

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 32**

**CLEAN HARBORS ENVIRONMENTAL
SERVICES, INC.**

Employer

and

Case 32-RC-356381

TEAMSTERS LOCAL 439

Petitioner

DECISION AND DIRECTION OF ELECTION

Clean Harbors Environmental Services, Inc. (the Employer) is a Massachusetts corporation engaged in the retail service of waste disposal services from its facility located at 2050 West Fremont Street, Stockton, CA 95203. On December 10, 2024, Teamsters Local 439 (the Petitioner or Union) filed a representation petition (the Petition) under Section 9(c) of the National Labor Relations Act (the Act) seeking an *Armour-Globe*,¹ self-determination election to add approximately 48 Drivers to an existing bargaining unit,² which presently includes approximately four Mechanics and Lead Mechanics. The Petitioner does not seek to include any other unrepresented employees.

Also on December 10, 2024, the Region served a copy of the Petition on the Employer along with a letter notifying Employer of its obligation to file a Statement of Position (SOP), to serve that SOP on all Parties, and to do so in a timely manner by noon Pacific Time on December 17, 2024. While the Employer timely filed its SOP with the Region, it is undisputed that it did not timely serve its SOP on Petitioner and was therefore, in accordance with Section 102.66(d) of the Board's Rules and Regulations, precluded from raising any issue, presenting any evidence relating to any issue, cross-examining any witness concerning any issue, and presenting argument concerning any issue that the party fails to raise in its timely Statement of Position.³ Thus, I directed the Hearing Officer to preclude the Employer from litigating issues contained in its Statement of Position.

A hearing officer of the Board held a hearing in this matter on December 18, 2024. At the hearing the Parties stipulated that, pursuant to Section 9(b) of the Act, the petitioned-for unit constitutes a distinct, identifiable segment of Employer's employees. The Parties stipulated that

¹ *Armour & Co.*, 40 NLRB 1333 (1942); *Globe Machine & Stamping Co.*, 3 NLRB 294 (1937).

² The existing unit was certified pursuant to a petition in Case 32-RC-354066.

³ See, e.g., *Ikea Distribution Services, Inc.*, 370 NLRB No. 109 (2021) (adopting the Regional Director's decision to reject an employer's statement of position and preclude litigation of issues raised therein based solely on the employer's failure to timely serve its statement of position on the petitioner); See also, e.g., *Brunswick Bowling Prods., LLC*, 364 NLRB No. 96 (2016) (overturning the Regional Director's decision to accept a statement of position that was timely filed, but served 3 hours and 20 minutes late, and allow the union to litigate issues raised therein).

any unit found appropriate by the Regional Director, within the meaning of Section 9(b) of the Act, should include the following job classifications:

Included: All full-time and regular part-time Class A Liquid Drivers, Class A drivers, and EO/Drivers II employed by the Employer at its facility located at 2050 West Fremont Street, Stockton, California.

At the hearing, Petitioner confirmed it would like to proceed to an election in a stand-alone unit of the petitioned-for Drivers if an *Armour-Globe* election is deemed inappropriate.

Based on the record and relevant Board law detailed below, I find that the Drivers share a community of interest with the existing unit. Accordingly, I am directing a self-determination election to allow the Drivers to decide whether to join the existing bargaining unit of Mechanics represented by the Union or remain unrepresented.

I. THE EMPLOYER'S OPERATIONS

Clean Harbors is an environmental service provider that performs environmental compliance, transportation, disposal, cleanup, and emergency response services for industrial customers. Drivers haul materials from impacted customer sites to various disposal sites. Drivers within the Employer's emergency response and project branch respond to emergency environmental events or spills. The Employer's facility located at 2050 West Fremont Street in Stockton, CA (Stockton Facility) services Employer customer Pacific Gas & Electric (PG&E). A total of approximately 165 employees work primarily at the Stockton Facility. The Stockton Facility consists of one large building that includes approximately 20 to 30 offices, a conference room, maintenance bay, warehouse, and lunchroom. Outside the building adjacent to the maintenance bay, there is a large yard where Employer-owned tractor-trailer trucks (trucks) are parked, where some of the employees reside. There are also remote yards in Bakersfield, Gilroy, Fresno, and Sacramento where a small number of trucks assigned to the Stockton Facility are additionally parked. The record does not reflect the regularity in which drivers are assigned to work from those yards.

