

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

| DO NOT WRITE IN THIS SPACE | |
|----------------------------|------------|
| Case | Date Filed |

INSTRUCTIONS:

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

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| 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT | |
| a. Name of Employer McDonald's/McDonald's USA, LLC, Joint Employers | |
| b. Tel. No. (408) 436-0760 | |
| c. Cell No. | |
| f. Fax No. | |
| d. Address (Street, city, state, and ZIP code) 2040 N. 1st St., San Jose, CA 95131-2001 | e. Employer Representative Phy Nguyen |
| g. e-mail | |
| h. Number of workers employed 30 | |
| i. Type of Establishment (factory, mine, wholesaler, etc.) fast food restaurant | j. Identify principal product or service fast food |
| The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (3) 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) See Attachment | |
| 3. Full name of party filing charge (if labor organization, give full name, including local name and number) SEIU National Fast Food Workers Union | |
| 4a. Address (Street and number, city, state, and ZIP code) 1545 Wilshire Blvd., Suite 305, Los Angeles, CA 90017 | |
| 4b. Tel. No. | |
| 4c. Cell No. 408-477-5180 | |
| 4d. Fax No. | |
| 4e. e-mail | |
| 5. 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) Service Employees International Union | |
| 6. DECLARATION | |
| I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief. | |
|  (signature of representative or person making charge) | |
|  (Print/type name and title or office, if any) | |
| Tel. No. 202-730-7353 | |
| Office, if any, Cell No. | |
| Fax No. | |
| e-mail | |
| Address <u>1800 Mass. Ave. NW, Washington DC 20036</u> Date <u>7-22-20</u> | |

**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

On or about July 21, 2020, McDonald's violated the Act by discharging employee Maria Elena Ruiz Bonilla in retaliation for engaging in protected concerted activity and union activity. Over the past few months, Maria Ruiz publicly organized and participated in three strikes over COVID-19 safety issues, including McDonald's failure to provide employees sufficient masks, soap, and gloves, and failure to ensure social distancing. She also raised other safety issues with management, including their failure to provide adequate supplies or equipment. Ms. Ruiz also openly and actively participated in the Fight for Fifteen campaign and supported organizing a union at her workplace. McDonald's asserted a pretextual reason for discharging Ms. Ruiz, but in reality fired her for her advocacy for workers' safety and her organizing for better working conditions and union representation. Ms. Ruiz has heard from another worker that management has compiled a blacklist of union supporters, whom they call "mitoteros" (which roughly translates to "gossips/trouble-makers") and whom management intends to fire.