

**Michelle Eisen**  
**House Committee on Labor and Education Testimony**  
**In Solidarity: Removing Barriers to Organizing**  
**September 14, 2022**

Chairman Scott, Ranking Member Foxx, and members of the Committee, thank you for the opportunity to testify today. My name is Michelle Eisen and I am a Barista at the Starbucks on Elmwood Avenue in Buffalo, NY, the first Starbucks to unionize.

I began my career with Starbucks in August of 2010. I needed a part time job that would provide me with health benefits and complement my other career as a theatrical stage manager. Starbucks offered both of those things as well as the opportunity to work for a company that had a reputation of being progressive, caring about their communities, and most importantly taking care of their employees. And for a time, I felt that to be true. Unfortunately, over the last several years things began to shift within the company. The cost of benefits increased, while the coverage decreased, and wages did not keep up. Other benefits were completely taken away without warning or explanation. The clearest difference was an overall decline in everyday working conditions on the floors of the cafes. This decline became drastic during the Covid 19 pandemic, when Starbucks boasted record profits but simply treated us, their workers as disposable. This all led to me nearly leaving the company that I had devoted over a decade of my life to. But then I was presented with the opportunity to try to unionize my store.

The company's response to our organizing campaign was not at all what I was expecting. I realize now how naïve I was, but I honestly believed that Starbucks was at heart the progressive company it proclaimed itself to be. We were simply expressing a desire for reasonable improvements in working conditions, particularly when it came to our health and safety, and the only way to accomplish that was to have a real voice in the company policies that affected us. We believed this aligned with Starbucks' own mission and values, and would ultimately make the company better.

Within two weeks of us filing our first petitions with the NLRB, the company shut down two stores it perceived had strong union support, one permanently and the other for months. They also quickly shipped in over a hundred out of town managers and upper level corporate to infiltrate our cafes, surveil and intimidate workers, and close our stores in order to hold anti-union meetings, which workers had to attend in order to get paid. They went from promising us the world if we voted no, to threatening our benefits if we voted to unionize. And when that didn't work and we were able to win our union anyway, they started to discipline us, then fire us, then fire us en masse. Then they permanently closed our stores, then they permanently closed our stores en masse. As our campaign moved from Buffalo to a national scale, so did Starbucks' union busting. And this behavior has only increased ten- fold since the return of Howard Schultz as interim CEO in April of this year. Starbucks has fired over 100 union leaders and supporters to date, many just in the previous weeks.

Starbucks has no regard for our legal rights, and it will never stop on its own. In the last year, the Union has filed over 350 Unfair Labor Practice charges against Starbucks with the NLRB. The NLRB has so far issued administrative Complaints against Starbucks for almost 100

ULP charges, alleging over 600 legal violations. Some of those alleged violations affected every Starbucks worker in the country. And Starbucks workers are not alone in this struggle. Workers involved in other large organizing efforts at places like Amazon, Chipotle, Trader Joes and Apple have also faced very similar union busting from their companies.

Despite this overwhelming negative response from Starbucks, we have found ourselves at the forefront of a new labor movement. Over 6,300 Starbucks workers have unionized at over 237 locations across the U.S. so far. But those victories are due entirely to the courage of those workers in the face of this abusive conduct by the company. It should not take an act of bravery to ensure that you have a voice at work.

What we want is for Starbucks to recognize our desire to organize, which the NLRA explicitly says is our right, for Starbucks to stop mistreating the workers it claims to care about, and to fulfill its legal duty to come to the table and negotiate with us in good faith. We are tired of the relentless abuse and delay tactics. We are tired of fighting a company that can afford to do better by its hourly workers. We are tired of listening to billionaire CEOs take sole credit for the billions of dollars of profit made off our labor. We are tired of watching Starbucks continue to violate workers' rights, knowing the law will fail to offer meaningful punishment. And most of all we are tired of fighting Howard Schultz's ego.

We need people in power to call Starbucks out for their repulsive behavior, because worker rights are human rights. We need labor law reform like the PRO Act, so that these laws actually work for the people they were put in place to protect. We need better funding for the NLRB, so that the agency has the resources it needs to enforce the law. We need you to stand with us as the American labor movement does what it always has: fight for a future that is just and works for all of us.

Thank you and I look forward to taking your questions.

### **Starbucks' Unfair Labor Practices in Buffalo**

When Starbucks began its anti-union campaign in Buffalo, it engaged in a variety of ULPs throughout the area, some of which acted as a template for the company's continued violations of the law nationally. I relate my personal experience with the company's conduct here, all of which has been submitted to the NLRB in Case Nos. 03-CA-285671 et al.

The organizing committee went public with its organizing campaign on Monday, August 23. This letter, among other things, asked Starbucks to abide by fair election principles. I believe that Starbucks became aware of our organizing campaign on either the evening of Saturday, August 21 or the morning of Sunday, August 22. The Committee never received any response from Johnson to this letter or acknowledgment that this letter had been received. The Committee also activated its Twitter, Instagram, and Facebook accounts on August 23.

I worked at the Elmwood store on August 23. Store Manager Patty Shanley typically spends most of each Monday categorized as being on administrative time to handle payroll and

other administrative tasks. On August 23, Shanley spent most of the day on her computer with headphones in. I could not hear what she was doing or listening to because Shanley was wearing headphones. I learned from an employee at another store that the Store Managers in the Buffalo area were called into an emergency Zoom meeting to discuss the organizing drive. My understanding is that this employee's Store Manager was not wearing headphones and, when the employee came within earshot, the employee could tell that this was the purpose of the meeting.