II. BOARD LAW

An *Armour-Globe* self-determination election is the proper method by which a union may add unrepresented employees to an existing unit. *Warner-Lambert, Co.*, 298 NLRB 993, 995 (1990). In determining whether such an election is appropriate, "it is necessary to determine the extent to which the employees to be included share a community of interest with unit employees, as well as whether the employees to be added constitute an identifiable, distinct segment so as to constitute an appropriate voting group." *Id.* A self-determination election may be appropriate regardless of whether the petitioned-for employees may be found to be a separate appropriate unit. *Great Lakes Pipe Line Co.*, 92 NLRB 583, 584 (1950). The unit sought need not be the only, or even the most appropriate unit, so long as it constitutes an appropriate unit. See, e.g., *Overnight Transportation Co.*, 322 NLRB 723, at 723 (1996).

In this matter, pursuant to the stipulation of the Parties, I find that the petitioned-for Drivers constitute an identifiable, distinct segment that constitutes an appropriate voting group. The only issue for consideration remaining is whether Drivers share a sufficient community of interest with the existing unit. When making that determination, the Board considers whether the employees sought are organized into a separate department; have distinct skills and training; have distinct job functions and perform distinct work, including inquiry into the amount and type of job overlap between classifications; are functionally integrated with the Employer's other employees; have frequent contact with other employees; interchange with other employees; have distinct terms and conditions of employment; and are separately supervised.⁴ *United Operations, Inc.*, 338 NLRB 123 (2002). The Board has acknowledged that truck drivers often have a "dual community of interest," with certain factors supporting their inclusion in the same unit as other plant employees, and certain factors favoring their representation in a separate unit. *In Re Home Depot USA, Inc.*, 331 NLRB 1289, 1290 (2000), citing *Pacemaker Mobile Homes*, 194 NLRB 742, 743 (1971). In making a community interest determination, no one factor is singularly dispositive and each case must be analyzed based on the unique circumstances present.

III. FACTS AND ANALYSIS

a) Departmental Organization

Employer operations are organized into what it calls separate business lines, with separate lines of supervision, that work together to carry out Employer's scope of work. Drivers fall under the Environmental Sales and Services (Sales & Services) line and Mechanics under the Bulk Petroleum Services (BPS) line. The petitioned-for Drivers represent a unique subset of employees within the Sales & Service line, as do Mechanics within the BPS line.

In weighing department organization in the *Armour-Globe* context, the Board considers whether the proposed unit employees work in the same department as the existing unit employees. See *Public Service Co. of Colorado*, 365 NLRB 1017 at 1017 fn. 4 (2017) (self-determination election appropriate where "most of the planners work in the same department as unit maintenance employees, and all of the planners are more broadly part of the energy supply area"). The Board also generally looks to whether the petitioned-for voting group conforms to an administrative function or grouping of an employer's operation. For example, the Board would not approve a unit consisting of some, but not all, of an employer's production and maintenance

⁴ Bargaining history can additionally be a community-of-interest factor, where it is recent and significant and involves the petitioned-for employees. However, in an *Armour-Globe* context, the petitioned-for voting group will generally lack a relevant history of collective bargaining compared to the existing unit. To apply a bargaining history criterion to the existing unit of represented employees would predispose the Board against finding a community of interest in any *Armour-Globe* case. There is no bargaining history relevant to the community of interest analysis in the instant *Armour-Globe* dispute, as there was no evidence that the petitioned-for Drivers have ever been represented by a labor organization.

employees. See, *Check Printers, Inc.*, 205 NLRB 33 (1973). However, in certain circumstances the Board will approve a unit despite other employees in the same administrative grouping being excluded. *In re Home Depot USA, Inc.*, above at 1289 and 1291 (2000).

