

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

**REPUBLIC SILVER STATE DISPOSAL, INC.,
d/b/a REPUBLIC SERVICES OF SOUTHERN
NEVADA AND REPUBLIC DUMPCO, INC.**

Employer

and

Case 28-UC-256921

**TEAMSTERS, CHAUFFEURS,
WAREHOUSEMEN, AND HELPERS, LOCAL
UNION NO. 631, A/W INTERNATIONAL
BROTHERHOOD OF TEAMSTERS**

Petitioner

DECISION AND ORDER

I. SUMMARY

On February 25, 2020, the Petitioner filed the instant UC petition, seeking to include route auditors in the Unit certified in Cases 28-RC-198781 and 28-RC-198791 (collectively, the certified Unit).

On March 12, 2020, the Region received a Stipulation signed by both the Employer and the Union agreeing that clarifying the certified Unit to include route auditors is appropriate. This Stipulation is incorporated by reference in this Decision and Order as Exhibit A. Based on the entire record, including the parties' Stipulation, I find that clarifying the certified Unit to include route auditors is appropriate.

II. CONCLUSION

Based upon the entire record in this matter, including the Stipulation of the parties, I conclude and find as follows:

1. 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.¹

¹ I find, based on the Stipulation of the parties and the record evidence, that at all material times, the Employer, Republic Silver State Disposal, Inc., d/b/a Republic Services of Southern Nevada and Republic Dumpco, Inc., a corporation with offices and place of business in Las Vegas, Nevada, has been engaged in sorting and disposal of industrial, commercial, and residential waste. During the 12-month period ending February 25, 2020, the Employer, in conducting its business operations described above, derived revenue in excess \$250,000. During the same period of time, the Employer, purchased and received at its facilities in the State of Nevada, goods valued in excess of \$50,000 directly from points outside the State of Nevada.

2. Petitioner is a labor organization within the meaning of Section 2(5) of the Act and claims to represent certain employees of the Employer.²
3. 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.
4. The Petitioner already represents the employees in the following certified Unit:
Included: All full-time and regular part time production and maintenance employees, including drivers, heavy equipment operators, mechanics, utility employees, gate attendants/scale operators, dispatchers, operations clerks, dossier clerks, purchasing clerks, paper pickers, environmental technicians, and Toter Container Delivery Department container drivers-non-COL employed by Republic Silver State Disposal, Inc., d/b/a Republic Services of Southern Nevada, at the Cheyenne Transfer Station in Las Vegas, Nevada, the Henderson Transfer Station in Henderson, Nevada, and the Gowan Facility in North Las Vegas, Nevada, and by Republic Dumpco, Inc. at the Apex Landfill in Las Vegas, Nevada, and the Laughlin Landfill in Laughlin, Nevada.
Excluded: All other employees, sales employees, special waste executives, purchasing specialists, medical billing clerks, safety representatives, human resource coordinators, human resources administrative assistants, office clerical employees, confidential employees, managerial employees, guards and supervisors as defined by the National Labor Relations Act.
There are approximately 1,000 employees in the existing bargaining unit.
5. The following employees of the Employer constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act (the Unit):
Included: All full-time and regular part time production and maintenance employees, including drivers, heavy equipment operators, mechanics, utility employees, gate attendants/scale operators, dispatchers, operations clerks, dossier clerks, purchasing clerks, paper pickers, and environmental technicians, Toter Container Delivery Department container drivers-non-COL, and route auditors employed by Republic Silver State Disposal, Inc., d/b/a Republic Services of Southern Nevada, at the Cheyenne Transfer Station in Las Vegas, Nevada, the Henderson Transfer Station in Henderson, Nevada, and the Gowan Facility in North Las Vegas, Nevada, and by Republic Dumpco, Inc. at the Apex Landfill in Las Vegas, Nevada, and the Laughlin Landfill in Laughlin, Nevada.
Excluded: All other employees, sales employees, special waste executives, purchasing specialists, medical billing clerks, safety representatives, human resource

² The parties stipulated, and I find, that Petitioner is a labor organization within the meaning of Section 2(5) of the Act.

coordinators, human resources administrative assistants, office clerical employees, confidential employees, managerial employees, guards and supervisors as defined by the National Labor Relations Act.³

There are approximately 1,002 employees in the above unit.

6. The parties Stipulated that the certified Unit should be clarified by the Regional Director through this UC petition to include route auditors, and the Employer agrees to recognize the Petitioner as the exclusive collective bargaining representative of the employees in the Unit described above at paragraph 5.

