UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 28

REPUBLIC SILVER STATE DISPOSAL SERVICES, INC., d/b/a REPUBLIC SERVICES OF SOUTHERN NEVADA and REPUBLIC DUMPCO, INC. d/b/a APEX REGIONAL LANDFILL, Single Employer

Employer/Petitioner

and **Case 28-UC-376575**

INTERNATIONAL BROTHERHOOD OF TEAMSTERS, LOCAL 631

Union

DECISION AND ORDER

Petitioner Republic Silver State Disposal Services, Inc. d/b/a Republic Services of Southern Nevada (SSD) and Republic Dumpco, Inc. d/b/a Apex Regional Landfill (Apex) (collectively, Petitioner) filed a unit clarification petition seeking to clarify that an existing unit of Petitioner's employees does not include hazardous waste disposal employees of NRC Environmental Services Inc. (NRC) at a facility located at 4455 Sloan Road, Las Vegas, Nevada (the Sloan Road facility).

International Brotherhood of Teamsters, Local 631 (the Union) maintains that parent company Republic Services, Inc. (Republic) and subsidiaries Petitioner and NRC are a single employer and that NRC employees at the Sloan Road facility should be accreted into the existing unit.

A hearing officer of the Board held a hearing in this matter, and the parties orally argued their respective positions prior to the close of the hearing and subsequently filed briefs. Based on the record and relevant Board law, I find that, even assuming Republic, Petitioner, and NRC are a single employer, the NRC employees at the Sloan Road facility should not be accreted.

I. THE EMPLOYER'S OPERATIONS

SSD and the Union are parties to a 2022-2027 collective bargaining agreement (CBA) covering employees in Southern Nevada. Apex operates a solid waste landfill and works closely with SSD. The parties stipulated that SSD and Apex are a single employer.

Before 2009, SSD operated a solid waste transfer station at the Sloan Road facility and staffed it with existing unit members. In 2010, SSD closed the Sloan Road facility. On or around

March 1, 2025, NRC began operating out of the previously shuttered Sloan Road facility. There are no transfer stations operated by Petitioner within miles of the Sloan Road facility.

Petitioner and NRC are subsidiaries of Republic. Republic acquired NRC around 2021.[1] Petitioner and NRC are the only Republic subsidiaries operating in the greater Las Vegas market.

In May 2025, the Union filed a grievance arguing that the recognition clause of the CBA covers NRC employees at the Sloan Road facility. Petitioner filed the instant UC petition to seek clarification of the unit due to the dispute. Article 1, Section 1 of the CBA provides:

> The Company recognizes the Union as the exclusive collective bargaining agent with respect to rates of pay, wages, hours, and other terms and conditions of employment of all classifications listed in Article 3, Section 4, employed by the Company at its facilities located south of State of Nevada Highway Six (6), excluding new company endeavors which have not been organized by the union at the time of company acquisitions, and excluding all other employees, independent contractors, guards, professional employees and supervisors as defined in the National Labor Relations Act. The term employee or employees, when used in this Agreement, refers only to persons who are employed by the Company within the bargaining unit as defined in this Article.

Republic has three major divisions: solid waste and recycling, environmental solutions, and sustainability and innovation. Petitioner is affiliated with the solid waste division, but it appears it engages in a small amount of work traditionally affiliated with the environmental services division. The Sloan Road facility is under the environmental solutions division. Republic brands the environmental solutions division as dealing predominantly with hazardous waste, including wastewater treatment and medical waste processing.

SSD and NRC are the two Republic subsidiaries operating in the Las Vegas area. SSD principally works with processing ordinary consumer trash to landfills, but it also processes medical waste and asbestos, among other things. Petitioner operates two transfer stations and one landfill, Apex, in the Las Vegas area. NRC exclusively serves commercial and governmental clients, and it principally processes hazardous waste. NRC owns a treatment, storage, and disposal facility in Beatty, Nevada that can treat hazardous materials. At issue in this decision are the employees working with hazardous waste at the Sloan Road facility.