The record established that Drivers are not the only employees within the Sales & Services line, but Drivers do represent a complete group of employees among those in the Sales and Service line. Additionally, the Parties' stipulated that the Drivers constitute an appropriate voting group for purposes of a self-determination election, which is additionally supported by the record. Therefore, I find the Drivers conform to an administrative function or grouping of Employer's operation. However, the record makes clear that Drivers and Mechanics are organized under separate "business lines," with separate organization and supervision. Accordingly, I find that this factor weighs against a finding of community of interest.

b) Skills and Training

Drivers are required to possess and maintain Class A California Drivers Licenses to hold their position at Clean Harbors. Depending on materials being transported, some Driver positions require additional certifications, including Department of Transportation (DOT) and HAZWOPER, for which Employer provides access to trainings.

Mechanics do not require any specific licensure to hold their position at Clean Harbors, though the record indicates that significant experience working on tractor trailers is a prerequisite to employment. Although not required at time of hire, Employer additionally requires certain certifications for Mechanics, including DOT, OSHA, and HAZWOPER. Mechanics are also eligible for competency-based pay increases if they complete certain web trainings and are able to subsequently demonstrate skills competency. Mechanics provide their own tools used in the course of their work on Employer trucks.

Evidence that employees have similar requirements to obtain employment, have similar job descriptions or licensure requirements, participate in the same employer training programs, and/or use similar equipment supports a finding of similarity of skills. *Aztar Indiana Gaming Co., LLC d/b/a Casino Aztar*, 349 NLRB 603 (2007); *J.C. Penney Company, Inc.*, 328 NLRB 766 (1999); *Brand Precision Services*, 313 NLRB 657 (1994); *Phoenix Resort Corp. d/b/a the Phoenician*, 308 NLRB 826 (1992). While the record established that Drivers and Mechanics are subject to some of the same skills and training requirements, particularly related to handling of hazardous materials, it is also clear that each position requires its own specific skillset and equipment, and in the case of Drivers, separate licensure. I find this factor overall neutral in the examination of community of interest in this case.

c) Job Functions and Work

Mechanics perform fleet maintenance, emergency repairs, annual servicing, DOT inspections, parts management, and general repair management for Employer trucks assigned to the Stockton Facility. Most Mechanics work at the Stockton Facility, performing the majority of

their work in the maintenance area of the building. One of the Mechanics is a designated roadside Mechanic who splits time between the Stockton Facility and field work in cases where mechanical maintenance/repairs are needed outside the Stockton Facility (e.g. for a roadside repair or maintenance at a remote yard). All Mechanics also attend regular meetings and trainings held on-site at the Stockton Facility. Mechanics' shifts are typically 8 hours, beginning at 6:00AM, with overtime as needed depending on mechanical needs.

Drivers primarily engage in material transportation for PG&E, moving a variety of materials to local landfills, third-party facilities, and internal Clean Harbors facilities via Employer-owned trucks but are responsible for ensuring their vehicles are in working condition through their pre-trip inspections. Most Drivers are local to the Stockton area and drive trucks stationed at the Stockton yard. Some Drivers who live closer to the remote yards drive trucks stationed at the remote yards. Typically, Drivers report to the Stockton facility at the beginning of each shift and then drive their assigned trucks to whatever location services are needed. Drivers are responsible for conducting basic pre-trip inspections on their vehicles, which includes checking headlights, blinkers, marker lights, windshield, windshield wipers, windshield wiper fluids, oil, air hoses, air lines, brakes, slack adjusters, and other general proper function of truck equipment. Drivers are responsible for reporting vehicle issues via an application portal, described further below. All Drivers, including those who utilize remote yards, also attend regular meetings and trainings held on-site at the Stockton Facility. Drivers' shifts vary depending on customer needs, but often loosely follow a pattern of 6:00AM to 4:00PM or 7:00AM to 5:00PM.