The same week that we announced our organizing drive, our District Manager, David Lafrois, showed up at the Elmwood store several times. This was the first time I had seen Lafrois in the Elmwood store in a while. In fact, I cannot remember the last time I had seen him in the store before that week. Lafrois did not talk to me about the organizing drive. I did not see Lafrois talk to any other employees about the organizing drive.

On August 25, Starbucks announced that it was going to hold "listening sessions." As I will describe below, these were not sessions for Starbucks's representative to listen to us, but a method for them to provide us with anti-union talking points. I use the term "listening session" in this testimony because that is what Starbucks called these meetings. The first listening sessions were held on September 2 and September 3. Two were held each day, with all meetings taking place at Starbucks's store located on Main Street in Williamsville. I was not able to attend any of these sessions. My understanding, based on conversations with employees that attended these sessions, is that the Union was not mentioned. These first two listening sessions were not broken down by store location; in other words, any employee from a store in the Buffalo area could attend any one of these meetings. After these meetings, Starbucks's next listening sessions were broken down by store location.

Our petitions for elections at three stores, including the Elmwood store, were filed with the NLRB on August 30.

I was not scheduled to work on Saturday, September 4, but I came into the Elmwood store as a customer that morning. When I arrived, the store was very busy. This was not unusual. The store is located less than a block away from a large farmer's market that takes place each Saturday and the neighborhood in which the store is located is otherwise very busy on Saturdays. The store was not unreasonably busy and, although customers may have had to wait a few minutes longer for their orders than they would have on a less busy day, it did not seem as though any customers were upset by this. This was the first time I witnessed Rossann Williams, Allyson Peck, and Deanna Pusatier in the Elmwood store. Williams is Starbucks' President of North America. Peck is a Regional Vice President. Pusatier is the Regional Director of the Buffalo-area stores. Pusatier is new to her position as our Regional Director. Williams was handing out gift cards to the customers who were waiting and apologizing to them for how long they had to wait. Even though I was not working, I thought that was insulting. As I said, the store was not unreasonably slow in fulfilling customers' orders that day. When I talked about this with several other coworkers, they told me that they were also insulted by Williams doing this.

Prior to announcing our organizing drive, I had never seen Williams or any management official at her level visit a store in which I was working. Peck has been with Starbucks for less

than two years. Prior to our organizing drive, I had seen Peck in person once, shortly after we reopened in 2020 after the onset of the COVID-19 pandemic. She visited our store to congratulate us on our high Customer Connection Scores after reopening. In my 11 years with Starbucks, which includes time in stores in Hawaii, I have seen a Regional Director visit a store in which I am working approximately three times.

The Elmwood store has a large, carpeted meeting room in the back of the store. My understanding is that this room was originally conceived by a District Manager to have district-wide meetings with Store Managers. However, that District Manager left before the room was completed, and the next District Manager decided to use hotel conference rooms for districtwide meetings. Over time, the employees at the Elmwood store have turned the room into a mix of breakroom and supply storage area. The carpet has become a little worn and dirty, but it was not something that employees had complaints about. Once the Union organizing drive started, Starbucks decided that the carpet needed to be removed. During the week of Labor Day, we were unable to use that room while the carpet was being removed. We were originally told that this would take 24 hours, but it took virtually the entire week of Labor Day. I remember this because on Friday, September 10, we received our large order for the week. We would usually put some of the boxes from that order in the carpeted room, but we could not because the room was not finished.

On September 8, Starbucks sent out a letter saying that Lafrois had left Starbucks. The letter thanked Lafrois for his years of service and was framed as though Lafrois had left voluntarily. It is my belief, based on the timing of this announcement and the comments made in several listening sessions that I attended, that Lafrois was fired by Starbucks because of our organizing drive. Shelby Young was th District Manager of the other district in the Buffalo area, but she was “reassigned” around the same time that Lafrois was let go. I believe Young was reassigned, like Lafrois, because she had not done enough to stop our organizing drive from happening.

The first listening session that I attended was held on September 10. This meeting was held at the Courtyard Marriott near the Buffalo airport. Employees at the Elmwood store were given the option of showing up for a meeting on September 9 or September 10. It was up to the individual employee which meeting they attended. Attendance was either mandatory or effectively mandatory, since workers were told to come, their stores were shut down, and the only way they could get paid was to attend the meeting. This meeting was supposed to be held from 4:00 p.m. – 5:00 p.m. When I and several other employees arrived for the meeting, however, it became clear that the Starbucks officials holding the meetings had forgotten it was scheduled for that time. The three management officials present were Peck, Williams, and Pusatier. They were surprised to see us when we came into the hotel for the meeting. There were about seven employees present for this meeting, including me. The meeting lasted about an hour. I recorded this meeting using my Apple watch.

Shortly after the organizing drive went public, Starbucks brought in “support managers” to work in the Elmwood store. I do not remember the exact date that I saw a support manager in the Elmwood store. At first we had two support managers: Dustin Taylor and Matt. Taylor is a Store Manager in Georgia. Matt is a Store Manager in Boston. After some time, the Elmwood

store was assigned two additional support managers. During the listening sessions, we were informed that the support managers were brought in to support our Store Manager, Shanley, who Starbucks said was falling short of expectations. I and several other employees repeatedly told Starbucks officials during these listening sessions that Shanley was terrific and that our issues with Starbucks were not related to her performance.