When NRC acquired the Sloan Road facility, it installed a 10-day loading dock and concrete barriers to wall off the pit that used to be operated by SSD when the facility was a solid waste transfer station. NRC operates the Sloan Road facility principally as a transfer station, like SSD did, but, because it now deals with hazardous waste, which involves different licensure requirements, it is called a 10-day transfer station.

[1] NRC is owned by US Ecology, which is in turn owned by Republic.

A. Relationship between Petitioner and NRC

NRC acquired the Sloan Road lease from SSD.[2] Republic's corporate real estate team drafted that lease. SSD owns the land under the Sloan Road facility. Apex landfill is one of the Sloan Road facility's largest clients, responsible for between 5 to 25 percent of its revenue.

Republic sells equipment for its subsidiaries, including Petitioner and NRC, with internal rates. The Sloan Road facility does not use equipment acquired from Petitioner. Republic consolidates its subsidiaries' websites into its own after it acquires them. Likewise, employees of Republic subsidiaries use Republic email addresses. Further, Republic provides Republic-branded personal protective equipment (PPE) and uniforms to its subsidiaries' employees. New general managers can be rotated throughout different lines of business, including different employing entities.

Republic Senior Vice President Julia Arambula sits as the president of the corporate boards of Petitioner and NRC, but the record did not reveal she was meaningfully involved in the day-to-day management of those entities. SSD and NRC have corporate offices located in different states.

At NRC, the management structure in ascending order is as follows: (1) branch manager—who performs the direct supervision at the Sloan Road facility, (2) operations manager, (3) general manager, (4) area vice president, (5) area president, (6) Republic Senior Vice President Arambula. The area presidents for Republic businesses appear to be employed directly by Republic.

At Petitioner, there are general managers for the different facilities who report to the area vice president, who reports to the area president who in turn reports to Republic Senior Vice President Arambula.

Republic has its executive senior vice president listed on the corporate boards of all of its subsidiaries. Area managers of Republic subsidiaries are listed as officers on the corporate boards of subsidiaries in their district and division. Republic issues workplace rules for its subsidiaries' employees to follow, including an employee handbook. The managers of the subsidiaries issue discipline proscribed by the rules based on their own investigations. Republic administers benefits for all employees. Republic provides a variety of standardized training for employees of its subsidiaries.

Republic appears to play a central role in labor relations for its subsidiaries. In NRC's case, it provided a labor relations negotiator to lead bargaining with an NRC general manager. Republic gave the general manager approved ranges for certain economic issues, like pay. If the NRC general manager sought to exceed that range, the general manager would have to seek approval for Republic corporate—either the senior vice president or the chief operating officer (COO).

Similarly, former Area Vice President Bryant Thornton was the primary representative for SSD in negotiating CBA. Thornton received his economic authority from Area President Javara Perrilliat, who in turn got economic authority from Republic Senior Vice President Gregg

[2] Previously, SSD had leased a portion of the Sloan Road facility to a plastic business for $4,000 per month from November 2016 to November 2021 to up to $10,000 a month in 2023. The lease between NRC and SSD was drafted by the Republic corporate real estate team.

Brummer. For day-to-day grievance and labor issues, the subsidiaries' management tends to make its own decisions.

NRC processes its own W-2s and has its own human resources department. It appears Republic posts job listings on its main website. But NRC managers make their own hiring and termination decisions. NRC determines the hours of its Sloan Road employees, not Republic.

It is not entirely clear whether Republic or the subsidiaries' human resources and management teams establish pay ranges for positions. In any event, wage ranges are established by considering the line of business and the local market. Regardless of who establishes the pay range, the subsidiaries' managers ultimately determine the pay within that range, but, if they wanted to make an offer outside the range or provide a meaningful change to the position's work/life arrangement, it appears the managers would have to seek approval from Republic.