Examination of job functions looks to the amount and type of job overlap between unit employees and petitioned-for employees. Evidence that employees perform the same basic function or have the same duties, that there is a high degree of overlap in job functions or of performing one another's work, or that disputed employees work together as a crew, support a finding of similarity of functions. Job functions need not be completely identical or interchangeable to weigh in favor of finding a community of interest. See, *Walt Disney Parks & Resorts, U.S., Inc.*, 373 NLRB No. 99 (2024), citing *IKEA Distribution Services, Inc.*, 370 NLRB No. 109, slip op. at 11 (2021). The record established that Drivers and Mechanics play a distinct role in Employer operations but have overlapping functions and responsibilities pertaining to the proper functioning and operation of Employer trucks deployed to perform the Employer's offered services. Accordingly, I find this factor weighs in favor of a finding of sufficient community of interest between Drivers and Mechanics.

d) Functional Integration

Drivers perform work integral to the Employer's business, where key services provided by the Employer are directly deployed by Drivers. Drivers perform basic checks and preventative maintenance on their vehicles. They rely on Mechanics for all significant mechanical support and to keep the trucks running, which Drivers require in order to accomplish their work assignments.

This functional integration is systematized at the Stockton worksite. When a Driver believes higher level repairs and/or maintenance are required for their truck, they are instructed

to submit a formal ticket in the Drivers Vehicle Inspection Reports (DVIR) system, accessible via a phone application. On a bi-weekly basis, Sales & Service supervisors and BPS supervisors meet to determine maintenance/repair plans and schedules for requests logged in the DVIR system. Some jobs are then scheduled for Mechanics to perform, while others may be contracted out to third Parties. From there, Mechanics accept trucks from Drivers and may communicate with Drivers to assist in further diagnostics, participate in repairs, and to check in on work progress.

Functional integration is present when employees must work together and depend on each other in order to accomplish their overall duties. See, *Walt Disney Parks & Resorts*, above. Evidence that employees work together on the same matters, have frequent contact with one another, and perform similar functions is relevant when examining whether functional integration exists. *Transerv Systems*, 311 NLRB 766 (1993). The record established that Drivers rely on Mechanics in order to maintain their vehicles, and Mechanics rely on Drivers to assist in reporting, diagnostics, and basic preventative maintenance in assessment and performance of appropriate repairs. For these reasons, I find the factor of functional integration weighs heavily in favor of a community of interest between Drivers and Mechanics.

e) Contact between Employees

Drivers and Mechanics interact with each other on a weekly, and sometimes daily, basis during the course of their regular work. While Drivers log most mechanical requests via the DVIR system, for smaller level maintenance/repair and/or urgent maintenance needs, Drivers make service requests directly to Mechanics. Additionally, Drivers check in with Mechanics for progress updates on parts and services.

For truck maintenance/repairs performed at the Stockton Facility, Drivers back their trucks into the maintenance bay, where Mechanics receive and then work on the vehicles. Drivers and Mechanics communicate about service needs, with Drivers providing necessary details about vehicle issues so that Mechanics can better assess and address. Drivers sometimes assist Mechanics in basic mechanical repairs, for example running diagnostics at direction of a Mechanic or operating certain equipment during repairs.

Drivers spend the majority of their time in the field, not in close physical proximity to Mechanics, whose work is performed primarily at the Stockton facility. However, as described above, Drivers typically stop at the Stockton Facility before each trip. Because of the physical layout of the Stockton Facility, Drivers and Mechanics share common space and proximity at the facility. Drivers pass through and sometimes visit the maintenance area where Mechanics primarily work, and Drivers and Mechanics share the same lunchroom.

