



Commonly Asked Questions

Regarding Associates that Choose to Work During a Strike

1. If there is a strike, will stores continue to operate?

Our goal is to keep as many of our stores as possible operational. We will evaluate store operations on an individual basis and determine needs as the situation progresses.

2. If there is a strike, will I continue to receive my Kroger pay?

If a strike occurs, associates participating in a strike will not be paid by the company, since they will not be working during the strike. According to UFCW Local 400's website, the International Union may provide striking associates some assistance, we believe that assistance would be somewhere around \$100.00 a week beginning the eighth day of a strike for union members who work shifts on the picket line, but you should confirm union strike benefits with your bargaining agent.

Also, associates participating in the strike would not receive pension or health insurance contributions that are tied to hours worked. If a strike occurs, and is lengthy, it may become necessary for participating associates to pay for their health insurance at applicable COBRA rates while on strike.

3. Can associates still work if there is a strike?

Yes. Associates who want to work during a strike may do so, even if they voted to give the union strike authorization and the union tells them not to cross the picket line. This is a right that employees have under a federal law known as the National Labor Relations Act. Under this law, **each employee is free to decide what he or she wants to do—strike or not strike.**

4. Can the union fine associates who work during the strike?

Possibly. If an associate is a union member when he or she chooses to cross the picket line, it is possible that the union could fine the associate for doing so. You need to check the union's rules to know for sure. **One way to avoid potential fines, charges or disciplinary action from the union for crossing a picket line is to resign from the union before crossing.** It is important that you understand that the decision of whether to resign from the union is yours alone.

5. Can associates resign from the union to avoid potentially being fined?

Yes. If our stores remain open and you want to continue working during a strike and avoid potential fines, charges or discipline from the union for crossing a picket line you can resign from the union prior to crossing the picket line. **It is important that you understand that the decision to resign from the union is yours alone. The company can neither encourage nor discourage you in this decision.**

- Federal labor law gives an individual the right not to join and maintain membership in a union, even if your collective bargaining agreement has a union security agreement.
- You are required to continue paying the union's dues or, if you provide proper notice to the union that you object to use of your money for political or other purposes, that portion of the dues that is used for representational purposes, such as collective bargaining and contract administration.
- You will not lose any seniority or rights under the collective bargaining agreement if you resign from the union. The union must continue to represent you, including processing grievances on your behalf, whether you are a member or not.
- You will lose the right to vote in union elections and on ratification of the collective bargaining agreement if you are no longer a member.
- The union cannot threaten or prohibit you from resigning from the union if that's what you want to do. The choice is yours. Any threats or talk about loss of benefits or seniority, etc., are illegal.
- The company cannot unlawfully retaliate against any associate who chooses to strike.



6. What should I do if I want to resign from the union, so I can work during a strike without being fined?

To resign, you may provide a signed and dated notice of resignation to the union before working during a strike. If you cross the picket line prior to resigning, you will probably be fined according to the union's constitution and bylaws. If you want to work during a strike without being fined, you should deliver the notice to the union office in person, send it to the union by fax or mail it to the union. If an associate provides the notice by fax or certified mail, he or she can obtain a confirmation of the union's receipt of the notice. An associate may wish to keep a copy of the notice, and of any confirmation of the union's receipt of it, for his or her records.

The notice does not have to be lengthy or detailed. It can simply identify the date and who you are, and state, for example: "I resign from the union effective immediately."

It is important that you understand that the decision to resign from the union is yours alone. The company can neither encourage nor discourage you in this decision. Nor can the union lawfully threaten you or prohibit you from resigning from the union if that's what you decide to do. The choice is yours.

7. If I choose to resign from the union, will I retain my healthcare and pension benefits?

Health care and pension contributions and benefits are the same for non-members as for other members of the union. If an associate resigns their membership in the union and continues to work during a strike, it would not affect pension, healthcare benefits, or other benefits offered by the company.

The union does not pay for your benefits nor do your union dues contribute to benefit costs.

8. Who should I contact if I have more questions about my rights?

Any questions associates may have regarding rights under federal labor law may be directed to the National Labor Relations Board at www.nlrb.gov. The National Labor Relations Board is a neutral government agency responsible for administration and enforcement of the National Labor Relations Act.

THE COMPANY IS NOT RECOMMENDING ASSOCIATES RESIGN FROM THE UNION OR PURSUE ANY PARTICULAR COURSE OF ACTION IN THIS MATTER.

WE BELIEVE THAT THE COMPANY HAS A DUTY TO INFORM OUR ASSOCIATES OF GENERAL RIGHTS UNDER THE LAW AND WE HAVE ATTEMPTED TO DO SO.

THE CHOICE YOU MAKE IS OUR YOURS AND YOURS ALONE.