The clear purpose of the support partners is to intimidate and watch the employees during the organizing drive. As I stated above, I usually start my workday at 5:00 a.m. with another employee. Matt is usually in the store from 7:00 a.m. – 3:00 p.m., and Dustin usually covers the later portion of the day, until the store closes. There has been at least one support manager at the Elmwood store for every single shift that I have worked since they were first assigned to the store. These support managers do not appear on the original version of our schedule; they will usually scribble their name and hours worked on the Daily Coverage Report (“DCR”). When this happens, the shift supervisor has to try and figure out where to schedule the support manager. Some of the support managers are not skilled at any of the stations and end up being more in the way than anything else. I also have witnessed support managers following Shanley around during her shift and telling her how to do her job better though, as I said, Shanley is the best Store Manager that I’ve ever worked with. We were told that the support managers were staying for about three months, meaning they would allegedly leave in early December.

The presence of the support managers had an immediate and negative impact on the ability to discuss the Union or the organizing drive between employees. Given the small size of the Elmwood store, it is very difficult to have a conversation that will not be overheard by someone else behind the counter or working in the café. Several employees at the Elmwood store who wore union pins before the support managers were brought in stopped wearing them after the support managers started working at the store. At least four of them told me that their decision to stop wearing the pins was because they didn’t want to advertise their support for the Union in front of the support managers. I personally have not had conversations at work about the Union when the support managers are present. I am very open and vocal about being pro-union but I do not want to put other employees who are less comfortable or still deciding about the Union in an awkward or uncomfortable position. Before the support managers were brought in, I would have no issues discussing the union drive with other employees, though I usually did so out of Shanley’s presence because I wanted to avoid making her uncomfortable.

To the best of my knowledge, every store in the Buffalo market was sent at least one support manager. It seems, based on my conversations with other employees, that the three stores that are currently voting have more support managers at them than the other

Buffalo-area stores. I have never, in my career with Starbucks, heard of a “support manager.” I have also never seen managers from other stores be brought in to other stores on such a widespread and lengthy basis. Presumably, those managers’ original stores now need to have someone else cover them while these support managers are in Buffalo. It makes no sense to me that this would be a normal process that Starbucks would follow on a regular basis.

Starting on August 26, Starbucks began having higher-level managers set up shop in the Elmwood store. These included Williams, Peck and Pusatier, but also included other individuals that I did not recognize and who did not necessarily introduce themselves to me or other

employees. There would usually be between 3-6 of these higher-level managers in our café at any given time, and they would usually set up at a café table for several hours at a time. On one such occasion, the date of which I do not recall, I was working the front register and four of these officials came into the store. Usually when a Starbucks employee buys something, regardless of their level within the company, the employee gives their partner number, which entitles them to a discount. These four individuals did not give me their partner numbers, but I noticed them talking to Shanley and MK, the District Manager who replaced Lafrois, about a remodel for the Elmwood store. I do not recall MK's full name at this time. After I overheard them talking about Starbucks business with Shanley and MK, one of them ordered another item. I asked the person if they wanted to use their partner number, but they declined.

I would be surprised if Starbucks's corporate officials do not visit the Elmwood store on a daily or near-daily basis. I believe that Starbucks chooses to have these officials visit when I and other vocal union supporters are not working. I believe this because I often receive text messages from less openly pro-union employees telling me that these visitors are at the store, sometimes hanging out in the lobby of the café and sometimes working right next to employees. For instance, on November 16, I was not scheduled to work but I came into the Elmwood store between 12:30 p.m. and 1:00 p.m. When I got to the store, I saw three corporate officials who I did not recognize. One was in our handoff position, where items are handed to customers. Another was at the bar, and I do not recall what the third official was doing.

On September 19, I attended another listening session. This session was specific to employees at my store. Starbucks held three listening sessions on September 19 for employees at my store: at 8:00 a.m., 12:00 p.m., and 4:00 p.m. These meetings were held at the Wyndham Garden Downtown hotel. I attended the 8:00 a.m. meeting. Shanley was still responsible at that time for scheduling employees for these meetings and she asked me what time worked best for me. Jaz Brisack, another vocal union supporter and member of the organizing committee, split ourselves up so that we could represent as many people as possible during these meetings. Brisack went to the 12:00 p.m. listening session. This meeting was again held by Williams, Peck, and Pusatier. I recorded this meeting on my Apple watch.

After the September 19 meeting ended, I went to the Elmwood store and sat at a high-top table with Brisack to discuss what had been said during my morning meeting. Neither of us were scheduled to work that day. Starbucks had scheduled employees from the Niagara Falls Boulevard store to work at our location while it held these meetings.

Brisack and I sat at a café table near the front entrance. Within 10 minutes of my arrival at the store, Peck, Pusatier, and Williams entered through the Elmwood Avenue entrance of the store. They did not appear to see either me or Brisack when they first came into the store. We watched Peck and Pusatier try to help employees behind the counter and Williams was sweeping the floor. None of their apparel that day met Starbucks's dress code. Most of the corporate officials who have spent time at the Elmwood store have not adhered to Starbucks's dress code. For the first few weeks they were at the store, they wore fancy suits and clothing. This changed after a few weeks and they started wearing Starbucks sweatshirts and hoodies, but they still were not complying with the dress code. Most of the support managers are usually in compliance with the dress code, although not always. Specifically, there have been issues with the

female-identifying support managers' decisions to wear nail polish and bracelets while working, both of which are against the dress code. I have had different conversations with Anna and Kelly, two of the support managers that have worked at my store, about wearing nail polish and while handling food and drinks. I also witnessed Michael Donovan, a coworker and shift supervisor, approach a corporate official named Michaela and another corporate official whose name I do not know and inform them that they were not in compliance with the dress code. Donovan was told that this was not his concern, that he needed to stay in his lane, and that the dress code didn't apply to them based on their positions within the company. I did not physically overhear this conversation, but I covered Donovan's position at the bar while he talked to them, and he informed me of what he had been told immediately after he returned from speaking with them.