I find that Drivers and Mechanics have regular contact with each other during the performance of their duties. Accordingly, I find that this factor weighs in favor of a finding that a community of interest exists between the two groups.

f) Interchange between Employees

Drivers and Mechanics are not generally interchangeable in their roles—Mechanics do not cover Driver shifts nor vice versa. While the record established that some Mechanics may have at one point held a commercial driver’s license and there may be Drivers with some mechanical background, there were no examples of regular transfers between Drivers and Mechanics that would demonstrate substantial interchange of employees. See, *In re Home Depot USA, Inc.*, above at 1291.

The Board finds that frequent interchange “may suggest blurred departmental lines and a truly fluid work force with roughly comparable skills.” *Hilton Hotel Corp.*, 287 NLRB 359, 360 (1987). Also relevant for consideration with regard to interchangeability is whether there are permanent transfers among employees in the unit sought by a union. However, the existence of permanent transfers is not as important as evidence of temporary interchange. *Hilton Hotel Corp.*, above; *Walt Disney World Co.*, 367 NLRB No. 80, slip op. at 7 fn. 5 (2019). I find the lack of interchange between Drivers and Mechanics here weighs against a finding of shared community of interest.

g) Terms and Conditions of Employment

Drivers and Mechanics are paid hourly at wage rates set depending on experience, usually starting at around \$30-35/hour. Drivers and Mechanics receive the same fringe benefits, including 401(k) plan, sick leave, PTO, stock options as well as medical, dental, and life insurance. There are separate HR representatives assigned to the separate lines but Employer Human Resources (HR) is centralized at the corporate level, with common employee handbook, progressive disciplinary policies, harassment and discrimination policies, and health policies covering both Drivers and Mechanics. All employees are also subject to the same safety and compliance oversight, though there are unique provisions pertaining to specific job classifications.

While there are HR representatives assigned to each li of business, they have a centralized HR at the corporate level, and have the same fringe benefits as noted above. Therefore, I find this factor overall weighs slightly in favor of finding a community of interest between Drivers and Mechanics.

e) Supervision

Employer’s operations at the Stockton Facility are ultimately under the leadership of co-CEOs Michael Battles and Eric Gerstenberg. The co-CEOs oversee what the Employer describes as separate lines of business. Battles oversees the BPS line and Gerstenberg oversees the Sales &

Services line.⁵ Drivers fall under the Sales & Services line and report up a chain of command ultimately under Gerstenberg's purview. Mechanics fall under the BPS line and report up a separate chain of command ultimately under Battles' purview. There is no common supervision below the co-CEO level. Drivers day-to-day supervision falls to branch supervisors within the Sales & Services line. Mechanics day-to-day supervision falls to the hub manager within the BPS line.

In examining supervision, most important is the identity of employees' supervisors who have the authority to hire, to fire, or to discipline employees (or effectively recommend those actions) or to supervise the day-to-day work of employees, including rating performance, directing and assigning work, scheduling work, and providing guidance on a day-to-day basis. *Executive Resources Associates Inc.*, 301 NLRB 400, 401 (1991); *In re NCR Corp.*, 236 NLRB 215 (1978). The record here established that while respective supervisors of Mechanics and Drivers work together to determine the maintenance plans for trucks, Drivers and Mechanics ultimately fall under two separate lines of supervision. I find this factor weighs against a finding of community of interest between Drivers and Mechanics.

IV. ANALYSIS AND CONCLUSION

As described above, I find the separate departmental organization, lack of interchange, and lack of common supervision between Drivers and Mechanics weigh against a finding of community of interest. The extent of common skills and training between Drivers and Mechanics has neutral bearing. However, an examination of job function and work, functional integration, contact between employees, and terms and conditions of employment shared between Drivers and Mechanics support a finding of community of interest. While Drivers and Mechanics do not share supervisors, their supervisors work together to determine the maintenance plan for the trucks. Without properly maintained trucks, Drivers could not perform their work. It is so essential to their work, Drivers are involved in pre-check inspections that require some working knowledge of maintenance. The record overall shows a high level of functional integration between Drivers and Mechanics. Further, their contacts with each other are frequent and regular. Therefore, based on the record overall, I find that Drivers share a community of interest with Mechanics in the existing unit and, therefore, it is appropriate to conduct a self-determination election in the petitioned-for unit.

