

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
**CHARGE AGAINST LABOR ORGANIZATION
OR ITS AGENTS**

DO NOT WRITE IN THIS SPACE	
Case 31-CB-242657	Date Filed 6/2/2019

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

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name SANTA BARBARA, CA SCF AREA LOCAL AMERICAN POSTAL WORKERS UNION, AFL-CIO		b. Union Representative to contact BILL VILLA Title: PRESIDENT	
c. Address (Street, city, state, and ZIP code) 7394 CALLE REAL CA GOLETA 93117-_____		d. Tel. No. (805) 968-1533	e. Cell No.
		f. Fax No.	g. e-Mail
h. The above-named organization(s) or its agents has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (list subsections) (1)(A), (3) _____ of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) --See additional page--			
3. Name of Employer UNITED STATES POSTAL SERVICE		4a. Tel. No. (805) 961-0775	b. Cell No. (805) 961-0775
		c. Fax No.	d. e-Mail
5. Location of plant involved (street, city, state and ZIP code) 400 STORKE RD CA GOLETA 93199-_____		6. Employer representative to contact MATT GRAYBILL Title: ACTING PLANT MANAGER	
7. Type of establishment (factory, mine, wholesaler, etc.) Others	8. Identify principal product or service PROCESSING MAIL	9. Number of workers employed 500	
10. Full name of party filing charge (b) (6), (b) (7)(C)		11a. Tel. No. (b) (6), (b) (7)(C)	b. Cell No.
		c. Fax No.	d. e-Mail (b) (6), (b) (7)(C)
11. Address of party filing charge (street, city, state and ZIP code.) (b) (6), (b) (7)(C)			
12. DECLARATION I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief. By (b) (6), (b) (7)(C) (signature of representative or person making charge) (b) (6), (b) (7)(C) (Print/type name and title or office, if any) Title: (b) (6), (b) (7)(C)		Tel. No. (b) (6), (b) (7)(C)	
		Cell No.	
		Fax No.	
Address _____ (date) 06/3/2019 01:10:44		e-Mail (b) (6), (b) (7)(C)	

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

PRIVACY ACT STATEMENT

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

Basis of the Charge

8(b)(1)(A)

Within the previous six months, the above-named labor organization has restrained and coerced employees in the exercise of rights protected by Section 7 of the Act by refusing to process the Charging Party's grievance for arbitrary or discriminatory reasons or in bad faith.

8(b)(3)

Within the previous six months, the above-named labor organization has failed and refused to bargain in good faith with the employer.

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD		DO NOT WRITE IN THIS SPACE	
CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS		Case 31-CB-242667	Date filed 6/4/2019
INSTRUCTIONS: File an original of this charge with the NLRB Regional Director of the region in which the alleged unfair labor practice occurred or is occurring.			
1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name Mine, Mineral & Processing Workers' Union Local 30		b. Union Representative to Contact President Mark A. Blankenship	
c. Address 24001 Chapparral Avenue Boron, CA 93516		d. Tel. No. (760) 762-6151	e. Cell No.
		f. Fax No. (760) 762-5542	g. e-Mail thehall@ilwulocal30.com
h. The above-named labor organization or its agents have engaged in and are engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (1)(A) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)			
Within the six months, the above-named Union, by and through its officers and/or agents violated Section 8(b)(1)(A) by failing to fairly represent the undersigned member in grievance against the Employer U.S. Borax. In addition, the Union failed to communicate with the undersigned member regarding the grievance.			
3. Name of Employer U.S. Borax, Inc. dba Rio Tinto Minerals		4a. Tel. No. (760) 762-7000	4b. Cell No.
		4c. Fax No.	4d. e-Mail
5. Location of Plant Involved (street, city, state, and ZIP code) 14486 Borax Rd, Boron, CA 93516		6. Employer representative to contact	
7. Type of Establishment (factory, mine, wholesaler) Mining	8. Principal product or service Mining	9. Number of Workers employed 200+	
10. Full name of party filing charge (b) (6), (b) (7)(C)		11a. Tel. No. (b) (6), (b) (7)(C)	11b. Cell No.
		11c. Fax No.	11d. e-Mail (b) (6), (b) (7)(C)
11. Address of party filing charge (street, city, state, and ZIP code) (b) (6), (b) (7)(C)			
12. DECLARATION			
I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief.			
For (b) (6), (b) (7)(C)		(b) (6), (b) (7)(C) An Individual	Tel. No. (b) (6), (b) (7)(C)
		Print/type name and title or office, if any)	Cell No.
		Date: 6-3-19	Fax No.
(b) (6), (b) (7)(C)			e-Mail (b) (6), (b) (7)(C)

