protected better by issuance of a bargaining order requiring Respondent to

recognize and bargain with the Union as the exclusive collective-bargaining representative of the Unit, than by traditional remedies alone. The issuance of a remedial bargaining order is supported by, among other things:

(a) (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) are (b) (6), (b) (7) supervisors and are directly responsible for the discriminatory conduct described above in paragraphs 7, 8, 9(a) through 9(e), 11, 12, 13(a), and 13(b).

(b) The unlawful conduct described above has not been retracted.

(c) The unlawful conduct described above was immediately directed at the entire Unit and the entire Unit learned or was likely to learn of this conduct.

(d) The unlawful conduct described above followed immediately after Respondent learned about the Union's organizing campaign.

(e) The employee described above in paragraphs 13(a) and 13(b) was a leading organizer for the Union.

15.

By the conduct described above in paragraphs 6(a) through 6(e), 7, 8, 9(a) through 9(e), 10, 11, and 12, Respondent has been interfering with, restraining and coercing employees in the exercise of rights guaranteed in Section 7 of the Act, in violation of Section 8(a)(1) of the Act.

16.

By the conduct described above in paragraphs 13(a) and 13(b), Respondent has been discriminating in regard to the hire or tenure or terms or conditions of employment of its employees, thereby discouraging membership in a labor organization, in violation of Section 8(a)(1) and (3) of the Act.

17.

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

REMEDIES SOUGHT

As part of the remedy for Respondent's unfair labor practices alleged above, General Counsel seeks an Order requiring Respondent to:

(a) Recognize and bargain with the Union as the exclusive collective-bargaining representative of the employees employed by Respondent in the Unit, pursuant to *NLRB v. Gissel Packing Co.*, 395 U.S. 575 (1969), retroactive to on or about March 12, 2022, when the Union had attained majority status based on signed union authorization cards and Respondent had embarked on a clear course of unlawful conduct to undermine the Union's majority status.

(b) Electronically post the Notice to Employees in English and Spanish, in addition to physical posting of the Notice in English and Spanish, if Respondent customarily communicates with Unit employees by electronic means such as electronic bulletin board, e-mail, text message, website, and/or intranet site.

(c) Read the Notice to Employees and an Explanation of Rights at a meeting or meetings scheduled to ensure the widest possible attendance of the employees of Respondent employed at its Estero store, with the reading to be done by (b) (6), (b) (7)(C) responsible for the Estero store during the employees' paid work time in the presence of a Board agent, a representative of the Union, (b) (6), (b) (7)(C), and (b) (6), (b) (7)(C) of the Estero store. Alternatively, the General Counsel seeks an order requiring that Respondent promptly convene such a meeting or meetings with the same attendees, on the employees' paid work time, at which a Board agent shall read the Notice to Employees and Explanation of Rights.

(d) Permit an agent or agents of Region 12 of the Board to conduct mutually exclusive and separate training sessions regarding employee rights under the Act for (1) Respondent's (b) (6), (b) (7)(C) and (b) (6), (b) (7) responsible for its Estero store, and (2) Respondent's nonsupervisory employees employed at its Estero store, during paid work time, at times and dates intended to permit the widest possible attendance by each of the respective separate audiences, with the times, dates, and places of the training sessions to be approved by the Regional Director of Region 12 of the Board.

(e) Send a letter on Respondent's letterhead that has been signed by its District Manager responsible for its Estero store, by electronic mail and U.S. mail to (b) (6), (b) (7)(C) informing (b) (6), (b) that all references to (b) (6), discharge by Respondent have been removed from Respondent's files, that the discharge will not be used against (b) (6), (b) in any way, and that Respondent apologizes to (b) (6), (b) for any hardship or distress caused by the discharge, and assures (b) (6), (b) that Respondent will respect the rights of employees to join and assist unions.

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

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The filed answer must be **received by this office on or before 11:59 p.m. on January 31, 2023.** Respondent also must serve a copy of the answer on each of the other parties.

Pursuant to Section 102.5(c) of the Board's Rules and Regulations, the answer must be filed electronically through the Agency's website unless Respondent is unable to file electronically, and accompanies the filing of its answer in paper format with a statement

explaining why it does not have access to the means for filing electronically or why filing electronically would impose an undue burden. 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 Section 102.21. If the answer being filed electronically 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 electronic version of an 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 on **April 18, 2023**, at **9:30 a.m., at a location to be determined in the vicinity of Fort Myers, Florida,** 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: January 17, 2023.

David Cohen

David Cohen, Regional Director
National Labor Relations Board, Region 12
201 E. Kennedy Blvd., Suite 530
Tampa, Florida 33602-5824

Attachments

FORM NLRB 4338
(6-90)

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

NOTICE

Case 12-CA-295949

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.

(b) (6), (b) (7)(C)
Starbucks Corporation
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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.