I attended the videoconference NLRB hearing that covered my store and the other two stores. On some of the days that the hearing was in session, I worked from 5:00 a.m. – 8:00 a.m. and was otherwise present in the store at odd times throughout the day. From my observation and discussions with coworkers, it did not seem that the presence of the support managers and the corporate officials at the Elmwood store lessened at all while the hearing was underway.

I attended a listening session on October 1 that took place at the Elmwood store. This was the first session I attended that Starbucks closed the store early to hold. The meeting was scheduled for 5:00 p.m., and the store closed at 3:00 p.m. The normal time for the store to close is 9:00 p.m. This is the first time I have ever been aware of a store closing early to hold a meeting. I know of stores closing early because of emergencies, such as power outages or something similar, but not for non-emergency meetings. This meeting was run by Peck, Mark, and Chris Stewart. Mark is the interim District Manager who replaced Shelby Young. Stewart is from Partner Resources, Starbucks's human resources department. I recorded this session on my Apple watch. There were between 15-20 employees present at this meeting.

In the second week of September, after the Union had filed its petitions, Starbucks announced that it was going to close the Elmwood store for renovations. Shanley told us that the reason that Denise, one of Starbucks's corporate officials, was at the store was to oversee the Elmwood store's renovation. Starbucks had been pushing back any renovations to our store for at least two years before this. The store was closed beginning on October 11 and reopened for business on October 17. During the time the store was closed, none of the employees who normally worked at the Elmwood store were scheduled to work at that store. We were given three options: to pick up shifts at another store, to use vacation time, or to take unpaid time off for the week. As I mentioned in the NLRB hearing, many if not most of the employees at the Elmwood store do not have their own means of transportation and working at another store is not a realistic option for these employees. At the time of the renovation, I estimate that about 60% of the employees working at the Elmwood store did not have their own transportation. I believe that less than 25% of employees at the Elmwood store picked up shifts at other stores. Most of us, including me, took vacation time for the week that the store was closed.

The renovation itself was spent pushing the counter out about 12 inches from its previous location, which created slightly more room behind the counter for employees. My understanding is that the store was originally designed, it was at a time when the location was much less busy. At that time, five or six employees worked behind the counter at any given time. Currently, the

store is so busy that 10 employees could be working behind the counter at any given time. We had also complained for several years that the layout of the work area behind the counter had too many dangerous obstacles and equipment, and that there weren't enough sinks. Starbucks's renovation alleviated some of those issues, although moving the counter 12 inches did not allow for much overall improvement.

One of the support managers assigned to our store, Dustin, called the October closure a "fake renovation." We also were told that the Elmwood store would be undergoing a more substantial renovation in February 2022. We were given no explanation why Starbucks chose to close our store for a week in October when it planned a larger renovation only a few months later. I believe the true purpose of this renovation was to slow the momentum of the organizing drive, but in reality, it gave us some time away from Starbucks's constant surveillance and intimidation.

The October closure was the first time since I started working at the Elmwood store that it has been closed for renovations. Starbucks had done several "refreshes" over the time I have worked there, but this was work that was performed overnight while the store was closed.

I attended a listening session that took place on October 20. This meeting took place at the Hampton Inn in downtown Buffalo. Each employee received a letter informing them what time we were supposed to attend a meeting. I had been assigned to a meeting that was supposed to start at either 8:00 p.m. or 8:30 p.m. I was scheduled to work at the Elmwood store at 5:00 a.m. the next day. I decided to show up to the 6:00 p.m. meeting instead. I explained to the people holding the meeting that I had to work early the next morning and asked to attend the 6:00 p.m. meeting. I was told that was fine. I recorded this meeting with my Apple watch. Peck and Ana Gutierrez (Regional Operations Coach) were also present for this meeting. Part of the presentation was a PowerPoint presented by a Starbucks representative going through the Workers United constitution and some of the Union's financial statements.

The last listening session that Starbucks held for employees at the Elmwood store was on November 8. There were two meetings scheduled for that evening: one at 5:00 p.m. and the other at 7:30 p.m. Starbucks closed the store early to have these meetings. I was told that I was supposed to attend the 7:30 p.m. meeting. I was scheduled to open the store the next day on a shift starting at 5:00 a.m., which meant I needed to wake up at 4:00 a.m. I had heard from several employees who were scheduled for the 5:00 p.m. meeting that they would not be attending, so I knew there would not any legitimate issue with me attending. I parked in the parking lot at the back of the store and walked toward the back entrance. The back door was locked. I recorded my interaction with Pusatier and support manager Kelly, both of whom were present for this meeting. I was not allowed to attend, with the only reason given that there were capacity issues with my attendance. As I stated above, this was untrue. The attendees at this meeting were mostly new employees and I believe Pusatier did not want me to attend because I am a strong pro-union voice. Because I was not allowed to attend the November 8 meeting, I was originally not going to be paid. However, another employee told Shanley that I had been turned away from the meeting, and she added the hours to my pay for that week.



