

## 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. **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.
- Additionally, West Virginia is a right to work state, which means employees have the right to refrain from union activities, including the right to refrain from paying dues, fees, or assessments to a labor union or any third party.
- As a bargaining unit member, associates who would like to resign from the union can do so by delivering a letter or notice to the union office in person or by fax or mail.
- Resignation from the union does not automatically terminate the obligation to pay dues. Associates should review their dues check-off authorization. It outlines the steps to be taken to stop paying dues, in the event an individual who resigns from the union wishes to stop paying dues.

The union has a copy of your dues check-off authorization. Associates can request a copy of their authorization from the union office (and individuals sometimes choose to do so by fax or registered or certified mail). If the union does not respond to your request, you have the right to contact the National Labor Relations Board at [www.nlr.gov](http://www.nlr.gov) to lodge a complaint.

- The union must continue to represent associates who have withdrawn from the union in grievance or related labor matters. That means the union is generally obligated to process grievances on behalf of the associates and to treat all bargaining unit associates the same, whether they are union members or not.



- You will not lose any seniority if you resign from the union. The union must process grievances on behalf of core members.
- Associates who resign from the union, and are thus no longer union members, are not able to vote on union contracts or other union business.
- 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. You may deliver the notice to the union office in person, send it to the union by fax or mail it to the union (by certified mail or regular mail). 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.”

Resignation from the union may not automatically terminate the obligation to pay dues. Your dues check-off authorization card should outline the steps that need to be taken to stop paying dues. The union has a copy of these dues check-off sheets. You can request a copy of it from the union office.

**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. Your benefits are provided and paid for by Kroger.**

**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](http://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.