

## Third Street Staff Union (TSSU)

1/27/26

Dear Pat,

Thank you for readily agreeing to meet with us for a pre-bargaining meeting. Listed below are our primary demands. On page 6, is the legal reference list, where we have copied down the laws we reference throughout our demands.

### 1) Monthly Meetings

- We will have monthly staff meetings with Pat Gerhard and the store manager, presently Lindsey Gerhard, to facilitate open and effective communication about store policies, protocols, and our concerns. Every employee, supervisor, and manager at Third Street will have the right to vote on changes to policies and procedures that impact their work and life, as well as the right to propose new policies and procedures.
- In these meetings, any workflow changes are to be presented and then voted upon. In order to keep meetings concise, the workplace changes that are being proposed by management will be given to the union at least 48 hours before the meeting.
- The meetings will be broken up into four sections: a presentation by management about our finances, policy and workplace changes, a presentation from the union, and end with an open form discussion
- The policies and procedures suggested in these meetings, after a simple majority vote (>50%) of approval will be recorded into the Standard Procedures Binder and may be amended or removed by the approval of a simple majority.
- Voting: at the meeting, we will propose changes to the workplace, and then, using an app, give all employees the chance to vote the changes within the 48 hours after the meeting

### 2) Financial Transparency and Fair Compensation.

- There will be full financial transparency via a monthly presentation of Third Streets bank statements at our Monthly meeting as well as at the request of the Union. In these presentations of the monthly financials we demand a review of withdrawals, deposits, and where those withdrawals and deposits go. We demand up-to-date documentation of all hourly and salaried employees,

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freelance contractors, vendors, and any additional bonuses/ extra pay that employees may receive, including holiday bonuses, work performed outside of regular shifts, etc.

- We demand policies outlining protections against retaliation for unionized employees, as well as the abolition of wage suppression.
- We demand that all employees of the same position (training barista, barista, barista trainer, supervisor, and manager) make the same wage as their peers.
- We demand that every employee's wage is transparently displayed in the back, and must be updated the same day that any change of any nature is made.

### 3) Clarification/reassessment of managerial and supervisory roles.

- There will be a thorough outlining of the responsibilities of training baristas, baristas, barista trainers, supervisors, and managers. The staff which comprise each role will clearly be stated, and upon a change in role of an employee, the rest of the employees will be notified within 48 hours.
- We need [REDACTED]'s current position to be stated, whether it be manager, supervisor, or barista, and [REDACTED] responsibilities appropriately adjusted to said role.
- Aubrey will be promoted to supervisor, as someone with consistent, long-term experience closing. This will help communication between afternoon shift and Pat/management, and between morning and afternoon shift, and would provide an important perspective to the continued success of Third Street Stuff.
- Managers and supervisors, in the outlining of both their responsibilities, are responsible for covering shifts and scheduling gaps in the absence of other employees' ability or desire to.
- Managers and supervisors will, at least once every two weeks, work each type of shift (mornings, mid-shift, and close) to ensure that they have the experience to make informed decisions about the business and maintain the skills necessary to cover any shift.

### 4) Managers and Tip Pooling.

- Under 29 CFR 531.54, managers are not allowed to take part in tip pooling. The practice of managers taking tips needs to be terminated immediately.

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- Third Street Staff will henceforth tip pool by the day, in accordance to the hours worked by each employee. To facilitate this in an equitable and accountable way, we demand that our tips, the process of division, and who handled the division be documented, and made public and freely accessible for a year which begins the day each respective collection of tips is divided. We suggest that a cubby system be established in the back, in which each employee who can participate in the tip pool has a labelled cubby where their tips can be stored.
  - Only employees who participate in the tip pool are allowed to handle tips, and there will be a written procedure for addressing and documenting concerns about the mishandling or theft of tips.
- 5) The breaks we are legally entitled to, and how we would like to see them facilitated.
- There will be a designated area that is private and comfortable where we can take our breaks, and a poster of Kentucky's Wage and Hour Laws (KRS 337.325) as required. A cleared off table in the back with a chair at it will suffice as this space.
  - Third Street Staff will use a third party app for clocking in and out, schedules, and exchanging shifts. On this app we will be able to document when our breaks are taken, and we will have access to our actual hours worked (KRS 337.320)
  - Every employee will have uninterruptible 10 minute rest breaks for every 4 hours worked (KRS 337.365) be facilitated by management or supervisors, and taking those breaks be realistic regardless of the timing of a shift or how demanding a shift is.
  - Each employee will be able to take a 20 minute lunch break for every 5 hours worked (KRS 337.355) in addition to our 10 minute rest breaks (KRS 337.365) and be facilitated by management or supervisors, and taking those breaks will be realistic regardless of the timing of a shift or how demanding a shift is.
  - For example our current shift lengths range from 4-7 hours. Listed below are the breaks for each length of shift:
    - 4 hour shift: one 10 minute break.
    - 5 hour shift: one 10 minute break and one 20 minute break
    - 6-7 hour shift: one 10 minute break and one 20 minute break
    - 8+ hour shift: two 10 minute breaks and one 30 minute lunch break

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### 6) Standard Procedures Binder.

