



## Decaffeinated: Starbucks' Buffalo Baristas Seek Potential Ouster Of Union

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Are things coming full circle in the ongoing Starbucks-union saga? Maybe. [According to recent news reports](#), baristas at one of the original cafes [to vote in a union](#) at the chain in Buffalo, New York, have filed a decertification petition with the National Labor Relations Board (NLRB) to oust the union.

According to [one media outlet](#): “A Starbucks in Buffalo, NY, has filed paperwork with the National Labor Relations Board to decertify the union at one of its stores in Buffalo, NY. The store, one of the first to vote for a union, can decertify if most of the 14 workers at the location vote for it. The union says the petition is part of Starbucks’ effort to quash union activity, including reducing the hours of union workers, firing them and denying them raises and perks given to non-union employees. Starbucks says its role in the petition ‘is to ensure partners can trust their voice is heard and the process is fair.’”

This is somewhat surprising, given that the organizing in Buffalo at the end of 2021 served as the catalyst to what has transformed into a nationwide union campaign that now has seen union elections at 300-plus Starbucks locations since. As contract negotiations drag on, more of the recently unionized stores may follow suit. It remains to be seen if this is an isolated circumstance or may turn into an emerging pattern.

Decertification petitions are the primary vehicle employees dissatisfied with unions can use to vote them out. It can be a complicated process, though. Over the years, the NLRB has developed a number of doctrines that limit the

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windows in which employees can set into motion procedures that may lead to the removal of a union. One of those doctrines is the “[contract bar](#).” Generally, under that doctrine, the agency will dismiss any petition seeking ouster of a union filed while a current collective bargaining agreement is in effect.

That and other similar doctrines, however, are not expressly provided for under the National Labor Relations Act; rather, they have been developed by the NLRB through individual case adjudication.

The national union drive at Starbucks has been extraordinary on a number of levels, and this appears to be the latest dramatic turn.