B. The NRC Sloan Road Facility

At the Sloan Road facility, there are around five frontline employees, supervised by a branch manager. Specifically, the Sloan Road facility is staffed by the following classifications: emergency response field supervisors,[3] HAZMAT drivers/CDL A technicians, and industrial services and emergency response field technicians. The at-issue employees currently at the facility are one field supervisor, two HAZMAT drivers/CDL A technicians, and two industrial services and emergency response field technicians.

As stated above, the Sloan Road facility is a 10-day transfer station. Employees offload containerized hazardous materials—or prepackaged hazardous materials. As the name implies, these materials may only remain at the facility for up to 10 days. Subsequently, the waste is sent to the treatment facility in Beatty, instead of a solid waste landfill, like Apex. On any given day, about five to ten trucks drop off their containerized waste at Sloan Road. In contrast, an SSD transfer station may receive that volume in an hour. NRC's business by revenue is about 50 percent collecting and transporting containerized hazardous waste, 20 to 30 percent hazardous treatment disposal, and 10 to 20 percent emergency response. NRC does not compete with Petitioner for business.

To the extent the hazardous waste at the client site is not containerized, such waste is typically taken directly to the treatment facility in Beatty. To that end, NRC Sloan Road employees, instead of the client, commonly package hazardous waste on site in the appropriate containers per Department of Transportation regulations. If NRC Sloan Road employees also happen to pick up nonhazardous waste at a client site, the client typically prepackages it. Ultimately, all hazardous waste that NRC Sloan Road employees process ends up at the Beatty treatment facility. If the NRC Sloan Road employees happen to collect nonhazardous waste, that is ultimately taken to the Apex landfill. They utilize Apex as any customer would—weighing and then dumping the waste they brought.

[3] The parties stipulated that the NRC field supervisors are not supervisors within the meaning of the Act.

1. Skills and Functions

HAZMAT drivers examine their work vehicle, drive to a commercial or industrial customer site, and operate their vehicle at the site. Then, they may containerize waste themselves, pick up pre-containerized waste, vacuum waste, or utilize a pull-behind line shredder. HAZMAT drivers are licensed to operate either class A or B vehicles. The driver is often accompanied by a technician or supervisor. The Sloan Road facility possesses a 70 or more-barrel rack tanker truck and two to three smaller vacuum trucks. Additionally, the facility has a pull-behind pressure washer, line shredder, and light tower.

The technicians essentially perform the same job as the driver; except they are not required to have a CDL license. Technicians may operate smaller temporary storage vehicles, load hazardous materials on and off such vehicles. They move material onto the loading dock at Sloan Road and load material onto the back of pull-behinds for larger trucks operated by the HAZMAT drivers. Field supervisors travel to client sites with technicians and drivers and ensure that the work is completed per the quote, specifically monitoring the usage of time, materials, and labor.

Sloan Road employees are usually on client premises for a minimum of 15 minutes, as it takes 15 minutes to load one pallet of containerized waste. When technicians and drivers arrive at the client site, they must ensure that any prepackaged hazardous materials are stored in the appropriate shipping container per DOT requirements, that the container is not leaking, that there are no odd markings, and that no drums are bulging.

Sloan Road employees handle both hazardous and nonhazardous sludge. If hazardous materials errantly arrived at a Republic landfill near Las Vegas, like Apex, the landfill would then contract with NRC to collect and handle that material. The Sloan Road facility sends vacuum trucks to extract sludge-like substances from landfills or pipes. It appears SSD employees do not perform this type of work with hazardous sludge due to their lack of training and qualifications, but SSD does limited work with nonhazardous sludge. Regarding emergency services, NRC Sloan Road employees have responded to BNSF tankers leaking oil over rail trucks.