V. THE ELECTION METHOD AND LANGUAGE

The record indicates that there are approximately 48 employees eligible to vote. Most, but not all, Drivers report to the Employer's Stockton yard at the start of their respective shifts. An

⁵ The record is unclear on whether these two lines are the only lines at the Stockton Facility, but does make clear that Drivers and Mechanics fall exclusively under these two lines. Because no other employees outside of Drivers and Mechanics are in question, the lack of clarity on whether or not additional lines exist at the Stockton Facility does not impact this decision.

unknown number of the Drivers, assigned to the Stockton facility park their vehicles at one of the Employer's remote yards in Bakersfield, Fresno, Gilroy, and Sacramento. Driver's shifts vary based on customer needs, while their hours of work average between 40 to 60 hours per week. The driver who testified in these proceedings explained that they do not have a set work schedule, and their start and end times vary, with shifts loosely following a pattern of 6:00 a.m. to 4:00 p.m. or 7:00 a.m. to 5:00 p.m.

The Petitioner requested a manual election on the petition form. At the hearing, the Employer also requested a manual election but declined to allow the Region to conduct an election at its premises or during the work time of the employees. The Employer suggested that the election be conducted at "a public library or [...] another place available."⁶ The public library is not open at 4 a.m. The Employer suggested that tents could be utilized outdoors at its other yards, Bakersfield, Fresno, Gilroy, and Sacramento. With respect to the hours for the elections, the Union requested that the polling start at 4:00 a.m. while the Employer desired a polling period of 4:00 p.m. to 6:00 p.m. Neither party presented any substantive argument against a mail-ballot election.

It is well-established that the Board has a wide degree of discretion in establishing the procedures and safeguards necessary to ensure the fair and free choice of bargaining representatives, and the Board in turn has delegated the discretion to determine the arrangements for an election to Regional Directors. *San Diego Gas & Elec.*, 325 NLRB 1143, 1144 (1998); citing *Halliburton Services*, 265 NLRB 1154 (1982); *National Van Lines*, 120 NLRB 1343, 1346 (1958); *NLRB v. A.J. Tower Co.*, 329 U.S. 324, 330 (1946). This discretion includes the ability to direct a mail-ballot election where appropriate. *San Diego Gas & Elec.*, 325 NLRB at 1144-45.

The Board's longstanding policy is that elections should, as a rule, be conducted manually. *National Labor Relations Board Casehandling Manual Part Two Representation Proceedings*, Sec. 11301.2. However, a Regional Director may reasonably conclude, based on circumstances tending to make voting in a manual election difficult, to conduct an election by mail-ballot. *Id.* This includes a few specific situations addressed by the Board, including where voters are "scattered" over a wide geographic area or where they are "scattered" in the sense that they are not often present at a common location at common times. *San Diego Gas & Elec.*, 325 NLRB at 1145. *San Diego Gas* also discusses considerations such as the impracticality of a manual election, and the prudent expenditure of Agency resources.

Here, the petitioned-for employees are drivers who spent most of their work time away from the Employer's facilities, and do not have set shifts, some respond to emergencies such as spills in a large geographical area, working as many as 60 hours per week. An unknown number of employees park their vehicles at yards miles away from the Employer's facility: Bakersfield (236 miles), Fresno (126 miles), Gilroy (112 miles), Sacramento (46 miles). Therefore, I have determined that this case meets the definition of "scattered" under *San Diego Gas & Electric* (*Ibid*) in the sense that their work schedule does not permit them to be present at a common location at a common time. Additionally, the efficient and economic use of Agency resources is a valid factor

⁶ In Case 32-RC-354066, the Region conducted an election at a library pursuant to a Stipulated Election Agreement. The bargaining unit in that case consisted of four Mechanics working at the Employer's Stockton facility who were able to vote during the library's regular business hours.

to consider. With the Employer unwilling to allow use of its facility, the Region would need to incur the expense of renting a space to hold an in-person election, in addition to Board agent travel costs. A mail-ballot election will provide all the eligible Drivers, including any Drivers who may start their day from a remote yard, with adequate and equal opportunity to cast a ballot in this election. In sum, based on these facts, I find that a mail-ballot election is appropriate.