- A binder with material written collectively by Pat, managers, supervisors, and employees with training materials specific to Third Street Stuff, policies regarding discrimination, equitable and consistent hiring standards, breaks, safety, responsibilities and repercussions (including for managers), and policies against favoritism.
- Any violation of these policies that warrant a disciplinary meeting needs to be written, recorded, and signed by the accused employee, the person facilitating the meeting, and, if requested by the accused, a union representative. Any employee accused of violating policies has the right to request a union representative attend any and all meetings with management or Pat. The written statement of the violation, along with a written statement by the accused will be recorded by management, and a copy will be given to the union within 48 hours after both parts are written.
- We demand a written procedure for challenging any accusations of policy violations.
- In compliance with the Equal Opportunity Act, we demand a fair hiring process that gives equal opportunity to a hiring pool, and that must be approved by the Union. The current hiring process is rife with bias because there are no standardized ways to apply, interview qualifications, or hiring requirements. We notice a lack of staff diversity and recall at least one instance in which an applicant was profiled and held to an ability "requirement" not asked of or known to exist by staff, demonstrating discrimination as the consequence of your failure to systemize Equal Opportunity.

### 7) Health and Safety.

- We need your attention to the health and safety of your customers and your employees at Third Street Stuff.
- Third Street Stuff will henceforth have specifically **external** cameras in order to identify violent and sexual offenders, so we can easily inform each other about who is not allowed back onto the property. The footage from these cameras will be easily accessible by management, and upon request due to a safety concern, management will have 72 hours to provide requested footage/picture of perpetrator/incident.

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- There will be electronic number-code locks on the bathrooms to dissuade those who come in to use them for inappropriate and unsafe purposes, in addition to replacement door handles and locks as the current door handles do not prevent entry when locked.
- There will be a cloth mop, floor cleaner, and bucket with wheels and wringer that employees will be able to use to clean both behind the counter and in the bathrooms.
- We will use reusable cloths that can be laundered by an outside company or by management, as opposed to disposable cloths.
- There will be an established list of how long each type of food served is food safe, specific to the food itself. In addition, we will date foods by the date they expire, and they will be initialed by the person who made/package the food product.
- The food, not the containers the food is in, are to be dated, such as the bagels, caramel and white chocolate sauces, pesto, matcha, and chocolate powder.
- Every prepared food item shall be initialed and dated by the employee who prepared it.
- These written procedures and protocols for health and safety concerns will be recorded in the Standard Procedures Binder.

### 8) Adequate Methods of Communication

- We need communication of changes to happen in a way that reaches everyone at the same time and allows any questions to be addressed. Sticky notes are, often, an ineffective way of communicating changes. They can be missed, lost, do not explain why a change is being made, and many times are not being seen by the correct people.
- Written communication in general has been confusing. We would like either more thorough written communication, or in person communication, especially in cases where a new task needs to be done, so we can be shown how to properly do it.

### 9) Shift and Hour Distribution.

- We demand equitable guidelines regarding the distribution of shifts, specifically granting no more than one additional shift to a given employee when more shifts are desired by another employee. For example, it would *not* fulfill scheduling

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guidelines for employee A to have 5 open shifts totaling 32.5 hours when employee B has 3 opens totaling 19.5 hours. It *would* fulfill scheduling guidelines to grant 4 open shifts to employee A and 3 open shifts to employee B, as the disparity between these two is no greater than one shift, or 4 open shifts to employee A and B as there would be no disparity. These guidelines will only apply to employees who desire more than 2 full shifts per week, or greater than 13-15 hours per week.

- We demand that there be a guarantee of a minimum of three shifts per week for the employees that want to work three plus shifts a week. Currently, there are employees that want to work three to five shifts a week who are not reliably being scheduled even three shifts a week.
- We demand that our schedules be made a week in advance, so that if someone is scheduled on a Monday they know that they are scheduled by the Monday prior.

### 10) Cultural Concerns.

- Concerns have long been raised by community members about the use of prominent black and indigenous leaders' names for lattes, and we demand a response. We affirm that the use of these names primarily serves your financial benefit, given the complete lack of historical summaries, educational resources, or financial solidarity otherwise provided. We recommend either changing the names, **or**, 1) donating a percentage of drink sales every month to multiple organizations involved in the liberation movements each individual belongs to, **and**, 2) further platforming each organization with an informational tab on Third Street's website including: information on how to donate, how donations are used, and Third Street's log of respective donations.
- Many employees have received customer complaints about the minstrel statue. This a white-owned business largely made up by white constituents and employees, and there is no artist summary or description accompanying the statue—it is just casually displayed with no context. Regardless of the artistry, it should be your responsibility to react with care to customers who feel this negatively represents blackness. We demand an easily visible artist's plaque giving due credit and providing crucial context, or removal.