NRC employees undergo various training courses: a 300-minute HAZMAT training, a 480-minute HAZWOPER training focusing on how to handle hazardous waste, a 3-day RCRA and DOT basics training, and a confined space rescue training, among other things. The HAZMAT training is an annual requirement for all Sloan Road employees. Technicians must take the HAZWOPER training—hazardous waste operations and emergency response. The record did not reveal the name of RCRA only that the training is based on federal legislation related to hazardous waste.

The Sloan Road facility does not have employees in Petitioner bargaining unit classifications, including residential driver, industrial driver, commercial driver, helper, probationary driver, medical driver, sludge driver, semi-driver, senior driver, utility 1 and 2, mechanic, welder, serviceman, parts person, heavy equipment operator, painter, upholsterer, graphics, service person – landfill, dispatcher, gate operator, maintenance clerk, container shop clerk, container delivery, route auditor, or environmental tech.

2. Terms and Conditions of Employment

NRC requires employees to wear PPE every day, and employees are trained to wear it correctly. All the generic uniforms are Republic branded. However, depending on the type of hazardous material the employee has been contracted to deal with, they are required to wear varying levels of PPE up to a fully sealed plastic suit with supplied air or as little as pants, boots, a hat, and protective gloves. Although all Sloan Road employees drive to client sites, the employees spend the majority of their workday on their feet.

Hours vary for Sloan Road employees. Slow weeks are about 40 hours, and busier weeks are around 70 hours. Employees are usually alerted to their schedules a day or two in advance.

Emergencies may require working longer hours on consecutive days. Typical operating hours for Sloan Road are 5:00 AM to around 7:00 PM. Sloan Road employees are perpetually on-call and expected to respond to an emergency within an hour. NRC field supervisors make between $35 and $45 an hour; field technicians make between $26.50 and $35 an hour; and CDL drivers make between $30 and $40 an hour.

3. Interchange and Contact

There are no temporary nor permanent transfers between NRC Sloan Road and Petitioner employees. None of the NRC Sloan Road employees were hired from other Republic entities, even though several Republic employees applied. NRC field supervisors are lead employees who can perform all the NRC field technician duties due to their heightened experience. However, field technicians cannot step in for all the field supervisor's responsibilities. Specifically, field supervisors have more responsibility on the job site, assemble more equipment, and have greater responsibility for ensuring the equipment functions properly at the job site.

Sloan Road employees interact with Petitioner employees regularly. But this interaction is customer based in nature. NRC is regularly contracted by the Petitioner to perform hazardous waste work. When NRC employees arrive at an SSD or Apex site, they have incidental contact with the Petitioner employees as they would with any client. For example, close to the hearing, NRC employees had been engaged in a three-week project using their 120-barrel vacuum trucks to remove leachate from the Apex landfill as Petitioner does not have the equipment to remove leachate. In another instance, SSD hired NRC's Sloan Road employees to clean compactors of needles because they do not have the PPE or training to execute that type of work. The Union has not historically represented employees in the environmental services division of Republic in the Las Vegas area.

C. Petitioner Employees

The Union represents around 1,300 employees at SSD. SSD performs residential, commercial, and industrial trash and recycling services. SSD principally works with nonhazardous waste. As stated above, Petitioner operates two transfer stations and one landfill, Apex, in the Las Vegas area. SSD historically operated the Sloan Road facility as a transfer station ending around 2010. A transfer station is a midpoint for solid waste. Trucks collect trash from various clients, offload it onto a tipping floor at the transfer station, then it is pushed onto class A trailer to be taken to a landfill.

The record reflected some dispute over whether certain types of waste Petitioner processes were classified as "hazardous" or not—particularly medical waste and asbestos. Republic's website suggests medical waste processing is normally part of the environmental services division, which processes hazardous waste. For other hazardous waste, SSD typically contracts with NRC, and if it is an emergency, SSD contracts with third party hazardous waste entities.