With respect to the language to be used, while the Parties stated a preference for including Spanish language election materials, the record indicates that all Drivers have some level of fluency in English, which is consistent with the nature of their work, maintaining commercial Class A driver's licenses, and driving doubles, tankers, and hazardous waste. The record also shows all employees participate in mandatory online trainings with no indication that those training are conducted in any language other than English. As such, the ballots will be printed in English language only.

VI. CONCLUSIONS AND FINDINGS

Based upon the entire record in this matter and in accordance with the discussion above, I conclude as follows:

1. The hearing officers' rulings made at the hearing are free from prejudicial error and are hereby affirmed.
2. The Employer is engaged in commerce within the meaning of the Act, and it will effectuate the purposes of the Act to assert jurisdiction herein.
3. The Union is a labor organization within the meaning of Section 2(5) of the Act.
4. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.
5. The following employees of the Employer constitute a voting group appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

Included: All full-time and regular part-time Class A Liquid Drivers, Class A drivers, and EO/Drivers II employed by the Employer at its facility located at 2050 West Fremont Street, Stockton, California.

Excluded: All other employees, employees represented by a labor organization, professional employees, confidential employees, office clerical employees, guards, and supervisors as defined by the Act.

DIRECTION OF ELECTION

The National Labor Relations Board will conduct a secret ballot election among the employees in the unit found appropriate above. Employees will vote on whether they wish to be represented for purposes of collective bargaining by Teamsters Local 439.

If a majority of the valid ballots are cast for Teamsters Local 439, they will be taken to have indicated the employees' desire to be included in the existing bargaining unit of Mechanics and Lead Mechanics currently represented by Teamsters Local 439. If a majority of valid ballots are not cast for representation, they will be taken to have indicated the employees' desire to remain unrepresented.

A. Election Details

The election will be conducted by United States mail.

The mail-ballots will be mailed to employees employed in the appropriate collective-bargaining unit. At 5:00 p.m. on February 19, 2025, ballots will be mailed to voters from the National Labor Relations Board, Region 32, 1301 Clay Street, Suite 1510N, Oakland, CA 94612-5224. Voters must sign the outside of the envelope in which the ballot is returned. Any ballot received in an envelope that is not signed will be automatically void.

Those employees who believe that they are eligible to vote and did not receive a ballot in the mail by February 26, 2025, should communicate immediately with the National Labor Relations Board by either calling the Region 32 Office at (510)637-3300 or Nicholas L. Tsiliacos (510)671-3046.

All ballots will be commingled and counted at the Region 32 Office on Tuesday, March 4, 2025, at 3:30 p.m. In order to be valid and counted, the returned ballots must be received in the Region 32 Office prior to the counting of the ballots.

B. Voting Eligibility

Eligible to vote are those in the unit who were employed during the payroll period ending **February 9, 2025**, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. In a mail-ballot election, employees are eligible to vote if they are in the unit on both the payroll period ending date and on the date they mail in their ballots to the Board's designated office.

Employees engaged in an economic strike, who have retained their status as strikers and who have not been permanently replaced, are also eligible to vote. In addition, in an economic strike that commenced less than 12 months before the election date, employees engaged in such strike who have retained their status as strikers but who have been permanently replaced, as well as their replacements, are eligible to vote. Unit employees in the military services of the United States may vote if they appear in person at the polls.

Ineligible to vote are (1) employees who have quit or been discharged for cause since the designated payroll period, and, in a mail-ballot election, before they mail in their ballots to the Board's designated office; (2) striking employees who have been discharged for cause since the strike began and who have not been rehired or reinstated before the election date; and (3) employees who are engaged in an economic strike that began more than 12 months before the election date and who have been permanently replaced.

