

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

STERICYCLE, INC.

Employer

and

Case 19-RC-390296

GENERAL TEAMSTERS LOCAL 174 affiliated
with the INTERNATIONAL BROTHERHOOD
OF TEAMSTERS

Petitioner

ORDER

The Employer's Request for Review of the Regional Director's Decision and Direction of Election is denied as it raises no substantial issues warranting review.¹ The Employer's Request for a Stay of the Election via ballot impoundment is denied as moot.

JAMES R. MURPHY,

CHAIRMAN

¹ We observe that although the Board has stated that Regional Directors "are entitled to broad discretion in determining the method by which an election is held," the Board has also explained that, with respect to election type, "the applicable presumption favors a manual, not mail-ballot, election." See *Aspirus Keweenaw*, 370 NLRB No. 45, slip op. at 2 (2020). That presumption may be overcome under the specific circumstances enumerated in *San Diego Gas & Electric*, 325 NLRB 1143 (1998), but "a Regional Director's discretion in this area 'is not unfettered and is to be exercised within certain guidelines[.]'" set forth in *San Diego Gas and Aspirus Keweenaw*. See 370 NLRB No. 45, slip op. at 2–4 (quoting *San Diego Gas*, supra at 1144). The Regional Director indicated that he was directing a mail-ballot election to account for eligible voters who are "scattered" because their job duties cover a wide geographical area in addition to working shifts that start and end at varying times. He did not explicitly "consider the desires of all the parties, the likely ability of voters to read and understand mail ballots, the availability of addresses for employees, and finally, what constitutes the efficient use of Board resources[.]" *San Diego Gas*, 325 NLRB at 1145. Nevertheless, we agree that the eligible voters here are geographically "scattered," and that most of the discretionary factors weigh in favor of a mail-ballot election. We therefore find that the Regional Director did not abuse his discretion in directing a mail-ballot election.

Member Prouty would be open to a reconsideration of *San Diego Gas & Electric* in a future appropriate case. He would favor a standard more weighted towards the acceptance of mail balloting.

DAVID M. PROUTY,

MEMBER

SCOTT A. MAYER,

MEMBER

Dated, Washington, D.C., August 24, 2026.