1. Skills and Functions

As noted above, Petitioner employs a substantial amount of represented job classifications, including residential drivers, commercial drivers, industrial drivers, and medical waste drivers. Residential drivers are typically on customer premises for about 30 to 45 seconds collecting consumer waste. Commercial drivers are on customer premises for a couple minutes collecting waste from commercial businesses. Their jobs involve finding the garbage storage vessel, dumping it into the truck, and going to the next stop. Most of Petitioner drivers are residential.

Apex hires sludge drivers who service water treatment plants. They pick up the byproduct of human waste from those treatment plants. The Local 631 business agent estimates there may be 10 to 20 sludge drivers. Industrial drivers are on customer premises for about 15 minutes collecting waste from industrial businesses.

One form of industrial driver is a roll-off driver. As of 2012-2014, industrial driver days would vary considerably from picking up trash at casinos or residential areas or sometimes pulling asbestos from client sites. For the asbestos job, the driver needed a HAZMAT endorsement. The HAZMAT certification involved training to identify different types of hazardous material and rules involved in placarding hazardous material. Only some of the industrial drivers needed a HAZMAT certification.

The former industrial driver principally used his HAZMAT certification for asbestos work. The industrial driver would arrive at the client site, ensure that the asbestos had been properly packaged by the client: wetted, duct taped, and sealed with plastic in a roll-off container with a placard marking it as asbestos. If the driver noticed an issue with the asbestos packaging, he would request the client seal the issue with duct tape. The driver would then load the asbestos containers, take the containers to Apex, and dump them in a special pit dedicated to asbestos. The pit was then covered and buried, separate from the generic trash at the landfill.

Medical waste drivers pick up and transport medical waste using an 18-wheel truck with a 53-foot trailer. Medical waste includes needles, syringes, gauze, among other things, placed into a red biobag. The drivers arrive at the medical facility, unload the requisite number of biocarts—a 100-gallon big red bin with a lid—load the facilities' often prepackaged medical waste into them, seal the container with hooks, return to the transfer station, and unload the biocarts into the autoclave. Sometimes, the driver must physically pack the medical waste that has not been prepackaged. For instance, the clients rarely had blood rags or clothing to be picked up that was not prepackaged, and the driver used a hook to place that waste into a biocart. Additionally, the driver must ensure the bio bags at the client site are tied properly before placing them into the biocarts.

The autoclave process referenced above involves steaming the medical waste at a high heat to kill any biohazards lingering on the waste. Drivers push the biocarts into the autoclave area. Utility workers then operate the autoclave to clean the waste. There is only one transfer station in the Las Vegas market with an autoclave. After the medical waste goes through the autoclave, the driver transports the waste to the Apex landfill.

Medical waste drivers must have a Class B CDL with HAZMAT endorsement. On average, the driver travels to four to nine medical facilities a day to retrieve their medical waste. The biocarts have stickers that state biohazard. But the medical waste trucks themselves are not placarded. Visits to client sites may last up to an hour or more if repacking defunct storage biobags is necessary. In addition to the types of medical waste above, medical waste drivers also pick up chemo waste. Chemo waste is segregated from other medical waste and is not taken through the autoclave, but it is ultimately sent to Apex in its own container with a placard indicating it is a biohazard. The client pre-packages the chemo waste before the driver arrives.

Petitioner employees are not required to undergo HAZWOPER, nor RCRA and DOT basics training. And aside from medical drivers or certain industrial drivers, Petitioner employees are not required to undergo HAZMAT training. Drivers for Petitioner must possess a CDL. All Republic employees do ethics and diversity training, and all Republic drivers do air brake training. Petitioner does not employ the NRC Sloan Road job classifications. Petitioner employees operate roll-offs, small can trucks, rear loaders, automated side loaders, commercial trucks, and sludge trucks.

2. Terms and Conditions of Employment

Petitioner employees are not perpetually on call. Employees wear a high visibility Republic uniform, and depending on where they are, safety glasses, a hard hat, and work boots. The uniforms are not fire resistant. Employees may wear a respirator at the landfill, or when collecting hazardous waste like asbestos. But employees never use containerized air, nor do they wear full body suits on top of their uniforms. Medical drivers wear puncture-resistant gloves, goggles, and have the option to wear face shields.