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

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

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
**CHARGE AGAINST LABOR ORGANIZATION
OR ITS AGENTS**

DO NOT WRITE IN THIS SPACE	
Case 31-CB-243582	Date Filed 6/18/2019

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

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name TEAMSTERS LOCAL 87		b. Union Representative to contact JOSEPH SUMLIN Title: SECRETARY TREASURER	
c. Address (Street, city, state, and ZIP code) 2531 G STREET CA BAKERSFIELD 93301-_____		d. Tel. No. (661) 327-8594	e. Cell No.
		f. Fax No.	g. e-Mail
h. The above-named organization(s) or its agents has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (list subsections) <u>(1)(A), (3)</u> _____ of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) --See additional page--			
3. Name of Employer UNITED PARCEL SERVICE, INC.		4a. Tel. No.	b. Cell No.
		c. Fax No.	d. e-Mail
5. Location of plant involved (street, city, state and ZIP code) 3800 N. SILLECT AVE CA BAKERSFIELD 93308-_____		6. Employer representative to contact MARK WILCOX Title: MANAGER	
7. Type of establishment (factory, mine, wholesaler, etc.) Others	8. Identify principal product or service SHIPPING/TRANSPORT	9. Number of workers employed 100	
10. Full name of party filing charge (b) (6), (b) (7)(C)		11a. Tel. No. (b) (6), (b) (7)(C)	b. Cell No.
		c. Fax No.	d. e-Mail (b) (6), (b) (7)(C)
11. Address of party filing charge (street, city, state and ZIP code.) (b) (6), (b) (7)(C)			
12. DECLARATION		Tel. No. (b) (6), (b) (7)(C)	
I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief.			
By <u>(b) (6), (b) (7)(C)</u> _____ <u>(b) (6), (b) (7)(C)</u> _____		Cell No.	
(signature of representative or person making charge) (Print/type name and title or office, if any)		Fax No.	
Title: (b) (6), (b) (7)(C)		e-Mail (b) (6), (b) (7)(C)	
Address _____ (date) 06/18/2019 05:59:23			

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

PRIVACY ACT STATEMENT

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

Basis of the Charge

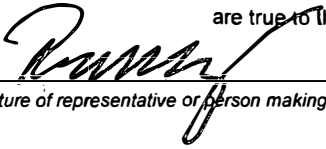
8(b)(1)(A)

Within the previous six months, the above-named labor organization has restrained and coerced employees in the exercise of rights protected by Section 7 of the Act by refusing to process the Charging Party's grievance for arbitrary or discriminatory reasons or in bad faith.

8(b)(3)

Within the previous six months, the above-named labor organization has failed and refused to bargain in good faith with the employer.

CHARGE ALLEGING UNFAIR LABOR PRACTICE UNDER SECTION 8(e) OF THE NLRA

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.		
CASE NUMBER 31-CE-243648	DATE FILED June 20, 2019	1. CHARGE FILED AGAINST
		Employer and Labor Organization <input type="checkbox"/> Employer <input type="checkbox"/> Labor Organization <input checked="" type="checkbox"/>
a. Name of Labor Organization (Give full name, including local name and number) United Food and Commercial Workers Union Locals 135, 324, 770, 1167, 1428 and 1442		c. Tel. No. See Attachment A
b. Union Representative to Contact Please see Attachment A, listing of each Charged Party's Address and Telephone Number.		d. Cell No.
g. Address (Street and number, city, state, and ZIP code) Please see Attachment A, listing of each Charged Party's Address and Telephone Number.		e. Fax. No.
		f. e-mail
h. Name of Employer RALPHS GROCERY COMPANY		i. Tel. No. (310) 884-4040
m. Employer Representative to Contact Leroy Westmoreland		j. Cell No.
n. Location of Plant Involved (Street, city, state, and ZIP code) 3410 West 3rd Street Los Angeles, CA 90020		k. Fax. No. (310) 900-3463
		l. e-mail leroy.westmoreland@ralphs.com
o. Type of Establishment (Factory, mine, wholesaler, etc.) Grocery	p. Identify Principal Product or Service Retail Grocery	q. Number of Workers Employed 10,000+
The above-named labor organization or its agents, and/or employer has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of section 8(e) of the National Labor Relations Act, and these unfair labor practices are unfair labor practices affecting commerce within the meaning of the Act.		
2. Basis of the Charge (Be Specific as to facts, names, plants involved, dates, places, etc.) See Attachment B, outlining the facts that form the basis of this Charge.		
3. Full Name of Party Filing Charge (If labor organization, give full name, including local name and number) Ralphs Grocery Company		b. Tel. No. 719-448-4016
a. Address (Street and number, city, state, and ZIP code) 90 S. Cascade Ave., Suite 1500, Colorado Springs, CO 80903		c. Cell No.
		d. Fax. No. 719-635-4576
		e. e-mail rdeeny@shermanhoward.com
4. Full Name of National or International Labor Organization of Which it is an Affiliate or Constituent Unit (To be filled in when charge is filed by a labor organization)		
5. DECLARATION		Tel. No. 719-448-4016
I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief.		Cell No.
By  _____ (signature of representative or person making charge)	Raymond M. Deeny _____ (Print/type name and title or office, if any)	Fax No. 719-635-4576
90 S. Cascade Ave., Suite 1500, Colorado Springs, CO Address <u>80903</u>	Date <u>June 20, 2019</u>	e-mail rdeeny@shermanhoward.com