The second round of our filings for elections with the NLRB included a store located at Walden and Anderson in Cheektowaga (“the Walden and Anderson store”). We had overwhelming support at that store when the petition was filed. Shortly after that petition was filed, Starbucks shut down the Walden and Anderson store and dispersed the employees who worked there to other stores in the Buffalo area. I do not know the exact date that this occurred. Around the same time, Starbucks also took all of the hiring decisions out of the store managers’ hands. We were told that this was to fix staffing and training issues that Starbucks claimed it had uncovered right around the time the organizing drive was announced. The Walden and Anderson store was closed to the public and the new employees who were hired were trained in a closed environment, never dealing with real customers. This meant that when these new hires were sent to open stores for the first time, we had to re-train them. All of the new employees at the Elmwood store who were trained at Walden & Anderson are terrific in terms of their attitude toward the job, but they are not prepared to serve customers when they first arrive at the store. I know this because several of these newer employees have told me this personally. I believe Starbucks intended to cause tension between the existing employees and the newer employees by sending untrained employees to our stores.

In addition to having new employees trained at this store, Starbucks has also removed from Store Managers the ability to interview or hire employees for their stores. I know that Shanley has been locked out of the hiring portal that Starbucks uses, and that the first time she interacts with a new Elmwood store employee is when that employee starts working at the store after being trained at the Walden and Anderson store.

Starbucks has also used its training center to drill anti-union content into new employees before sending them to our store. I know this because several new employees, seeing that I was wearing a union pin or knowing that I was on the organizing committee, sought me out when they first came to the store to discuss what they had heard during these training sessions.

Typically, new employees are trained by barista trainers, who are compensated financially for training new employees. Since Starbucks moved all training to the Walden and Anderson store, none of the in-store barista trainers have been paid for training new employees, even though many of them end up training these new employees on the fly for the reasons I have stated above.

I am not aware of any other time since I started working for Starbucks that a store has been turned into a market-wide training center. In my experience, both in the Buffalo and Hawaii stores in which I have worked, Starbucks has always trained employees in the stores in which they were hired to work.

My understanding is that the Walden and Anderson store reopened as a regular store on November 8. From what I have heard, Starbucks claims that it has fixed the staffing issues in the market and no longer needs a training center. This does not make sense – if Starbucks had issues with training of new hires, and this training center was designed to train employees more properly, then the training store should remain as it was to train new employees as they are hired. Some of the employees who worked at the Walden and Anderson store before it was shut down were brought back after it reopened, but not all of them. Some of them transferred permanently

to other locations. Starbucks also added a large number of employees to that store. Before it was turned into a training center, there were about 25 employees who worked at the store. Now, there are about 40 employees assigned to that store. It is clearly an attempt by Starbucks to dilute the Union's support at the store.

Starbucks has flooded stores throughout the Buffalo market with new employees, just like it has at the Walden and Anderson store. For instance, at the Elmwood store, we have had about seven or eight new employees assigned to our store since the union campaign was announced. We have repeatedly told Starbucks officials, including at the listening sessions, that our store is not understaffed. Most of these employees were added to the Elmwood store during the week of October 25, which I believe was an attempt by Starbucks to get these employees in the voting group for our store.

The addition of these new employees has had two effects: first, the number of hours available to all employees has been cut down, and so we're receiving fewer hours per week. For instance, during the week of November 15, I was only scheduled for 15 hours of work. I had asked for one day off, but I would normally have been scheduled for 24 hours in a similar week. I was able to pick up an additional shift by talking to Shanley, who was unaware that I had been scheduled less than normal. This leads me to believe that Starbucks has removed Shanley's scheduling responsibilities.

Starbucks scheduled more employees than are necessary on many shifts. This, plus the constant presence of the support managers, means that there are far more workers in the store than are necessary at any given time. In the NLRB hearing that I attended and testified in, Starbucks made a big deal about the Playbuilder tool that it claims is used to help decide where to put employees on a shift. The Playbuilder tool only has 11 openings for a drive-thru store, and not all of these would need to be filled at every moment. Recently, a local Starbucks store that has a drive-thru had 16 people working at once, well in excess of any reasonable need. I have two examples from my store that show how overstaffed our store is. Normally, if someone is assigned to work on the register, and that employee rings up a black coffee or tea for a customer, the register employee will pour that drink for the customer. We had so many employees working on a recent shift that I was specifically assigned to pour the black coffee and tea. On another recent shift, I was working in the customer support role, which partially involves tidying up the lobby area. Part of the job involves sanitizing door handles and tables. I started to go do that and the shift supervisor stopped me, telling me that he had already assigned another employee, Blue, to just wipe down the tables and door handles. I asked if that was all Blue was assigned to do that day. The shift supervisor told me yes and that he didn't know what else to do with that many people.

Starbucks has an emergency text message service. Until very recently, Starbucks only used this to contact employees about emergencies, like major snowstorms or at the beginning of the COVID-19 pandemic. In late October and early November, Starbucks began using this service to send us anti-union propaganda and information about anti-union meetings. The day

before ballots were mailed out in our election, we received a link to a video urging us to vote no in the election.

