

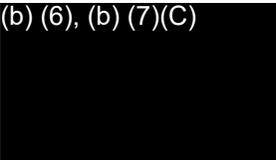
From: SM-Advice Closing Email <Advicece@nlrb.gov>
Sent: Thursday, June 25, 2020 11:54 AM
To: Cowen, William B. <William.Cowen@nlrb.gov>; Pate, William <William.Pate@nlrb.gov>; Cahn, Stephanie <Stephanie.Cahn@nlrb.gov>; McNeill, Lisa <Lisa.Mcneill@nlrb.gov>
Cc: Bock, Richard <Richard.Bock@nlrb.gov>; Szapiro, Miriam <Miriam.Szapiro@nlrb.gov>; Dodds, Amy L. <Amy.Dodds@nlrb.gov>; Belin, Jeremy S. <Jeremy.Belin@nlrb.gov>; Shorter, LaDonna <Ladonna.Shorter@nlrb.gov>
Subject: RE: McDonald's Restaurant of California, Inc., McDonald's Corporation and/or McDonald's USA, LLC, 21-CA-243184

This case was resubmitted for advice following the Region's review of position statements submitted by the Charging Party arguing that McDonald's USA, LLC, is liable under the Act for multiple Section 8(a)(1) statements made by a manager at a McDonald's restaurant owned and operated by McDonald's Restaurants of California, Inc., and that a potential settlement with only McDonald's Restaurants of California would be inappropriate. (We have issued two previous case-closing emails in this case, dated February 28, 2020 and May 12, 2020.)

After fully considering the Charging Party's arguments, we conclude that it is unnecessary to determine and potentially litigate whether McDonald's USA, LLC is liable under the Act because the settlement with McDonald's of California will fully remedy the violations. We have notified counsel for the Charging Party of this decision, and the Region is now authorized to proceed with processing the settlement in this matter and dismissing, absent withdrawal, the allegations against the parent entities.

This email closes the case in Advice. Please feel free to contact us with any questions or concerns.

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



From: (b) (6), (b) (7)(C)
Sent: Friday, February 28, 2020 3:42 PM
To: Cowen, William B. <William.Cowen@nlrb.gov>; Pate, William <William.Pate@nlrb.gov>; Cahn, Stephanie <Stephanie.Cahn@nlrb.gov>; McNeill, Lisa <Lisa.Mcneill@nlrb.gov>
Cc: Bock, Richard <Richard.Bock@nlrb.gov>; Szapiro, Miriam <Miriam.Szapiro@nlrb.gov>; Dodds, Amy L. <Amy.Dodds@nlrb.gov>; Belin, Jeremy S. <Jeremy.Belin@nlrb.gov>; Shorter, LaDonna <Ladonna.Shorter@nlrb.gov>
Subject: McDonald's Restaurant of California, Inc., McDonald's Corporation and/or McDonald's USA, LLC, 21-CA-243184

This matter was submitted for advice as to the single- or joint-employer liability of McDonald's Corporation and/or McDonald's USA, LLC, for multiple Section 8(a)(1) statements made by a manager at a McDonald's restaurant owned and operated by McDonald's Restaurants of California, Inc. McDonald's Restaurants of California has signed an informal settlement agreement (pending this Advice submission) that the Region has determined would fully remedy the meritorious 8(a)(1) allegations. Considering that the Board remedy for the unlawful 8(a)(1) statements would be a notice posting at the restaurant where the statements were made, and that the offending manager's direct employer is willing to settle, we

conclude that it is unnecessary to determine (and potentially litigate) whether its parent corporations are also liable under the Act. Accordingly, the Region should proceed with the settlement with McDonald's Restaurants of California, Inc., and dismiss, absent withdrawal, the allegations against McDonald's Corporation and McDonald's USA, LLC.

This email closes the case in Advice. Please feel free to contact us with any questions or concerns.

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

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