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

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

Attachment A
Address and Contact Information for Charged Parties

United Food and Commercial Workers Union Local 135
2001 Camino Del Rio South
San Diego, CA 92108
Tel. No: (619) 298-7772
Union Representative to contact: Michael Kasparian

United Food and Commercial Workers Union Local 324
8530 Stanton Avenue
PO Box 5004
Buena Park, CA 90622-5004
Tel. No: (714) 995-4601
Union Representative to contact: Greg Conger

United Food and Commercial Workers Union Local 770
630 Shatto Place
Los Angeles, CA 90005
Tel. No: (213) 487-7070
Union Representative to contact: John Grant

United Food and Commercial Workers Union Local 1167
P.O. Box 1167
855 W. San Bernardino Ave.
Bloomington, CA 92316
Tel. No: (909) 877-5000
Union Representative to contact: Joe Duffle

United Food and Commercial Workers Union Local 1428
P.O. Box 9000
705 W. Arrow Hwy.
Claremont, CA 91711-9000
Tel. No: (909)626-3333
Union Representative to contact: Mark Ramos

United Food and Commercial Workers Union Local 1442
9075 S. La Cienega Blvd.
Inglewood, CA 90301
Tel. No: (310) 322-8329
Union Representative to contact: Michael Straeter

Attachment B
Basis of the 8(e) Charge

United Food and Commercial Workers Union Locals 135, 324, 770, 1167, 1428 and 1442 (collectively referred to herein as the “Locals” or “Charged Parties”) have violated Section 8(e) of the Act, requiring expedited action and an injunction pursuant to 10(l) of the Act. Specifically, within the six months prior to the filing of this Charge, Charged Parties have pursued grievances for which the Locals demand arbitration, and filed two Petitions to Compel Arbitration of the grievances, in each instance claiming that Article 1 of the parties' CBA is an agreement to cease doing business with a neutral employer/person, Instacart, an interpretation of the parties' CBA that violates Section 8(e) of the NLRB.¹

The Charged Parties have repeatedly pursued an interpretation of the parties' Collective Bargaining Agreement (“CBA”) which would require Ralphs to cease doing business with Instacart, which is prohibited by Section 8(e) of the Act. Instacart is a separate, independent, third-party company whose sole business function is to provide its customers with surrogate shoppers to pick up grocery items from retailers such as Ralphs (and its competitors) without any necessary input from or formal relationship with the grocery stores. Ralphs employees have not traditionally performed the types of services Instacart is retained by its customers to perform. Rather, they handle merchandise for sale to the public. Thus, the work being performed by Instacart personnel is not “fairly claimable” by the Locals. Historically, Instacart has had its personnel shop for its customers at Ralphs and other retail vendors with little or no involvement, or knowledge, on the part of the store. In late October 2017, Ralphs for the first time arranged with Instacart to provide more options for its customers who had retained the services of Instacart to provide home delivery of their Ralphs' purchases. On or about November 14, 2017, Local 770 filed a grievance on behalf of UFCW Locals 770, 135, 324, 1167, 1428, 1442, and 8-GS², seeking to force Ralphs to cease doing business with Instacart and assign the shopping and home delivery that Instacart was doing for Ralphs' customers to bargaining unit employees, claiming that this was required under Article 1 of the Collective Bargaining Agreement between the parties. In January or February 2018, Kroger, Ralphs' parent company, decided to enter into a contractual relationship with Instacart in order to remain competitive with Amazon, Whole Foods, Target, Walmart, and other companies providing and accommodating surrogate shopping services. Kroger's hope was that its contract with Instacart would increase sales volumes by attracting new customers shopping for more items, thereby increasing work within the stores to preserve jobs. The Locals have claimed that this contract between Instacart and Kroger violates Article 1 of the parties' CBA, and presumably must be revoked, unless shopping is included as bargaining unit work under the CBA.

