

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

**UNITED FOOD AND COMMERCIAL WORKERS  
INTERNATIONAL UNION, AFL-CIO**

**Respondent**

**and**

**Case 16-CB-105773**

**WAL-MART STORES, INC.**

**Charging Party**

**COMPLAINT AND NOTICE OF HEARING**

This Complaint and Notice of Hearing is based on a charge filed by the Charging Party. It is issued pursuant to Section 10(b) of the National Labor Relations Act, 29 U.S.C. § 151 et seq. (the Act), and Section 102.15 of the Rules and Regulations of the National Labor Relations Board (the Board) and alleges that Respondent has violated the Act as described below:

1. The charge in this proceeding was filed by the Charging Party on May 22, 2013, and a copy was served by regular mail on Respondent on May 23, 2013.

2. (a) At all material times, the Charging Party has been a corporation with an office and place of business in Bentonville, Arkansas, and various store locations throughout the United States, including its store located at 5851 Mercury Drive, Dearborn, Michigan (the only store involved herein), and has been engaged in the retail sale and distribution of consumer goods, groceries and related products and services.

(b) Annually in the course and conduct of its business operations described above in subparagraph (a) the Charging Party derives gross revenues in excess of \$500,000.

(c) Annually in the course and conduct of its business operations described above in subparagraph (a) the Charging Party purchases and receives at its Dearborn store goods valued in excess of \$5,000 directly from points outside the State of Michigan.

(d) At all material times, the Charging Party has been an employer engaged in commerce within the meaning of Section 2(2), (6) and (7) of the Act.

3. (a) At all material times, Respondent has been a labor organization within the meaning of Section 2(5) of the Act.

(b) At all material times, United Food and Commercial Workers Union Local 876, AFL-CIO (Local 876), has been a labor organization within the meaning of Section 2(5) of the Act.

4. At all material times, the following individuals held the positions set forth opposite their respective names and have been agents of Respondent within the meaning of Section 2(13) of the Act:

Mark Whaley	Executive Assistant and Wal-Mart Coordinator
Anthony Tracy	Field Campaign Coordinator
Silvia Fabela	Field Assistant to the Director of Organizing
Rebecca Cassler	Research Associate
Catherine Meals	Research Associate
Sajmir Xhikola	Local 876, Organizing Director
Jennifer Teed	Occupy Detroit Activist

5. (a) About November 23, 2013, Respondent, by its agents Sajmir Xhikola and Jennifer Teed, and approximately 50 to 80 other unknown individuals, entered the electronics department of the Charging Party's Dearborn store, without the permission of the Charging Party, and remained in this location for 10 to 20 minutes.

(b) In the conduct of the activity described above in subparagraph (a) in the presence of the Charging Party's employees, Respondent impeded entrance to and exit from the electronics department.

(c) In the conduct of the activity described above in subparagraph (a) Respondent interfered with the Charging Party's employees' ability to carry-out work tasks.

6. (a) About November 23, 2013, Respondent, through agents currently unknown to the General Counsel, but known to Respondent, including approximately seven unknown women and one unknown man, entered the women's rest room inside the Charging Party's Dearborn store, and coercively interrogated an employee regarding her wages, hours and working conditions.

(b) In the conduct of the activity described above in subparagraph (a) Respondent interfered with the Charging Party's employees' ability to carry-out work tasks.

7. By the conduct described above in paragraphs 5 and 6, Respondent has been restraining and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(b)(1)(A) of the Act.

8. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

**WHEREFORE**, it is prayed that Respondent be ordered to:

1. Cease and desist from engaging in the conduct described in paragraphs 5 and 6, or in any like or related manner restraining or coercing employees in the exercise of their rights guaranteed in Section 7 of the Act.

2. Take the following affirmative action:

(a) Post appropriate notices at the following locations:

Respondent's headquarters -

1775 K Street NW, Washington, DC

Respondent's Region 4 offices -

3900 Olympic Boulevard, Suite 100, Erlanger, KY

Respondent's Local 876 offices -

876 Horace Brown Drive, Madison Heights, MI

(b) Post appropriate notices on its websites:

UFCW.org

UFCW876.org

Making Change At Walmart - makingchangeatwalmart.org

OURwalmart - forrespect.org

(c) Provide signed copies of the notice to the Charging Party for posting at its Dearborn store.

The General Counsel further prays for such other relief as may be just and proper to remedy the unfair labor practices herein alleged.

### **ANSWER REQUIREMENT**

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The answer must be **received by this office on April 14, 2014, or postmarked on or before April 13, 2014**. Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

An answer may also be filed electronically through the Agency's website. To file electronically, go to [www.nlr.gov](http://www.nlr.gov), click on **File Case Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of

the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing.

Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

### **NOTICE OF HEARING**

**PLEASE TAKE NOTICE THAT** on at \_\_\_ at Room 300, Patrick V. McNamara Federal Building, 477 Michigan Avenue, Detroit, Michigan, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding has the right to appear and present testimony regarding the allegations in this complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668.

The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated at Detroit, Michigan, this 31st day of March 2014.

*/s/ Terry Morgan*

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Terry Morgan, Regional Director  
National Labor Relations Board, Region 7  
Patrick V. McNamara Federal Building  
477 Michigan Avenue, Room 300  
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