



Chartered by United Food & Commercial Workers International Union
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KIM C. CORDOVA
President

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Secretary-Treasurer

April 2, 2021

Sent via Email

Jon McPherson
VP – Labor & Associate Relations
Kroger

Re: King Soopers Store #33 Effects Bargaining

Dear Jon:

I write in response to the Company's proposed letter of understanding which was shared with us on March 31, 2021. While there may be elements of the proposed letter on which the parties could reach common ground, the proposal, as a whole, woefully fails to meet the needs of the workers at Store #33. As I indicated to you during our discussions Wednesday, our members – as well as the non-union employees at Store #33 – have reacted with a sense of both shock and betrayal that the Company is unwilling to immediately agree to the critical issue of paid administrative leave past April 24, 2021.

With barely three weeks until April 24, employees understood the Company's proposals to force them to either return to work – at a different store – or lose pay and other benefits – or even their jobs – if they choose not to accept such a transfer. As you explained during our discussions this past Sunday, the Company does not anticipate reopening Store #33 for many months. Thus, without a guarantee of pay past April 24, these workers have no choice but to either forfeit their seniority and other rights afforded under the CBA, but also, for many, their preferred work location – or forfeit their income and benefits. This Hobson's choice is made all the worse by the Company's failure to file a worker's compensation claim on behalf of all store associates, but rather insisting on the employees' strict compliance with paperwork requirements.

Moreover, the Company has broken the law with respect to its recent communications with bargaining unit members. As you are well aware, federal labor law prohibits employers from dealing directly with employees concerning the terms and conditions of their employment. *See e.g. Standard Fitting Co. v. NLRB*, 845 F.2d 1311 (5th Cir. 1988); *Dayton Newspapers Inc.*, 339 NLRB 650 (2003) (employer violated the Act by conducting one on one meetings with workers to discuss their return to work). We have heard from workers, and the Company has admitted, holding one-on-one meetings with workers, but without the Union, to discuss the employee's return to work, possible store transfers, and pay until April 24. I demand that you immediately cease and desist this

practice. Please confirm in writing by close of business on April 5, 2021 that the Company has discontinued holding one-on-one meetings with bargaining unit workers in which any of these topics are discussed.

The Company can and must do better for these workers, many of whom are still in great anguish over the events of March 22. I ask you to reconsider the proposals made on March 31 and provide a new proposal that meets the emotional and financial needs of these workers who have suffered the loss of friends, colleagues, and neighbors – not to mention their workplace - through no fault of their own. I remain ready to meet with you and bargain further over these issues at your earliest convenience.

Sincerely,



Kim C. Cordova
UFCW Local 7 President
UFCW International Vice President

cc: Athar Bilgrami
Leroy Westmoreland
Kate Meckler
Milton Jones
Officers & Directors
Erik Cornell
King Soopers #33 Members