Since February 2018, Ralphs has repeatedly attempted to meet with and otherwise discuss with the Locals the role of Instacart at Ralphs' locations, at the same time the Kroger family of

¹ As the Office of the General Counsel recently reaffirmed, a “contract that is unlawful as written under Section 8(e) [is] “entered into for the purposed of Section 8(e)” when there is “any later reaffirmation of the agreement” such as “when a party file[s] or pursue[s] a grievance seeking to enforce the unlawful subcontracting provision” or “demand[s] arbitration to enforce it.” Building Trades Council (31-CB-129698, September 24, 2014).

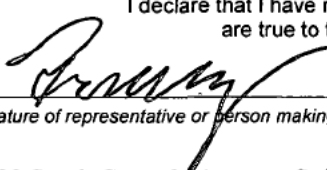
² Local 8-GS was not a party to either of the unlawful Petitions to Compel filed within the last six months regarding the November 2017 grievance and is, thus, not identified as a Charged Party herein.

companies had similar conversations with the UFCW International. The Locals' position has consistently been that Ralphs should not continue its business relationship with Instacart unless all Instacart affiliated individuals shopping in Ralphs' stores are treated as bargaining unit employees covered by the parties' CBA. In the spring of 2018, the Locals demanded arbitration of their unlawful November 2017 Grievance seeking to enforce their interpretation that the parties' CBA requires Ralphs to cease doing business with Instacart. Ralphs again, both through its legal counsel and through its Labor Relations team, repeatedly attempted to discuss the unlawful nature of the Locals' demands with the Locals. While the Locals appeared to understand that their demands Ralphs cease doing business with Instacart was unlawful and turned their attention in late 2018 instead to addressing the role of evolving technology in Ralphs' stores and its impact on bargaining unit work (which does not include shopping) at the bargaining table, inexplicably, on December 26, 2018, the Locals reinstated their unlawful efforts by filing a Petition to Compel Arbitration in federal court concerning their unlawful November 2017 grievance. Again, Ralphs attempted to head the Locals off on their unlawful mission, inviting the Locals to meet with Ralphs' and Kroger's representatives at a Ralphs location and personally observe the fact that the work Instacart personnel was doing was surrogate shopping and delivery, *not* "fairly claimable" bargaining unit work. After a February 7, 2019, on-site meeting with the Locals' representative, on February 15, 2019, the Locals dismissed their unlawful Petition to Compel Arbitration. Just three months later on May, 16, 2019, the Locals renewed their unlawful efforts to demand Ralphs enter into a "hot cargo" agreement by filing a second Verified Petition for an Order Compelling Arbitration Pursuant to a Collective Bargaining Agreement. This Petition, as with the first, seeks to unlawfully compel arbitration of the November 2017 grievance filed by the Locals discussed above.

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
**CHARGE AGAINST LABOR ORGANIZATION
OR ITS AGENTS**

DO NOT WRITE IN THIS SPACE	
Case 31-CC-243639	Date Filed 6/20/2019

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

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name United Food and Commercial Workers Union Locals 135, 324, 770, 1167, 1428 and 1442		b. Union Representative to contact Attachment A	
c. Address (Street, city, state, and ZIP code) Please see Attachment A, listing of each Charged Party's Address and Telephone Number.		d. Tel. No. Attachment A	e. Cell No.
		f. Fax. No.	
		g. e-mail	
h. The above-named labor organization has engaged in and is engaging in unfair labor practices within the meaning of section 8(b) and (list subsections) (4)(ii)(A) & (B) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) Please see Attachment B, setting forth a clear and concise statement of the facts constituting the Locals' unfair labor practices.			
3. Name of Employer RALPHS GROCERY COMPANY		4a. Tel. No. 310-884-4040	b. Cell No.
		c. Fax No.	
		d. e-mail leroy.westmoreland@kroger.com	
5. Location of plant involved (street, city, state and ZIP code) 3410 West 3rd Street Los Angeles, CA 90020		6. Employer representative to contact See Below	
7. Type of establishment (factory, mine, wholesaler, etc.) Grocery	8. Identify principal product or service Retail Grocery	9. Number of workers employed	
10. Full name of party filing charge RALPHS GROCERY COMPANY			
11. Address of party filing charge (street, city, state and ZIP code) 90 South Cascade Avenue, Suite 1500, Colorado Springs, CO 80903		11a. Tel. No. 719-448-4016	b. Cell No.
		c. Fax No. 719-635-4576	
		d. e-mail RDeeny@shermanhoward.com	
<p style="text-align: center;">12. DECLARATION</p> <p>I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.</p> <p style="text-align: center;"> Raymond M. Deeny</p> <p>(signature of representative or person making charge) (Print/type name and title or office, if any)</p> <p>90 South Cascade Avenue, Suite 1500 Address Colorado Springs, Colorado 80903</p> <p>Date June 20, 2019</p>		Tel. No. 719-448-4016	
		Cell No.	
		Fax No. 719-635-4576	
		e-mail RDeeny@shermanhoward.com	