## Legal Reference List

- KRS 337.365 Rest periods for employees.

No employer shall require any employee to work without a rest period of at least ten (10) minutes during each four (4) hours worked, except those employees who are under the Federal Railway Labor Act. This shall be in addition to the regularly scheduled lunch period. This section shall not apply where a collective bargaining agreement provides for a total number of minutes that are equal to or exceed ten (10) minutes accrued for each four (4) hours of work. If a collective bargaining agreement does not contain provisions allowing rest periods, employers shall allow a rest period of at least ten (10) minutes during each four (4) hours worked. No reduction in compensation shall be made for hourly or salaried employees.

- KRS 337.325 Posting of summaries of wage and hour laws, orders, and regulations by employers.

Every employer subject to any provision of KRS 337.275 to 337.325, 337.345, and 337.385 to 337.405 or of any regulations or orders issued under KRS 337.295 shall keep copies of such summaries of wage and hour laws and regulations issued under KRS 337.295 posted in a conspicuous and accessible place in or about the premises wherein any person subject thereto is employed. Employers shall be furnished copies of such summaries, orders and regulations by the state on request without charge. Failure to mail such summaries to an employer shall not relieve the employer from the duty of complying with the provisions.

- KRS 337.320 Record to be kept by employer.

(1) Every employer shall keep a record of:

- (a) The amount paid each pay period to each employee;
- (b) The hours worked each day and each week by each employee; and
- (c) Such other information as the commissioner requires.

(2) Such records shall be kept on file for at least one (1) year after entry. They shall be open to the inspection and transcript of the commissioner or the commissioner's authorized representative at any reasonable time, and every employer shall furnish to the commissioner or the commissioner's authorized representative on demand a sworn statement of them. The commissioner may require the statement to be upon

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forms prescribed or approved by him or her.

- KRS 337.355 Lunch period requirements.

Employers, except those subject to the Federal Railway Labor Act, shall grant their employees a reasonable period for lunch, and such time shall be as close to the middle of the employee's scheduled work shift as possible. In no case shall an employee be required to take a lunch period sooner than three (3) hours after his work shift commences, nor more than five (5) hours from the time his work shift commences. This section shall not be construed to negate any provision of a collective bargaining agreement or mutual agreement between the employee and employer.

- 29 CFR 531.54 Tip Pooling.

(a) **Monies counted as tips.** Where employees practice tip splitting, as where waiters give a portion of their tips to the busser, both the amounts retained by the waiters and those given the bussers are considered tips of the individuals who retain them, in applying the provisions of sections 3(m)(2)(A) and 3(t). Similarly, where an accounting is made to an employer for his or her information only or in furtherance of a pooling arrangement whereby the employer redistributes the tips to the employees upon some basis to which they have mutually agreed among themselves, the amounts received and retained by each individual as his or her own are counted as his or her tips for purposes of the Act. Section 3(m)(2)(A) does not impose a maximum contribution percentage on mandatory tip pools.

(b) **Prohibition against keeping tips —**

(1) **Meaning of “keep.”** Section 3(m)(2)(B)'s prohibition against keeping tips applies regardless of whether an employer takes a tip credit. Section 3(m)(2)(B) expressly prohibits employers from requiring employees to share tips with managers or supervisors, as defined in § 531.52(b)(2), or employers, as defined in 29 U.S.C. 203(d). An employer does not violate section 3(m)(2)(B)'s prohibition against keeping tips if it requires employees to share tips with other employees who are eligible to receive tips.

(2) **Full and prompt distribution of tips.** An employer that facilitates tip pooling by collecting and redistributing employees' tips does not violate section 3(m)(2)(B)'s prohibition against keeping tips if it fully distributes any tips the employer collects no later than the regular payday for the workweek in which the tips were collected, or when the pay period

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covers more than a single workweek, the regular payday for the period in which the workweek ends. To the extent that it is not possible for an employer to ascertain the amount of tips that have been received or how tips should be distributed prior to processing payroll, tips must be distributed to employees as soon as practicable after the regular payday.

(c) ***Employers that take a section 3(m)(2)(A) tip credit.*** When an employer takes a tip credit pursuant to section 3(m)(2)(A):

(1) The employer may require an employee for whom the employer takes a tip credit to contribute tips to a tip pool only if it is limited to employees who customarily and regularly receive tips; and

(2) The employer must notify its employees of any required tip pool contribution amount, may only take a tip credit for the amount of tips each employee ultimately receives, and may not retain any of the employees' tips for any other purpose.

(3) An employer may not receive tips from such a tip pool and may not allow managers and supervisors to receive tips from the tip pool.

(d) ***Employers that do not take a section 3(m)(2)(A) tip credit.*** An employer that pays its tipped employees the full minimum wage and does not take a tip credit may impose a tip pooling arrangement that includes dishwashers, cooks, or other employees in the establishment who are not employed in an occupation in which employees customarily and regularly receive tips. An employer may not receive tips from such a tip pool and may not allow supervisors and managers to receive tips from the tip pool.