C. Voter List

As required by Section 102.67(l) of the Board's Rules and Regulations, the Employer must provide the Regional Director and Parties named in this decision a list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available home and personal cell telephone numbers) of all eligible voters.

To be timely filed and served, the list must be *received* by the Regional Director and the Parties by **February 13, 2025**. The list must be accompanied by a certificate of service showing service on all Parties. **The Region will no longer serve the voter list.**

Unless the Employer certifies that it does not possess the capacity to produce the list in the required form, the list must be provided in a table in a Microsoft Word file (.doc or docx) or a file that is compatible with Microsoft Word (.doc or docx). The first column of the list must begin with each employee's last name and the list must be alphabetized (overall or by department) by last name. Because the list will be used during the election, the font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional form for the list is provided on the NLRB website at www.nlr.gov/what-we-do/conduct-elections/representation-case-rules-effective-april-14-2015.

When feasible, the list shall be filed electronically with the Region and served electronically on the other Parties named in this decision. The list may be electronically filed with the Region by using the E-filing system on the Agency's website at www.nlr.gov. Once the website is accessed, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions.

Failure to comply with the above requirements will be grounds for setting aside the election whenever proper and timely objections are filed. However, the Employer may not object to the failure to file or serve the list within the specified time or in the proper format if it is responsible for the failure.

No party shall use the voter list for purposes other than the representation proceeding, Board proceedings arising from it, and related matters.

D. Posting of Notices of Election

Pursuant to Section 102.67(k) of the Board's Rules, the Employer must post copies of the Notice of Election accompanying this Decision in conspicuous places, including all places where notices to employees in the unit found appropriate are customarily posted. The Notice must be posted so all pages of the Notice are simultaneously visible. In addition, if the Employer customarily communicates electronically with some or all of the employees in the unit found appropriate, the Employer must also distribute the Notice of Election electronically to those employees. The Employer must post copies of the Notice at least 3 full working days prior to 12:01 a.m. of the day of the election and copies must remain posted until the end of the election. For purposes of posting, working day means an entire 24-hour period excluding Saturdays, Sundays, and holidays. However, a party shall be estopped from objecting to the nonposting of notices if it is responsible for the nonposting, and likewise shall be estopped from objecting to the nondistribution of notices if it is responsible for the nondistribution.

Failure to follow the posting requirements set forth above will be grounds for setting aside the election if proper and timely objections are filed.

RIGHT TO REQUEST REVIEW

Pursuant to Section 102.67 of the Board's Rules and Regulations, a request for review may be filed with the Board at any time following the issuance of this Decision until 10 business days after a final disposition of the proceeding by the Regional Director. Accordingly, a party is not precluded from filing a request for review of this decision after the election on the grounds that it did not file a request for review of this Decision prior to the election. The request for review must conform to the requirements of Section 102.67 of the Board's Rules and Regulations.

A request for review must be E-Filed through the Agency's website and may not be filed by facsimile. To E-File the request for review, go to www.nlr.gov, select E-File Documents, enter the NLRB Case Number, and follow the detailed instructions. If not E-Filed, the request

Clean Harbors Environmental
Services, Inc.
Case 32-RC-356381

for review should be addressed to the Executive Secretary, National Labor Relations Board, 1015 Half Street SE, Washington, DC 20570-0001, and must be accompanied by a statement explaining the circumstances concerning not having access to the Agency's E-Filing system or why filing electronically would impose an undue burden. A party filing a request for review must serve a copy of the request on the other Parties and file a copy with the Regional Director. A certificate of service must be filed with the Board together with the request for review. Neither the filing of a request for review nor the Board's granting a request for review will stay the election in this matter unless specifically ordered by the Board.

Dated: February 11, 2025



Christy J. Kwon
Regional Director
National Labor Relations Board
Region 32
1301 Clay St Ste 1510N
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