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PRIVACY ACT STATEMENT**

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Attachment A
Address and Contact Information for Charged Parties

United Food and Commercial Workers Union Local 135
2001 Camino Del Rio South
San Diego, CA 92108
Tel. No: (619) 298-7772
Union Representative to contact: Michael Kasparian

United Food and Commercial Workers Union Local 324
8530 Stanton Avenue
PO Box 5004
Buena Park, CA 90622-5004
Tel. No: (714) 995-4601
Union Representative to contact: Greg Conger

United Food and Commercial Workers Union Local 770
630 Shatto Place
Los Angeles, CA 90005
Tel. No: (213) 487-7070
Union Representative to contact: John Grant

United Food and Commercial Workers Union Local 1167
P.O. Box 1167
855 W. San Bernardino Ave.
Bloomington, CA 92316
Tel. No: (909) 877-5000
Union Representative to contact: Joe Duffle

United Food and Commercial Workers Union Local 1428
P.O. Box 9000
705 W. Arrow Hwy.
Claremont, CA 91711-9000
Tel. No: (909)626-3333
Union Representative to contact: Mark Ramos

United Food and Commercial Workers Union Local 1442
9075 S. La Cienega Blvd.
Inglewood, CA 90301
Tel. No: (310) 322-8329
Union Representative to contact: Michael Straeter

Attachment B
Basis of the 8(b)(4) Charge

United Food and Commercial Workers Union Locals 135, 324, 770, 1167, 1428 and 1442 (collectively referred to herein as the “Locals” or “Charged Parties”) have violated Section 8(b)(4)(ii) of the Act, requiring expedited action and an injunction pursuant to 10(l) of the Act. Specifically, within the six months prior to the filing of this Charge, Charged Parties have pursued grievances for which the Locals demand arbitration, and filed two Petitions to Compel Arbitration of the grievances, in each instance claiming that Article 1 of the parties' CBA is an agreement to cease doing business with a neutral employer/person, Instacart, an interpretation of the parties' CBA that violates Section 8(e) of the NLRB. The Locals' goal is to acquire work, monopolize jobs, and thwart competitive technological advances.

The Charged Parties have repeatedly threatened and/or coerced Ralphs with the object of forcing or requiring Instacart personnel to join their Union and/or with the object of forcing or requiring Ralphs to enter into an agreement which is prohibited by Section 8(e) of the Act, in direct violation of Section 8(b)(4)(ii)(A). The Locals' conduct has also violated Section 8(b)(4)(ii)(B), as they have threatened, coerced, and attempted to restrain Ralphs with an object of forcing or requiring Ralphs to cease doing business with Instacart and have threatened, coerced, and attempted to restrain Instacart from using, handling, and/or transporting the products of Ralphs.

Instacart is a separate, independent, third-party company whose sole business function is to provide its customers with surrogate shoppers to pick up grocery items from retailers such as Ralphs (and its competitors) without any necessary input from or formal relationship with the grocery stores. Ralphs employees have not traditionally performed the types of services Instacart is retained by its customers to perform. Rather, they handle merchandise for sale to the public. Thus, the work being performed by Instacart personnel is not “fairly claimable” by the Locals. Historically, Instacart has had its personnel shop for its customers at Ralphs and other retail vendors with little or no involvement, or knowledge, on the part of the store. In late October 2017, Ralphs for the first time arranged with Instacart to provide more options for its customers who had retained the services of Instacart to provide home delivery of their Ralphs' purchases. On or about November 14, 2017, Local 770 filed a grievance on behalf of UFCW Locals 770, 135, 324, 1167, 1428, 1442, and 8-GS¹, seeking to force Ralphs to cease doing business with Instacart and assign the shopping and home delivery that Instacart was doing for Ralphs' customers to bargaining unit employees. In January or February 2018, Kroger, Ralphs' parent company, decided to enter into a contractual relationship with Instacart in order to remain competitive with Amazon, Whole Foods, Target, Walmart, and other companies providing and accommodating surrogate shopping services. Kroger's hope was that its contract with Instacart would increase sales volumes by attracting new customers shopping for more items, thereby increasing work within the stores to preserve jobs.

