

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

STARBUCKS CORPORATION
Employer

and

WORKERS UNITED
Petitioner

Cases 03-RC-285929
03-RC-285986
03-RC-285989

ORDER

The Employer's Request for Review of the Acting Regional Director's Decision and Direction of Elections is denied as it raises no substantial issues warranting review.¹

LAUREN McFERRAN, CHAIRMAN

MARVIN E. KAPLAN, MEMBER

¹ In denying review, we find that this case is not materially distinguishable from *Starbucks Corporation*, 371 NLRB No. 71 (2022) (*Starbucks Mesa*). As we observed in *Starbucks Mesa*, the Employer bears a "heavy burden" in rebutting the presumption in favor of the petitioned-for single-store units. See *California Pacific Medical Center*, 357 NLRB 197, 200 (2011). Even considering the Employer's recent changes to centralize its hiring, orientation, and training processes, we agree with the Acting Regional Director that store managers and shift supervisors continue to play an integral role in adjusting schedules, approving time-off, assigning work, rating employee performance, identifying the need for discipline, recommending terminations, and handling employees' grievances and routine problems. These functions establish the type of local autonomy that weighs in favor of the petitioned-for units. See *Cargill, Inc.*, 336 NLRB 1114, 1114 (2001).

We further find, with respect to interchange, that the statistics provided by the Employer here have the same shortcomings that we identified in *Starbucks Mesa*: they fail to establish *regular* interchange, and demonstrate instead that interchange between the petitioned-for employees and other employees in the Buffalo area is limited and infrequent. We do not rely on the Acting Regional Director's findings that the Employer's data "does not cumulatively control for such extenuating circumstances as the COVID-19 pandemic's impact on interchange, the impact of permanent transfers, and the impact of opening and closing stores," or that the employees at the petitioned-for stores worked together "with minimal turnover" over the period highlighted by the Employer.

Finally, we observe that the Employer's request for review is deficient under Sec. 102.67(e) of the Board's Rules and Regulations to the extent that it attempts to incorporate the Employer's post-hearing brief and an earlier request for review by reference.

GWYNNE A. WILCOX,

MEMBER

Dated, Washington, D.C., March 7, 2022.