Drivers work about 50 hours a week on average. Employees are scheduled for either four ten-hour shifts or five eight-hour shifts and then overtime if needed to finish their route for the day. Drivers do not typically change routes on short notice. Residential, commercial, industrial, and medical drivers spend most of their day behind the wheel of their vehicles. Drivers make between $29 and $41 an hour. The utility workers who operate the autoclave appear to make between $28 and $36 an hour.

II. ANALYSIS

A. The Board's Accretion Standard

The Board can accrete a relatively small group of unrepresented employees, with little or no separate identity from employees in an existing unit, to the existing unit, without an election, where the unrepresented employees share a sufficient community of interest with unit employees. *Safety Carrier, Inc.*, 306 NLRB 960, 969 (1992). The Board does not easily find accretion as it

forecloses the employees' basic rights to select a bargaining representative. *Id*. To that end, the Board will not use accretion to deprive a group of employees, who could constitute their own separate bargaining unit, the right to vote on whether to be accreted into an existing unit. *Id*.

To accrete employees to an existing unit, the party arguing for accretion bears the heavy burden of demonstrating the employees have little or no separate identity from employees in the unit and they share an overwhelming community of interest with those employees. *E. I. Du Pont de Nemours, Inc.*, 341 NLRB 607 (2004); *NV Energy, Inc.*, 362 NLRB 14, 19 (2015). The Board considers many traditional community-of-interest factors in making this determination, including interchange and contact, shared supervision, terms and conditions of employment, skills and functions, functional integration, and collective-bargaining history. *See Id*. at 608; *Compact Video Services*, 284 NLRB 117, 119 (1987). Employee interchange and common supervision are the two principal factors. *E. I. Du Pont*, 341 NLRB at 608.

Because determinations regarding accretion require a balancing of industrial stability and employee free choice, "the Board looks to the actual, existing composition of units and to employees actually working to determine the composition of units, not to abstract grants of recognition." *Coca-Cola Bottling Co. of Wisconsin*, 310 NLRB 844, 844 (1993). Thus, the Board will not accrete employees at a new facility, who may be an appropriate independent unit, to an existing multifacility unit because provisions of a collective-bargaining agreement purport to require that result. *Melbet Jewelry Co.*, 180 NLRB 107, 109 (1969). And, after a significant hiatus in employing employees in a particular classification, the Board will not accrete that classification to the existing unit simply because the classification remained included in the contractual recognition provision during the hiatus. *Coca-Cola Bottling Co. of Wisconsin*, 310 NLRB at 844. (12-year hiatus "controlling" in determining production employees not included in unit simply because of inclusion of position in contractual recognition provision during the hiatus).

Further, because determinations regarding accretion involve a question of statutory policy, such determinations cannot be deferred to contractual dispute resolution procedures. See *Penske Truck Leasing Co.*, 371 NLRB No. 113, slip op. at 1 (2022).

B. Application of the Board's Accretion Standard

1. Interchange and Contact among Employees

Interchange refers to temporary work assignments or transfers between groups of employees. 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). As a result, the Board has held that the frequency of employee interchange is a critical factor in determining whether employees who work in different groups share a community of interest sufficient to justify their inclusion in a single bargaining unit. *Executive Resource Associates*, 301 NLRB 400, 401 (1991).

In this case, the record fails to reveal evidence of both temporary and permanent interchange between the employees in the existing unit and the NRC employees at the Sloan Road facility.

Also relevant is the amount of work-related contact among employees, including whether they work beside one another. See for example, *Casino Aztar*, 349 NLRB 603, 605-06 (2007).

