

**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-380380

and

**LOCAL 108 GENERAL INDUSTRY LABORERS
A/W LABORERS INTERNATIONAL**

Intervenor

DECISION AND ORDER DISMISSING PETITION AND CANCELLING HEARING

On August 15, 2025, International Brotherhood of Teamsters, Local 701 (Petitioner) filed a petition seeking to represent a unit of Drivers, Throwers, and Mechanics employed by Interstate Waste Services (Employer) at its 253 North White Horse Pike, Hammonton, New Jersey location in Case 04-RC-371470. On August 25, 2025, the Petitioner filed a written Request to Block the processing of that petition pending the investigation and resolution of the unfair labor practice (ULP) charges in Cases 04-CA-371858 and 04-CB-371872. Along with its Request to Block, the Petitioner submitted an offer of proof based on those ULP charges, filed on August 22, 2025, alleging that the Waste Material, Recycling And General Industrial Laborers' Local 108 (Intervenor) violated Section 8(b)(1)(A) of the Act, and the Employer violated Section 8(a)(2) of the Act, when the Intervenor's representatives, with the cooperation of the Employer, unlawfully coerced employees into signing authorization cards in support of the Intervenor. 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. Hence, I held the petition in abeyance pending the disposition of Cases 04-CA-371858 and 04-CB-371872 and cancelled the hearing scheduled for August 28, 2025. On January 14, 2026, upon completing the investigation of the ULP charges and Case 04-RC-371470, I issued a Decision and Order Unblocking and Dismissing the Petition because of the Employer's August 1, 2025 voluntary recognition of the Intervenor as the representative of the petitioned-for employees. There, I explained that there was insufficient evidence of conduct alleged by the Petitioner in its charges and offer of proof to invalidate enough authorization cards to undo the Intervenor's majority status on August 1, 2025.

On February 4, 2026, the Petitioner filed the present petition, which is nearly identical to the one previously filed in Case 04-RC-371470. Hence, on the same date, I issued a Notice to

Show Cause as to why the Region should not again dismiss the present petition because of the Employer's voluntary recognition of Intervenor under the Board's recognition-bar doctrine. 89 Fed. Reg. 62953 (Aug. 1, 2024); *Lamons Gasket Co.*, 357 NLRB 739, 748 (2011). The parties have submitted responses to the Notice to Show Cause, which I have considered.

Based on the Region's investigation, I have again determined that the petition must be dismissed under the Board's recognition-bar doctrine. Section 103.21 of the Board's Rules and Regulations provides:

- (a) 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.
- (b) 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.
- (c) In determining whether a reasonable period of time for collective bargaining has elapsed in a given case, the following factors will be considered:
 - (1) Whether the parties are bargaining for an initial collective-bargaining agreement;
 - (2) The complexity of the issues being negotiated and of the parties' bargaining processes;
 - (3) The amount of time elapsed since bargaining commenced and the number of bargaining sessions;
 - (4) The amount of progress made in negotiations and how near the parties are to concluding an agreement; and
 - (5) Whether the parties are at impasse.

During the pendency of the Region's ULP investigations and the petition in Case 04-RC-371470, the Employer chose not to bargain with the Intervenor because doing so could have violated Section 8(a)(2) of the Act. *Bruckner Nursing Home*, 262 NLRB 955, 958 (1982) (employer can voluntarily recognize a union while rival union is organizing but "duty of strict employer neutrality" attaches once rival files R-case petition). On January 12, 2026, the Employer and the Intervenor began bargaining; they reached tentative agreement on substantive terms and conditions of employment on February 2, 2026; and the parties are not at impasse. Because six months have not elapsed since January 12, 2026, the Employer and the Intervenor are still within the "reasonable period of time for collective bargaining" under Section 103.21(b) of the Board's Rules and Regulations. 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 hereby dismissed,

IT IS FURTHER ORDERED that the Notice of Hearing issued on February 4, 2026, is withdrawn, and the hearing scheduled for February 12, 2026, is cancelled.

RIGHT TO REQUEST REVIEW

Pursuant to Section Sec. 102.71(a) 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.nlr.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 February 25, 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 February 25, 2026**.

Filing a request for review electronically may be accomplished 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. 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 Director 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: February 10, 2026

/s/ Kimberly Andrews
Kimberly Andrews
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