Starbucks usually gives out raises in January of each year. Before the Union announced its organizing drive, Starbucks announced that it was moving up our raises so they would take effect at the beginning of October instead of January. However, on October 27, Starbucks announced that it was going to start providing seniority pay to employees based on years of service. This was something that Starbucks has never done before. It was also the subject of employee complaints at many of the listening sessions in September and October. As an 11-year employee, I only make \$0.16 an hour more than a new employee hired off the street. Starbucks's announcement excluded employees who had worked for it for less than six months. Employees working for the company for less than three years would not receive a seniority pay raise. An employee working for Starbucks for at least three years would receive up to a 5% raise. Employees with at least five years of service would receive up to a 10% raise. Starbucks also claimed that it would start giving out these raises in January 2022 and that it would take until summer to roll all of them out. In my opinion, this is a PR stunt so that Starbucks could say that it was giving raising to employees.

Starbucks's conduct throughout this organizing drive has had a negative impact on my health. As I stated above, I have an Apple Watch. I have had the watch since July 4, 2020, and the Health app on the phone tracks my heart rate. During the listening sessions held on September 19, October 1, and October 20, I received a warning from the Health app that a high heart rate had been detected. The app will only alert me about a high heart rate if my heart rate is elevated for more than 10 minutes. This is the first time I've received a warning from the Health app about having a high heart rate. The final day of the NLRB hearing that I attended and testified in, I had bloodwork scheduled based on an annual physical. I have no known health issues and have a low resting heart rate. I had this bloodwork scheduled for 5:00 a.m. on September 30, the last day of the hearing. When I received my results, four days later, I had an exaggerated thyroid-stimulating hormone. The normal level is 4.5 and my level was eight. I was told that this was either evidence of a thyroid problem or that I was being affected by stress. My doctor scheduled me for additional tests to see if the issue was stress and not a thyroid problem. I was recently retested and the results were normal. That shows to me that Starbucks's actions are causing me stress and affecting my health. I also lost 10 pounds between mid-September and mid-October 2021, which I also believe was from stress. I know of several employees on leaves of absence for their health, and multiple employees have taken days off because they need a break from Starbucks's intimidation and coercion. I am aware of a number of employees taking advantage of Starbucks's mental health counseling service that is usually conducted by telephone. There was such an uptick in requests for this counseling that Starbucks actually brought a counselor into our store.

These categories of violations of the Act are all currently the subject of a months-long trial before an NLRB Administrative Law Judge (Case No. 03-CA-285671 et al.):

- Closing locations temporarily or permanently which Starbucks perceived to be hotbeds of union organizing, likely based on the names of workers who signed a public letter to then-CEO Kevin Johnson when the campaign went public;

- Transferring workers in a store with particularly high union support out of the store for months, presumably in order to break the momentum of their organizing;
- Refusing to hire new employees at my store, the first to unionize in the U.S., for a period of months, in retaliation for our organizing;
- Creating new policies or enforcing existing policies in a far stricter way than before the union campaign started, in order to create a disciplinary record that would allow for the termination of union leaders and supporters;
- Eventually terminating union leaders and supporters in large numbers, and ensuring they do not receive unemployment benefits;
- Engaging in widespread surveillance of union supporters through the presence of out-of-town managers and executives, particularly in Starbucks locations where the company perceived strong support for the union. Managers were ordered to ensure they were present during all operating hours in order to stop workers from discussing organizing a union;
- Holding numerous anti-union meetings that were mandatory or effectively mandatory, usually resulting in closing an entire store for a part of the normal operating hours;
- Making widespread and persistent coercive statements regarding the perils of unionizing, both regarding the potential loss of benefits, and regarding internal Union matters. After the union elections took place, the majority of the out-of-town managers left abruptly, never following up on the promises they made while the elections were ongoing; and
- Soliciting issues from workers in order to know what improvements they sought, then promising those benefits or actually granting them during the time leading up to union votes.

### **Starbucks' Unfair Labor Practices Generally**

As the effort to unionize Starbucks became a national movement, the company's tactics, including its violations of the law, expanded and evolved. In addition to the categories of conduct described above, the company has engaged in the following, all of which are the subject of ULP charges filed by the Union. This list is non-exhaustive, given the unprecedented scale of the company's disregard for the law:

- Widespread terminations of union leaders based on the thinnest of pretexts. As of now, there have been at least 100 terminations of union leaders and supporters. A partial list of terminated Starbucks workers, their locations, their tenure with Starbucks, and case numbers of NLRB cases concerning their termination, is attached as **Attachment A**;
- Temporarily and permanently closing Starbucks locations based on perceived support for the Union;

- CEO Howard Schultz announcing a host of new and improved benefits, explicitly threatening not to implement those benefits at stores that have unionized or even where workers are organizing (despite the Union waiving any legal obstacle to such implementation), then carrying through with that threat and refusing to apply the benefits to unionized or unionizing workers;
- Cutting hours of Starbucks workers nationally;
- Refusing to bargain with the Union regarding locations where it has been certified by the NLRB as workers' collective bargaining representative;
- CEO Howard Schultz making numerous coercive statements which were broadcasted to all Starbucks workers, including statements regarding the futility of organizing a union;
- Changing store operating hours nationally so workers must arrive at work by the unprecedented time of 4:00 a.m.; and
- Making frivolous and absurd claims about the NLRB and Union colluding to engage in union election fraud in a publicized letter, and broadcasting the letter to all Starbucks workers nationally, with the clear aim of undermining workers' confidence in the NLRB and stopping workers from organizing through the agency's infrastructure.