Here, there is no evidence of significant work-related contact between the employees in the existing unit and the NRC employees at the Sloan Road facility. They do interact as the Sloan Road employees are contracted to perform services for Petitioner employees regarding hazardous materials. But the interaction is customer-based in nature. These employees are not interacting as a routine or regular part of their job duties.

These factors do not support finding an overwhelming community of interest.

2. Common Supervision

Another community-of-interest factor is whether the employees in dispute are commonly supervised. 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 providing guidance on a day-to-day basis. *Executive Resources Associates*, 301 NLRB at 402.

Here, the employees in the existing unit and the NRC employees at the Sloan Road facility are separately supervised. Although the president of both entities is Julia Arambula, she is not meaningfully involved in day-to-day operations of either entity. Any common supervision is many levels removed from the front-line employees at issue in this matter.

This factor does not support finding an overwhelming community of interest.

3. The Nature of Employee Skills and Functions

This factor examines whether disputed employees can be distinguished from one another on the basis of job functions, duties or skills. If they cannot be distinguished, this factor weighs in favor of including the disputed employees in one unit. 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. Evidence that disputed employees have similar requirements to obtain employment; that they have similar job descriptions or licensure requirements; that they participate in the same Employer training programs; and/or that they use similar equipment supports a finding of similarity of skills. *Casino Aztar*, 349 NLRB 603, 604-05 (2007); *J.C. Penny Company*, *Inc*., 328 NLRB 766, 767 (1999); *Brand Precision Services*, 313 NLRB 657, 657-58 (1994); *Phoenician*, 308 NLRB 826, 828 (1992).

Here, the employees in the existing unit and the NRC employees at the Sloan Road facility have some overlapping skills and functions. Although the great majority of the employees in the existing unit and the NRC employees at the Sloan Road facility appear to have little in common in terms of basic function or job duties, the medical waste drivers, some industrial drivers, and the autoclave employees all engage with what appears to be hazardous waste like the NRC employees at the Sloan Road facility. Their principal job functions appear the same. Although they use different equipment and varying levels of PPE, the job function appears to be ensuring the waste

is properly secured, and ensuring the waste is in its appropriate container, like with chemo waste, and placarded, and then transporting that waste. Some of the aforementioned Petitioner employees undergo HAZMAT training like NRC employees, but do not appear to undergo HAZWOPER nor RCRA training like NRC employees.

This factor supports finding some community of interest, but it is insufficient to establish an overwhelming community of interest.

4. Degree of Functional Integration

Functional integration refers to when employees' work constitutes integral elements of an employer's production process or business. Thus, for example, functional integration exists when employees in a unit sought by a union work on different phases of the same product or as a group provides a service. Another example of functional integration is when the Employer's workflow involves all employees in a unit sought by a union. 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, 766 (1993). On the other hand, if functional integration does not result in contact among employees in the unit sought by a union, the existence of functional integration has less weight.

In this matter, the record reveals that the employees in the existing unit and the NRC employees at the Sloan Road facility are not functionally integrated. Neither group of employees relies on the other to accomplish their basic job duties and functions.

This factor does not support finding an overwhelming community of interest.

5. Terms and Conditions of Employment

Terms and conditions of employment include whether employees receive similar wage ranges and are paid in a similar fashion (for example hourly); whether employees have the same fringe benefits; and whether employees are subject to the same work rules, disciplinary policies and other terms of employment that might be described in an employee handbook. However, the facts that employees share common wage ranges and benefits or are subject to common work rules does not warrant a conclusion that a community of interest exists where employees are separately supervised, do not interchange, and work in a physically separate area. *Bradley Steel, Inc*., 342 NLRB 215, 215-16 (2004); *Overnite Transportation Co.*, 322 NLRB 347, 347 (1996). Similarly, sharing a common personnel system for hiring, background checks and training, as well as the same package of benefits, does not warrant a conclusion that a community of interest exists where two classifications of employees have little else in common. *American Security Corporation,* 321 NLRB 1145, 1146 (1996).

