



**JAMES J. McLAUGHLIN** - President, International Vice President

**STAN E. CHAVIRA** - Secretary/Treasurer

June 22, 2020

Mr. Leroy Westmoreland, Esq.  
Kroger  
Labor Relations  
1100 West Artesia Blvd  
Compton, CA 90220

Dear Leroy,

It has come to Local 99's attention that the safety measures that were put into place are not being enforced in many Fry's stores. At no time has the Company notified Local 99 of their intention to scale back their commitments, including but not limited to; customer capacity limits, proper social distancing, special shopping hours and requiring customers to wear masks (now mandated by most cities in Arizona). In addition, we have witnessed the Company no longer assigning employees to sanitize carts for customers, a lack of hand sanitizer for employees working, no cleaning/sanitizing in the stores, no consistent enforcement of temperature screenings and a lack of enforcing employees to wear face masks. Furthermore, Fry's indicated it would encourage employees who are sick or have been exposed to stay home. However, there have been reports that management has forced employees to come to work. Throughout the COVID-19 crisis, which we are still experiencing, in Arizona, we have worked with Fry's on these issues, but it seems that Fry's is not committed to do so any longer.

The National Labor Relations Act entitles unions to all information necessary to represent members. This includes any and all information that will allow the union to negotiate a healthier and safer working environment. The UFCW is committed to ensuring the health and safety of all our members. It is beyond dispute that unions have extensive rights to information concerning any plans to protect their members and workers. Furthermore, there can be no dispute that unions are entitled to all information relevant to the union's ability to represent workers. *NLRB v. Acme Industry Co.*, 385 U.S. 432, 435-36 (1967) (citing *NLRB v. Truitt Mfg. Co.*, 351 U.S. 149 (1956)). Under these circumstances, we believe it is self-evident that the information requested is not merely necessary, but absolutely required to ascertain the potential exposure of other employees, community members and appropriate next steps. We do not believe Fry's has fulfilled its responsibility with the information Local 99 has consistently requested.

We are requesting the following information be provided no later than Monday, June 29, 2020.

- 1) The total number of positive COVID-19 cases and the stores affected; including the job title, last location worked; last shift worked
- 2) The procedure to notify possible exposed employees
- 3) Any and all protocols, planning documents for COVID-19

a VOICE for working America

Mr. Leroy Westmoreland

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Further, we wish to understand Fry's reasoning for ending the safety measures no longer in effect as described in the first paragraph.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim", written in a cursive style.

James J. McLaughlin

President

International Vice President