

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION FOUR

INTERSTATE WASTE SERVICES

Employer

and

**INTERNATIONAL BROTHERHOOD OF
TEAMSTERS, LOCAL 701**

Petitioner

Case 04-RC-371470

and

**WASTE MATERIAL, RECYCLING AND
GENERAL INDUSTRIAL LABORERS' LOCAL
108**

Intervenor

DECISION AND ORDER UNBLOCKING AND DISMISSING PETITION

On August 15, 2025, the Petitioner filed the above-captioned matter. On August 25, 2025, the Petitioner filed a Request to Block the processing of its petition pending the investigation and resolution of the unfair labor practice charges it filed in Cases 04-CA-371858 and 04-CB-371872. On August 27, 2025, I issued an Order Granting Petitioner's Request to Block Further Processing of Petition because the Petitioner's offer of proof had described evidence which, if proven, would interfere with employee free choice in an election. Accordingly, I held the petition in abeyance pending disposition of Cases 04-CA-371858 and 04-CB-371872 and cancelled the hearing scheduled for August 28, 2025. On December 22, 2025, I dismissed the charge in Case 04-CA-371858 due to insufficient evidence. The charge in Case 04-CB-371872 remains pending further processing.

Based on the Region's investigation, I have decided to dismiss the petition under the Board's recognition-bar doctrine. *See* 89 Fed. Reg. 62953 (Aug. 1, 2024) (reversing rule containing *Dana Corp.*, 351 NLRB 343 (2007) notice requirement); *Lamons Gasket Co.*, 357 NLRB 739, 740 (2011). Section 103.21(a) of the Board's Rules and Regulations provides:

An employer's voluntary recognition of a labor organization as exclusive bargaining representative of a unit of the employer's employees, based on a showing of the union's majority status, bars the processing of an election petition for a reasonable period of time for collective bargaining between the employer and the labor organization.

"A reasonable period of time for collective bargaining, during which the voluntary-recognition bar will apply, is defined as no less than 6 months after the parties' first bargaining session and no more than 1 year after that date." *Id.* at 103.21(b). Voluntary recognition is valid where the employer recognizes a union "in good faith on the basis of a previously demonstrated showing of

majority and at a time when only that union was actively engaged in organizing the unit employees.” *Sound Contractors Ass’n*, 162 NLRB 364, 365 (1966). “[D]espite the existence of active and simultaneous organizing campaigns, an employer’s voluntary recognition of a union bars the processing of a subsequent petition unless the petitioner demonstrates that it had a 30-percent showing of interest at the time of recognition.” *Smith’s Food & Drug Centers, Inc.*, 320 NLRB 844, 844 (1996). “[T]he recognition bar takes effect on the date of recognition.” *Americold Logistics, LLC*, 362 NLRB 493, 496 (2015).

On August 1, 2025, the Employer voluntarily recognized the Intervenor pursuant to a card-check process overseen by an arbitrator. At that time the Intervenor was the only union actively organizing employees. Moreover, the Petitioner did not obtain its own signed authorization cards from the petitioned-for employees until *after* the Employer had already voluntarily recognized the Intervenor. Finally, the investigation disclosed insufficient evidence of unlawful conduct by the Intervenor’s agents that collectively invalidated enough authorization cards to undo the Intervenor’s majority status. *See NLRB. v. Gissel Packing Co.*, 395 U.S. 575, 606-07 (1969); *Cemex Constr. Materials Pac., LLC*, 372 NLRB No. 130, slip op. at 34 n. 178 (Aug. 25, 2023). Therefore, the Employer’s voluntary recognition of the Intervenor bars the present petition.

Accordingly, pursuant to Section 102.71 and 103.21 of the Board’s Rules and Regulations,

IT IS ORDERED that the petition in this matter is unblocked and hereby dismissed.

RIGHT TO REQUEST REVIEW

Pursuant to Section 102.67(c) of the Board’s Rules and Regulations, you may obtain a review of this action by filing a request with the Executive Secretary, National Labor Relations Board, 1015 Half Street SE, Washington, DC 20570-0001. A copy of the request for review must be served on each of the other parties as well as on the undersigned, in accordance with the requirements of the Board’s Rules and Regulations. The request for review must contain a complete statement of the facts and reasons on which it is based.

Procedures for Filing Request for Review: Pursuant to Section 102.5 of the Board’s Rules and Regulations, a request for review must be filed by electronically submitting (E-Filing) it through the Agency’s web site (www.nlrb.gov), unless the party filing the request for review does not have access to the means for filing electronically or filing electronically would impose an undue burden. A request for review filed by means other than E-Filing must be accompanied by a statement explaining why the filing party does not have access to the means for filing electronically or filing electronically would impose an undue burden. Section 102.5(e) of the Board’s Rules do not permit a request for review to be filed by facsimile transmission. A copy of the request for review must be served on each of the other parties to the proceeding, as well as on the undersigned, in accordance with the requirements of the Board’s Rules and Regulations. The request for review must comply with the formatting requirements set forth in Section 102.67(i)(1) of the Board’s Rules and Regulations. Detailed instructions for using the NLRB’s E-Filing system can be found in the [E-Filing System User Guide](#).

A request for review must be received by the Executive Secretary of the Board in Washington, DC, by close of business (**5 p.m. Eastern Time on January 29, 2026**), unless filed

electronically. If filed electronically, it will be considered timely if the transmission of the entire document through the Agency's website is **accomplished by no later than 11:59 p.m. Eastern Time on January 29, 2026.**

Filing a request for review electronically may be accomplished by using the E-Filing system on the Agency's website at www.nlrb.gov. Once the website is accessed, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt of the request for review rests exclusively with the sender. A failure to timely file the request for review will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off line or unavailable for some other reason, absent a determination of technical failure of the site, with notice of such posted on the website.

Upon good cause shown, the Board may grant special permission for a longer period within which to file a request for review. A request for extension of time, which must also be filed electronically, should be submitted to the Executive Secretary in Washington, and a copy of such request for extension of time should be submitted to the Regional Director and to each of the other parties to this proceeding. A request for an extension of time must include a statement that a copy has been served on the Regional Director and on each of the other parties to this proceeding in the same manner or a faster manner as that utilized in filing the request with the Board.

Any party may, within 5 business days after the last day on which the request for review must be filed, file with the Board a statement in opposition to the request for review. An opposition must be filed with the Board in Washington, DC, and a copy filed with the Regional Direction and copies served on all the other parties. The opposition must comply with the formatting requirements set forth in §102.67(i)(1). Requests for an extension of time within which to file the opposition shall be filed pursuant to §102.2(c) with the Board in Washington, DC, and a certificate of service shall accompany the requests. The Board may grant or deny the request for review without awaiting a statement in opposition. No reply to the opposition may be filed except upon special leave of the Board.

Dated: January 14, 2026

/s/ Kimberly Andrews

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