In total, the Union has been forced to file over 350 ULP charges against Starbucks, many of which are national in scope, and many of which involve multiple allegations of legal violations. A partial list of administrative Complaints issued by the NLRB on these charges so far, encompassing approximately 100 ULP charges, is attached as **Attachment B**.

# **ATTACHMENT A**

	Name	City	State	Date of Firing	NLRB Case Number	Tenure with Starbucks
1	Garrett Ellison	Scottsboro	AL	07/23/2022		
2	Noah Witting	Birmingham	AL			
3	Preston Ritter	Scottsboro	AL	7/23/2022		
4	Alyssa Sanchez	Phoenix	AZ	1/22/2022		
5	Laila Dalton	Phoenix	AZ	4/4/2022		3yrs
6	Milyanna Romero	Avondale	AZ	6/2/2022		1 year
7	Savannah Dorton	Avondale	AZ			1 year
8	Tyler Gillette	Phoenix	AZ	3/10/2022		2.5yrs
9	Cristobal Emilio Benavid	Anaheim	CA			
10	Emma Chambers	Los Angeles	CA			
11	Krystal Garcia	Anaheim	CA			
12	Alex Prado	Denver	CO	5/20/2022	27-CA-296209	
13	Cole Spadafore	Denver	CO	5/20/2022	27-CA-296209	3.5yrs
14	Courtney McVeigh	Denver	CO			
15	Graham Gjerme	Denver	CO	5/27/2022	27-CA-296692	
16	Hannah Mehlman	Denver	CO	6/21/2022	27-CA-298017	5 years
17	Kory Lindholm	Denver	CO			
18	Monique McGeorge	Denver	CO	5/24/2022	27-CA-296692	
19	Olivia Martinez	Denver	CO	5/30/2022	27-CA-296772	2yrs
20	Omar Alvarez	Denver	CO			
21	Ryan Dinaro	Denver	CO	6/17/2022	27-CA-297804	3.5yrs
22	Trey Solpsema	Denver	CO			
23	Ash Bennett	Covington	GA	7/4/2022		
24	Jaysin Saxton	Augusta	GA	8/16/2022		3
25	Dante	Chicago	IL			
26	Fernando Vargas-Soto	Chicago	IL			
27	Jasper Booth-Hodges	Chicago	IL	8/10/2022		2.5 years
28	Alydia Claypool	Overland Park	KS	3/28/2022	14-CA-293122	5 years
29	Hannah McCown	Overland Park	KS	4/12/2022	14-CA-295106	
30	Julia Smith	Overland Park	KS	7/28/2022	14-CA-300506	
31	Lindsay Vanette	Overland Park	KS	4/5/2022		3yrs
32	Maddie Doran	Overland Park	KS	4/5/2022	14-CA-292529	9 months
33	Michael Vestigo	Overland Park	KS	4/1/2022	14-CA-293404	1.5 years
34	Billie Nyx	New Orleans	LA	5/17/2022		
35	Aleah Bacetti	Bel Air	MD			
36	Phoebe Wyatt	Stevensville	MD	8/25/2022		2 years
37	Hannah Whitbeck	Ann Arbor	MI	4/11/2022		3+ years
38	Sasha Anisimova	Ann Arbor	MI	09/01/2022	awaiting #	
39	Ashlee Feldman	St. Louis	MO	5/13/2022		
40	Emma Baker	Independence	MO			
41	Sharon Gilman	Raleigh	NC	4/9/2022		1 yr 11 mos
42	Allegra Anastasi	Buffalo	NY	8/26/2022	03-CA-302194	8 years
43	Angel Krempa	Depew	NY	4/1/2022		
44	Austin Locke	Queens	NY	7/5/2022	29-CA-299127	
45	Bekah Maclean	Ithaca	NY			
46	Benjamin South	Ithaca	NY	8/3/2022	03-CA-300849	4+ years
47	Brian Nuzzo	Rochester	NY	3/21/2022	03-CA-293528	5+ years
48	Cassie Fleischer	Buffalo	NY	2/20/2022	03-CA-291377	5+ years
49	Corey Wibbs	West (Binghamton)	NY	9/1/2022	03-CA-302560	2+ years

