

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

STARBUCKS CORPORATION

and

**Cases 19-CA-295014
19-CA-295015**

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

**ORDER CONSOLIDATING CASES, CONSOLIDATED
COMPLAINT AND NOTICE OF HEARING**

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 Cases 19-CA-295014 and 19-CA-295015, which are based on charges against Starbucks Corporation (“Respondent”) filed by Workers United Labor Union International, affiliated with Service Employees International Union (the “Union”), herein identified by its proper legal name, are consolidated.

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”), 29 U.S.C. § 151 *et seq.*, and § 102.15 of the Board’s Rules and Regulations, and alleges Respondent has violated the Act as described below.

1.

(a) The initial charge in Case 19-CA-295014 was filed by the Union on April 29, 2022, and a copy was served on Respondent by U.S. mail on about May 2, 2022.

(b) The first amended charge in Case 19-CA-295014 was filed by the Union on June 8, 2022, and a copy was served on Respondent by U.S. mail on about June 9, 2022.

(c) The second amended charge in 19-CA-295014 was filed by the Union on September 28, 2022, and a copy was served on Respondent by U.S. mail on about September 29, 2022.

(d) The initial charge in Case 19-CA-295015 was filed by the Union on April 29, 2022, and a copy was served on Respondent by U.S. mail on about May 2, 2022.

(e) The first amended charge in Case 19-CA-295015 was filed by the Union on June 8, 2022, and a copy was served on Respondent by U.S. mail on about June 9, 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 27299 and 3409 in Eugene, Oregon.

(b) In conducting its operations described above in paragraph 2(a), during the last 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 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:

- Casey Walsh – Regional Director
- Donnay Cherry – District Manager
- Thomas Finley – District Manager
- Rani Passey – District Manager
- Danielle Sylvia – Store Manager, Store 3409
- Caitlin Muller – Store Manager, Store 27299
- Valerie _____ – Store Manager, Store 3409

5.

Respondent, by the individuals named below on the dates and at the locations opposite their names, has been holding mandatory or effectively mandatory captive-audience meetings for employees to discourage union activity:

| | Agent | Date | Location |
|-----|--|---|-----------------|
| (a) | Store Manager Sylvia and Store Manager Valerie _____ | Late January or early February 2022, the exact dates better known to Respondent | Store 3409 |

| | | | |
|-----|--|--|-------------|
| (b) | Regional Manager Walsh and Store Manager Muller | February 7, 2022 | Store 27299 |
| (c) | District Manager Cherry and Store Manager Muller | March 1, 2022 | Store 27299 |
| (d) | District Manager Cherry and Store Manager Muller | Sometime between January 31 and April 23, 2022, the exact dates better known to Respondent | Store 27299 |

6.

Respondent, by the individuals named below on the dates and at the locations opposite their names, threatened its employees with the loss of a direct relationship with management if they selected the Union as their bargaining representative:

| | Agent | Date | Location |
|-----|--|--|-----------------|
| (a) | Store Manager Sylvia and Store Manager Valerie _____ | Late January or early February 2022, the exact dates better known to Respondent | Store 3409 |
| (b) | Regional Manager Walsh and Store Manager Muller | February 7, 2022 | Store 27299 |
| (c) | District Manager Cherry and Store Manager Muller | March 1, 2022 | Store 27299 |
| (d) | District Manager Cherry and Store Manager Muller | Sometime between January 31 and April 23, 2022, the exact dates better known to Respondent | Store 27299 |

7.

On an exact date in about late January or early February 2022, better known to Respondent, Respondent, by Store Manager Valerie _____ at Store 3409, solicited employee complaints and grievances and made implied promises to remedy those grievances by:

(a) asking employees what they would change about the store if they could and what they like about the store; and

(b) asking employees if communication is missing in the Store and informing employees that Respondent could fix communication on its own.

8.

(a) On or about February 7, 2022, Respondent, by Regional Manager Walsh and Store Manager Muller at Store 27299, threatened its employees with the loss of a benefit by informing employees that the Store Manager was concerned she would not be able to assist on the floor with employees if they formed a union.

(b) On a date during about the week of February 7, 2022, better known to Respondent, Respondent, by District Manager Cherry and Store Manager Muller at Store 27299, threatened its employees with the loss of a benefit by informing employees that the Store Manager was concerned she would not be able to assist on the floor with employees if they formed a union.