Since February 2018, Ralphs has repeatedly attempted to meet with and otherwise discuss with the Locals the role of Instacart at Ralphs' locations, at the same time the Kroger family of companies had similar conversations with the UFCW International. The Locals' position has

¹ Local 8-GS was not a party to either of the unlawful Petitions to Compel filed regarding the November 2017 grievance and is, thus, not identified as a Charged Party herein.

consistently been that Ralphs should not continue its business relationship with Instacart unless all Instacart affiliated individuals shopping in Ralphs' stores are treated as bargaining unit employees covered by the parties' CBA and/or such "work" is assigned to current bargaining unit employees. In the spring of 2018, the Locals demanded arbitration of their unlawful November 2017 Grievance. Ralphs again, both through its legal counsel and through its Labor Relations team, repeatedly attempted to discuss the unlawful nature of the Locals' demands with the Locals. While the Locals appeared to understand that their demands Ralphs cease doing business with Instacart was unlawful and turned their attention in late 2018 instead to addressing the role of evolving technology in Ralphs' stores and its impact on bargaining unit work (which does not include shopping) at the bargaining table, inexplicably, on December 26, 2018, the Locals returned to their unlawful attempts to threaten and coerce Ralphs in violation of Section 8(b)(4)(ii) by filing a Petition to Compel Arbitration in federal court concerning their unlawful November 2017 grievance. Again, Ralphs attempted to head the Locals off on their unlawful mission, inviting the Locals to meet with Ralphs' and Kroger's representatives at a Ralphs location and personally observe the fact that the work Instacart personnel was doing was shopping and delivery, *not* "fairly claimable" bargaining unit work. After a February 7, 2019, on-site meeting with the Locals' representative, on February 15, 2019, the Locals dismissed their unlawful Petition to Compel Arbitration. Just three months later on May, 16, 2019, the Locals renewed their unlawful efforts to threaten, coerce, and restrain Ralphs with an object of forcing or coercing Ralphs to cease doing business with Instacart and/or enter into a "hot cargo" agreement by filing a second Verified Petition for an Order Compelling Arbitration Pursuant to a Collective Bargaining Agreement. This Petition, as with the first, seeks to unlawfully compel arbitration of the November 2017 grievance filed by the Locals discussed above. Ralphs' Answer and Counterclaim under Section 303 of the LMRA is being provided herewith.

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD		DO NOT WRITE IN THIS SPACE	
CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS		Case 31-CB-243939	Date filed 6/24/2019
INSTRUCTIONS: File an original of this charge with the NLRB Regional Director of the region in which the alleged unfair labor practice occurred or is occurring.			
1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name Teamsters Local Union No. 848		b. Union Representative to Contact Jeremy Baltazar Union Representative	
c. Address 731 East Arrow Highway, Glendora, CA 91740		d. Tel. No. (626)732-4700	e.e. Cell No.
		f. Fax No.	g. e-Mail jeremybaltazar@local848.net
h. The above-named labor organization or its agents have engaged in and are engaging in unfair labor practices within the meaning of section 8(b)(1)(A) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) Since about (b) (6), (b) (7)(C) 2019, the above-named labor organization has restrained and coerced employees in the exercise of rights protected by Section 7 of the Act by failing and refusing to process the grievance of (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) regarding (b) (6), (b) (7)(C) termination for arbitrary or discriminatory reasons or in bad faith.			
3. Name of Employer ITS Conglobal		4a. Tel. No. 909-531-3892	4b. Cell No.
		4c. Fax No.	4d. e-Mail
5. Location of Plant involved (street, city, state, and ZIP code) 1535 W 4th St, San Bernardino, CA 92401		6. Employer representative to contact DANNY	
7. Type of Establishment (factory, mine, wholesaler) Railroads	8. Principal product or service Freight Transport	9. Number of Workers employed 250	
10. Full name of party filing charge (b) (6), (b) (7)(C)		11a. Tel. No. (b) (6), (b) (7)(C)	11b. Cell No.
		11c. Fax No.	11d e-Mail (b) (6), (b) (7)(C)
11. Address of party filing charge (street, city, state, and ZIP code) (b) (6), (b) (7)(C)			
12. DECLARATION			
(b) (6), (b) (7)(C) and that the statements therein are true to the best of my knowledge and belief.			
By:	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	Tel No.
(sig)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	Cell No.
Address:	(b) (6), (b) (7)(C)	Date: 06-19-2019	Fax No.
			e-Mail (b) (6), (b) (7)(C)

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

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes. (b) (6), (b) (7)(C)