50	Danny Rojas	Buffalo	NY	3/4/2022	03-CA-291725	3+ years
51	James Schenk	Latham (Albany)	NY	8/31/2022	03-CA-302451	5+ years
52	Joselyn Chuquillanqui	Great Neck	NY	7/27/2022	29-CA-300213	
53	Kellen Montanye	Buffalo	NY	1/30/2022	03-CA-294341	3+ years
54	Minwoo Park	Depew	NY	3/21/2022	03-CA-293362	4+ years
55	Nathan Tarnowski	Amherst	NY	3/30/2022	03-CA-293546	
56	Rhythm Heaton	Manhattan	NY	8/17/2022		3+ years
57	Sam Amato	Buffalo	NY	8/5/2022	03-CA-300873	13 years
58	Sariah Hakes	Williamsville (Buffalo)	NY	8/31/2022	03-CA-302464	3+ years
59	Victoria Conklin	Amherst	NY	6/22/2022	03-CA-296570	5 years
60	Ken Walker	Cleveland	OH	07/06/2022	08-CA-298846	
61	Bex Littleton	Eugene	OR	5/3/2022	19-CA-295197	6 years
62	Jake Lamourie	Eugene	OR	8/29/2022	19-CA-302273	6 years
63	James Martin	Eugene	OR	8/29/2022	19-CA-302274	7 years
64	Matt Thornton	Portland	OR			
65	Quentin Kanta	Portland	OR			
66	Alyx Triche	Pittsburgh	PA	6/1/2022		3yrs
67	Brett Taborelli	Pittsburgh	PA	8/2/2022		8 years
68	James Greene	Pittsburgh	PA	7/28/2022		5 years
69	Kim Manfre	Pittsburgh	PA	7/13/2022		3.5 years
70	Oliver Fulayter	Pittsburgh	PA	8/15/2022		
71	Shea Gannon	Pittsburgh	PA	8/6/2022		2.5 years
72	Tori Tambellini	Pittsburgh	PA	7/13/2022		2.5 years
73	Aneil Tripathi	Anderson	SC	9/2/2022		
74	Jon Hudson	Anderson	SC	9/2/2022		
75	Kadence Britt	Anderson	SC	9/2/2022		
76	Rhi Greer	Anderson	SC	9/2/2022		
77	Rosandra Arellano	Columbia	SC			
78	Sarah Boley	Anderson	SC	9/2/2022		
79	Beto Sanchez	Memphis	TN	2/8/2022		9mo
80	Emma Worrell	Memphis	TN	2/8/2022		7mo
81	Kylie Throckmorton	Memphis	TN	2/8/2022		1yr
82	Lakota McGlawn	Memphis	TN	2/8/2022		14mo
83	Nabretta Hardin	Memphis	TN	2/8/2022		1.3yrs
84	Nikki Taylor	Memphis	TN	2/8/2022		2yrs
85	Tino Escobar	Memphis	TN	2/8/2022		2yrs
86	Atticus Drummond	San Antonio	TX	5/21/2022		4.5yrs
87	Nelly Sanchez	Dallas/Fort Worth	TX	6/14/2022		6.5yrs
88	Alyssa Brodie	Leesburg	VA			
89	Ezra Jefferson	Leesburg	VA	7/13/2022		6 months
90	Khyati Choski		VA			
91	Nessa Fernandez	Herndon	VA	6/10/2022		3yrs
92	Tyler Hoffman	Richmond	VA	5/22/2022		4 yrs 10 mos
93	Artemis Moraine	Everett	WA			
94	Katie McCoy	Marysville	WA	6/7/2022	19-CA-297236	
95	Lincoln Wheeler	Marysville	WA		19-CA-3000021	
96	Lindsey Price	Seattle	WA	4/29/2022	19-CA-293492	17yrs
97	Nelson	Seattle	WA			
98	Sydney Durkin	Seattle	WA	6/20/2022		
99	Hannah Fogarty	Oak Creek	WI	5/25/2022	18-CA-297420	10 months
100	Kolton Gosnell	Plover	WI	5/6/2022	18-CA-295389	9 months



# **ATTACHMENT B**

	City	State	NLRB Case No.	first complaint Date	Number of ULP Charges Consolidated	Number of legal violations alleged	NLRB Hearing Date
1	Hialeah	FL	12-CA-291151	4/21/2022	1	1	6/28/2022
2	Santa Cruz	CA	32-CA-282897	5/18/2022	2	15	9/14/2022
3	Overland Park	KS	14-CA-290968	5/11/2022	9	63	7/5/2022
4	Buffalo	NY	03-CA-285671	5/6/2022	32	294	7/11/2022
5	Phoenix	AZ	28-CA-289622	3/15/2022	5	54	7/26/2022
6	Plover	WI	18-CA-292306	5/5/2022	1	2	8/2/2022
7	Denver	CO	27-CA-290551	5/31/2022	5	10	8/2/2022
8	Seattle	WA	19-CA-290905	5/18/2022	1	11	9/13/2022
9	Seattle	WA	19-CA-289275	5/11/2022	1	1	9/13/2022
10	Memphis	TN	15-CA-290336	4/22/2022	4	18	9/12/2022
11	Knoxville	TN	10-CA-291616	7/12/2022	1	1	9/22/2022
12	La Quinta	CA	21-CA-296716	7/14/2022	1	5	10/11/2022
13	Manhattan	NY	02-CA-292646	7/12/2022	3	5	9/28/2022
14	Great Neck	NY	29-CA-292741	7/15/2022	2	31	9/23/2022
15	Peoria	IL	25-CA-292501	7/18/2022	1	1	10/26/22
16	Ann Arbor	MI	07-CA-293916	6/27/2022	2	2	8/1/2022
17	Seattle	WA	19-CA-295396	8/16/2022	1	3	11/8/2022
18	Chicago	IL	13-CA-296145	7/29/2022	1	10	10/31/2022
19	Chicago	IL	13-CA-296221	8/16/2022	2	6	11/15/2022
20	Seattle	WA	19-CA-299478	8/17/2022	1	1	TBA
21	various	various	14-CA-291388	8/18/2022	6	15	12/6/2022
22	Oak Creek	WI	18-CA-293653	8/19/2022	1	9	TBA
23	various	various	19-CA-290162	8/23/2022	6	15	TBA
24	all	all	19-CA-294579	8/24/2022	4	54	10/25/2022
25	Buffalo	NY	03-CA-295810	8/25/2022	4	7	12/5/2022
26	Seattle	WA	19-CA-293492	8/17/2022	2	6	11/15/2022
				<b>Total:</b>	98	639	