9.

Sometime between January 31 and April 23, 2022, an exact date better known to Respondent, Respondent, by Store Manager Muller at Store 27299, threatened employees by telling them that non-disciplinary coaching would become more stringent.

10.

At all material times, Respondent has maintained the following dress code policy:

General Appearance, Colors and Materials

...

Clothing colors must fall within a general color palette that includes white (for tops only), black, gray, navy blue, brown, or khaki (tan). Other colors are allowed as a small accent on shoes or for accessories (ties, scarves, socks, etc.)

Shirts, Sweaters and Jackets

Shirts must be clean, wrinkle-free, and in a style appropriate for food service that allows freedom of movement but does not present a safety hazard. Shirts must cover the mid-section when arms are raised. Sleeves must cover the armpits. Sweatshirts and hooded shirts are not acceptable.

Shirts may have a small manufacturer's logo, but must not have other logos, writings or graphics. The base shirt color must be within the color palette (black, gray, navy blue, brown, khaki or white). These same colors may be the base color for a subdued, muted pattern. Starbucks®-issued promotional shirts may be worn for events or when still relevant for product marketing.

Solid-color sweaters or jackets within the color palette may be worn. Other than a small manufacturer's logo, outerwear must not have logos or writings. Starbuckscoffee.com offers reasonably priced, dress-code approved shirts for sale. Partners can also check the site for information on retail clothing discounts through vendor partnerships.

11.

(a) Since on or about January 24, 2022, Respondent, by Store Manager Muller, District Manager Finley, and District Manager Passey at Store 27299, enforced the rule described above in paragraph 10 selectively and disparately by enforcing its dress code more strictly against employees who supported the Union and/or by prohibiting Union logos while permitting non-union logos.

(b) On or about April 28, 2022, Respondent issued corrective action in the form of a verbal coaching to its employee Lauren Katz at Store 27299, as part of its selective and disparate enforcement of the dress code set forth above in paragraph 10.

(c) On or about May 4, 2022, Respondent issued corrective actions in the form of documented coachings to its employees Ian Meagher and Jessica Jaszewski at Store 27299, as part of its selective and disparate enforcement of the dress code set forth above in paragraph 10.

(d) Respondent engaged in the conduct described above in paragraphs 11(a)-11(c) because its employees formed, joined, or assisted the Union and engaged in concerted activities and to discourage employees from engaging in these activities.

12.

By the conduct described above in paragraphs 5 through 9, and 11, 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.

13.

By the conduct described above in paragraph 11, Respondent has been discriminating in regard to the hire or tenure or terms and conditions of employment of its employees, thereby discouraging membership in a labor organization in violation of §§ 8(a)(1) and (3) of the Act.

14.

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 Respondent to:

(a) electronically distribute any Notice to Employees and Explanation of Rights to all employees who are or have been employed by Respondent at Stores 27299 and 3409, in Eugene, Oregon (“Eugene Stores”), since February 7, 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;

(b) at a meeting or 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 Eugene 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 an Explanation of Rights to employees employed by Respondent at the Eugene Stores on work time in the presence of a representative of the Union and a responsible management official of Respondent;

(c) conduct a training session for its managers and supervisors on their obligations under the National Labor Relations Act;

(d) compensate employees for any wages lost due to Respondent’s selective and disparate enforcement of the dress code as set forth herein; and

(e) issue a letter of apology to Ian Meagher, Jessica Jaszewski, and Lauren Katz for having issued verbal and/or documented coachings/disciplines to them because they engaged in Union activities, and notifying them that Respondent will take

the necessary steps to ensure that the rights of all employees to engage in union and protected, concerted activities are respected.

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 November 17, 2022**. Respondent also 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.nlr.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. 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 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 Consolidated Complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT, beginning at 9:00 a.m. local time on the **21st day of February, 2023**, and on consecutive days thereafter until concluded, at a location and by a means and method to be determined in either Eugene, Oregon, or via the Zoom videoconference platform, 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 3rd day of November, 2022.



Ronald K. Hooks, Regional Director
National Labor Relations Board, Region 19
915 Second 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.nlr.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.nlr.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.

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE

Cases 19-CA-295014 and 19-CA-295015

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)

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