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD		DO NOT WRITE IN THIS SPACE	
CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS		Case 31-CB-244040	Date filed 6/25/2019
INSTRUCTIONS: File an original of this charge with the NLRB Regional Director of the region in which the alleged unfair labor practice occurred or is occurring.			
1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name Teamsters Local 63		b. Union Representative to Contact Ron Seamans Union Representative	
c. Address 927 Village Oaks Drive, Covina, CA 91724		d. Tel. No. (626)859-4005	e.e. Cell No.
		f. Fax No.	g. e-Mail rseamans@local63.net
h. The above-named labor organization or its agents have engaged in and are engaging in unfair labor practices within the meaning of section 8(b)(2), subsection(s) (1)(A) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)			
Within the last six months, the above-named labor organization has restrained and coerced employees in the exercise of rights protected by Section 7 of the Act by refusing to accept union due payments that (b) (6), (b) (7)(C) owes to the Union.			
Within the last six months, the above-named labor organization has attempted to cause and caused YRC Freight to discharge (b) (6), (b) (7)(C) or reasons other than the failure to tender uniformly required initiation fees and periodic dues and retaliated against (b) (6), (b) (7)(C) for filing prior charges against Teamsters Local 986.			

3. Name of Employer YRC Freight		4a. Tel. No.	4b. Cell No.
		4c. Fax No.	4d. e-Mail
5. Location of Plant involved (street, city, state, and ZIP code) 18298 Slover Avenue, Bloomington, CA 92316		6. Employer representative to contact James Moore Human Resources Manager	
7. Type of Establishment (factory, mine, wholesaler) Freight Terminal	8. Principal product or service Freight		9. Number of Workers employed 100
10. Full name of party filing charge (b) (6), (b) (7)(C)		11a. Tel. No.	11b. Cell No. (b) (6), (b) (7)(C)
		11c. Fax No.	11d. e-Mail (b) (6), (b) (7)(C)
11. Address of party filing charge (street, city, state, and ZIP code) (b) (6), (b) (7)(C)			

12. DECLARATION			
I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief.			
By: (b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	Tel No.
(signature of charging party)	Print name and title or office, if any	(b) (6), (b) (7)(C)	Cell No. (b) (6), (b) (7)(C)
Address: (b) (6), (b) (7)(C)	Date:	Fax No.	e-Mail (b) (6), (b) (7)(C)

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

PRIVACY ACT STATEMENT

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UNITED STATES OF AMERICA		DO NOT WRITE IN THIS SPACE	
NATIONAL LABOR RELATIONS BOARD		Case	Date filed
CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS		31-CB-244017	6/26/2019
INSTRUCTIONS: File an original of this charge with the NLRB Regional Director of the region in which the alleged unfair labor practice occurred or is occurring.			
1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name SEIU-UHW	b. Union Representative to Contact (b) (6), (b) (7)(C)		
c. Address 5480 Ferguson Dr, Commerce, CA 90022	d. Tel. No. (b) (6), (b) (7)(C)	e.e. Cell No.	
	f. Fax No.	g. e-Mail (b) (6), (b) (7)(C)	
h. The above-named labor organization or its agents have engaged in and are engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (1)(A) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) Since about (b) (6), (b) (7)(C) 2018 through the current date, such as (b) (6), (b) (7)(C) 2019, the above-named labor organization has restrained and coerced employees in the exercise of rights protected by Section 7 of the Act by refusing to process and arbitrate the grievance of (b) (6), (b) (7)(C) regarding (b) (6), (b) (7)(C) termination from the Employer for arbitrary or discriminatory reasons or in bad faith.			
3. Name of Employer Kaiser Permanente Hospital		4a. Tel. No. 323-783-4745	4b. Cell No.
		4c. Fax No.	4d. e-Mail cesar.e.giron@kp.org
5. Location of Plant involved (street, city, state, and ZIP code) 4867 Sunset Blvd, Los Angeles, CA 90027		6. Employer representative to contact Cesar Giron, HR Consultant	
7. Type of Establishment (factory, mine, wholesaler) Hospital	8. Principal product or service Medical Services		9. Number of Workers employed 500
10. Full name of party filing charge (b) (6), (b) (7)(C)	11a. Tel. No. (b) (6), (b) (7)(C)		11b. Cell No.
	11c. Fax No.		11d. e-Mail (b) (6), (b) (7)(C)
11. Address of party filing charge (street, city, state, and ZIP code) (b) (6), (b) (7)(C)			
12. DECLARATION			
(b) (6), (b) (7)(C) and that the statements therein are true to the best of my knowledge and belief.			
By (b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)		Tel. No.
(signature of representative or person making charge)	Print/type name and title or office, if any		Cell No. (b) (6), (b) (7)(C)
Address: (b) (6), (b) (7)(C)	Date: 6/24/2019	Fax No.	
		e-Mail (b) (6), (b) (7)(C)	