In the instant case, the record reveals that the employees in the existing unit and the NRC employees at the Sloan Road facility share some common terms and conditions of employment. These include benefits, work rules, uniforms, and roughly similar hours. Their pay structures are roughly similar. On the other hand, the employees in the existing unit and the NRC employees at the Sloan Road facility have differences in the regularity of their working hours, their on-call requirements, and the amount of PPE they may be required to wear. As such, I find that this factor does not support finding that an overwhelming community of interest exists.

This factor supports finding some community of interest, but it is insufficient to establish an overwhelming community of interest.

6. Collective-Bargaining History

"The Board is reluctant to disturb units established by collective bargaining as long as those units are not repugnant to Board policy or so constituted as to hamper employees in fully exercising rights guaranteed by the Act." *Buffalo Broad. Co.*, 242 NLRB 1105, 1106 n.2 (1979).

This factor is not implicated here. The Union represented employees at the Sloan Road facility with SSD over 10 years ago. NRC opened the Sloan Road facility as a hazardous waste transfer station operating within a different division of Republic over 10 years later. The facility is separated by miles from other Petitioner transfer stations and was not staffed with Petitioner employees. The Union has never represented NRC employees at the Sloan Road facility.

This factor does not support finding an overwhelming community of interest.

7. Weighing of Community-of-Interest Factors

Weighing the community of interest factors, I conclude that accretion is not appropriate because there is no employee interchange and no shared supervision, and none of the other factors support finding an overwhelming community of interest. Moreover, the Sloan Road facility is a new facility geographically separate from the other Petitioner facilities, meaning that its employees are presumptively an appropriate unit for bargaining, which supports the finding that accretion is inappropriate.

C. Appropriateness of Deferral

In a letter submitted to the Regional Director before the hearing was held, the Union urged me to defer the dispute raised by the petition to the parties' contractual grievance-arbitration procedure, arguing that the CBA's recognition clause encompassed the NRC employees at the Sloan Road facility. The Union's post-hearing brief does not include this argument. In any event, I find that the dispute cannot be deferred because this case squarely involves a question of accretion, an issue governed by statutory policy that must be decided by the Board. See *Penske Truck Leasing Co.*, 371 NLRB No. 113, slip op. at 1.

III. CONCLUSION

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

1. The hearing officer's 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.[4]

3. The Petitioner is a labor organization within the meaning of Section 2(5) of the Act and claims to represent certain employees of the Employer.

4. The bargaining unit will be clarified as indicated below.

IV. ORDER

IT IS ORDERED that the unit of employees employed by Republic Silver State Disposal Services, Inc. d/b/a Republic Services of Southern Nevada and Republic Dumpco, Inc. d/b/a Apex Regional Landfill that is represented by International Brotherhood of Teamsters, Local 631 is clarified to exclude emergency response field supervisors, HAZMAT drivers/CDL A technicians, and industrial services and emergency response field technicians employed by NRC Environmental Services Inc. at the facility located at 4455 Sloan Road, Las Vegas, Nevada.

V. 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

[4] SSD is a Nevada corporation engaged in the business of providing waste removal services. During the 12-month period ending October 17, 2025, a representative period, SSD, in conducting its business operations described above, derived gross revenues in excess of $250,000. During the same period of time, SSD purchased and received at its Las Vegas, Nevada facility goods valued in excess of $50,000 directly from points outside the State of Nevada.

Apex is a Nevada corporation engaged in the business of operating a solid waste landfill and providing garbage removal services. During the 12-month period ending October 17, 2025, a representative period, Apex, in conducting its business operations described above, derived gross revenues in excess of $250,000. During the same period of time, Apex purchased and received at its Las Vegas, Nevada facility goods valued in excess of $50,000 directly from points outside the State of Nevada.

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 December 9, 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 December 9, 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 at Phoenix, Arizona, this 25th day of November 2026.

/s/ Cornele A. Overstreet
Cornele A. Overstreet, Regional Director