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

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

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD		DO NOT WRITE IN THIS SPACE	
CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS		Case	Date filed
		31-CB-244168	6/28/2019
INSTRUCTIONS: File an original of this charge with the NLRB Regional Director of the region in which the alleged unfair labor practice occurred or is occurring.			
1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name Studio Transportation Drivers Local 399 of the International Brotherhood of Teamsters		b. Union Representative to Contact Steve Dayan Secretary Treasurer	
c. Address 4747 Vineland Ave, North Hollywood, CA 91602		d. Tel. No. (818)985-7374	e.e. Cell No.
		f. Fax No. (818)985-0097	g. e-Mail office@ht399.org
h. The above-named labor organization or its agents have engaged in and are engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (1)(A) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)			
Within the past six months, the above-named labor organization has restrained and coerced employees in the exercise of rights protected by Section 7 of the Act by refusing to file a motion on behalf of (b) (6), (b) (7)(C) to protest a random drug test no-show, for arbitrary or discriminatory reasons or in bad faith.			
3. Name of Employer Alliance of Motion Picture and Television Producers		4a. Tel. No.	4b. Cell No.
		4c. Fax No.	4d. e-Mail
5. Location of Plant involved (street, city, state, and ZIP code) 15301 Ventura Blvd, Building E, Sherman Oaks, CA 91403		6. Employer representative to contact	
7. Type of Establishment (factory, mine, wholesaler) Production Company	8. Principal product or service Motion Picture and Television	9. Number of Workers employed 100	
10. Full name of party filing charge (b) (6), (b) (7)(C)	11a. Tel. No.	11b. Cell No. (b) (6), (b) (7)(C)	
	11c. Fax No.	11d. e-Mail (b) (6), (b) (7)(C)	
11. Address of party filing charge (street, city, state, and ZIP code) (b) (6), (b) (7)(C)			
(b) (6), (b) (7)(C) is therein are true to the best of my knowledge and belief.			
By:	(b) (6), (b) (7)(C)	Tel. No. (b) (6), (b) (7)(C)	
(signature)	(b) (6), (b) (7)(C)	Fax No. (b) (6), (b) (7)(C)	
Address (b) (6), (b) (7)(C)	Print/type name and title or office, if any	Date: 06/28/2019	e-Mail (b) (6), (b) (7)(C)

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

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UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
**CHARGE AGAINST LABOR ORGANIZATION
OR ITS AGENTS**

DO NOT WRITE IN THIS SPACE	
Case 31-CB-242986	Date Filed 6/10/2019

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

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name United Steelworkers Local 7600		b. Union Representative to contact Valery Robinson Title: President	
c. Address (Street, city, state, and ZIP code) 16855 Arrow Blvd. CA Fontana 92335-____		d. Tel. No. (909) 427-6188	e. Cell No. (909) 202-0141
		f. Fax No. (909) 427-5546	g. e-Mail valrobinson@usw7600.org
h. The above-named organization(s) or its agents has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (list subsections) (1)(A) _____ of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) --See additional page--			
3. Name of Employer Southern California Permanente Medical Group		4a. Tel. No.	b. Cell No.
		c. Fax No.	d. e-Mail
5. Location of plant involved (street, city, state and ZIP code) 2295 S. Vineyard Avenue Respiratory Care Department CA Ontario 91761-____			6. Employer representative to contact Title:
7. Type of establishment (factory, mine, wholesaler, etc.)	8. Identify principal product or service	9. Number of workers employed	
10. Full name of party filing charge (b) (6), (b) (7)(C)		11a. Tel. No. (b) (6), (b) (7)(C)	b. Cell No. (b) (6), (b) (7)(C)
		c. Fax No.	d. e-Mail (b) (6), (b) (7)(C)
11. Address of party filing charge (street, city, state and ZIP code.) (b) (6), (b) (7)(C)			
12. DECLARATION		Tel. No. (b) (6), (b) (7)(C)	
I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief.		Cell No. (b) (6), (b) (7)(C)	
By (b) (6), (b) (7)(C) (signature of representative or person making charge)		Fax No.	
(b) (6), (b) (7)(C) (Print/type name and title or office, if any)		e-Mail (b) (6), (b) (7)(C)	
Title:			
Address (b) (6), (b) (7)(C)		(date) 06/9/2019 15:37:25	

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

PRIVACY ACT STATEMENT

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

Basis of the Charge

8(b)(1)(A)

Within the previous six months, the above-named labor organization has restrained and coerced employees in the exercise of rights protected by Section 7 of the Act by refusing to honor the revocation of dues check-off.