Based on the foregoing, the entire record, and the parties' Stipulation, **IT IS HEREBY ORDERED** that the certified Unit is clarified to include route auditors, as follows:

Included: All full-time and regular part time production and maintenance employees, including drivers, heavy equipment operators, mechanics, utility employees, gate attendants/scale operators, dispatchers, operations clerks, dossier clerks, purchasing clerks, paper pickers, and environmental technicians, Toter Container Delivery Department container drivers-non-COL, and route auditors employed by Republic Silver State Disposal, Inc., d/b/a Republic Services of Southern Nevada, at the Cheyenne Transfer Station in Las Vegas, Nevada, the Henderson Transfer Station in Henderson, Nevada, and the Gowan Facility in North Las Vegas, Nevada, and by Republic Dumpco, Inc. at the Apex Landfill in Las Vegas, Nevada, and the Laughlin Landfill in Laughlin, Nevada.

Excluded: All other employees, sales employees, special waste executives, purchasing specialists, medical billing clerks, safety representatives, human resource coordinators, human resources administrative assistants, office clerical employees, confidential employees, managerial employees, guards and supervisors as defined by the National Labor Relations Act.

III. 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 of the National Labor Relations Board. The request for review must conform to the requirements of Section 102.67(d) and (e) of the Board's Rules and Regulations and must be filed by **May 14, 2020**.

A request for review may be E-Filed through the Agency's website but 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 for review should be addressed to the Executive Secretary, National Labor Relations Board, 1015 Half Street SE, Washington, DC 20570-0001. A party filing a request for review must

³ The unit found appropriate conforms substantially with the unit sought by Petitioner.

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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.

Dated at Phoenix, Arizona, this 30th day of April, 2020.

/s/ *Cornele A. Overstreet*

Cornele A. Overstreet, Regional Director

Attachment



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Employer

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TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN,
AND HELPERS, LOCAL UNION NO. 631 a/w
INTERNATIONAL BROTHERHOOD OF
TEAMSTERS

Petitioner

STIPULATION

The Petitioner and the Employer stipulate and agree that:

1. We have been informed of the procedures at formal hearings before the National Labor Relations Board by service of a Summary of Standard Procedures in Formal Hearings Held Before the National Labor Relations Board (the Board) Pursuant to Petitions Filed under Section 9 of the National Labor Relations Act (the Act) (Form NLRB 4669 (1-92)). Furthermore, we waive the right to a hearing and agree that any notice of hearing previously issued in this matter is withdrawn, and we waive the right to a request for review of any such decision by the Regional Director of Region 28 (Regional Director).
2. To the extent the formal documents in this proceeding do not correctly reflect the names of the parties, the parties hereby make a joint motion to the Regional Director to amend the petition and other formal documents to correctly reflect the names as set forth above.
3. The Petitioner is a labor organization within the meaning of Section 2(5) of the National Labor Relations Act.
4. The Employer is an employer engaged in commerce within the meaning of Section 2(6) and (7) of the Act and is subject to the jurisdiction of the Board.

Commerce facts are as follows:

At all material times, the Employer, Republic Silver State Disposal, Inc., d/b/a Republic Services of Southern Nevada and Republic Dumpco, Inc., a corporation with offices and place of business in Las Vegas, Nevada, has been engaged in sorting and disposal of

industrial, commercial, and residential waste. During the 12-month period ending February 25, 2020, the Employer, in conducting its business operations described above, derived revenue in excess \$250,000. During the same period of time, the Employer, purchased and received at its facilities in the State of Nevada, goods valued in excess of \$50,000 directly from points outside the State of Nevada.

5. On June 13, 2017, a Certification of Representative issued in Case 28-RC-198781. The Certification incorrectly described the bargaining unit as followed:

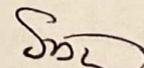
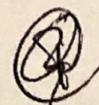
UNIT: All full-time and regular part-time Toter Container Delivery Department container drivers-non CDL employed by the Employer at its Gowan Facility in North Las Vegas, Nevada; excluding, all other employees, administrative employees, managerial employees, confidential employees, guards and supervisors as defined in the Act.

6. The correct bargaining unit in Case 28-RC-198781, as set forth in this Stipulation, should have read as followed:

UNIT: All full-time and regular part time production and maintenance employees, including drivers, heavy equipment operators, mechanics, utility employees, gate attendants/scale operators, dispatchers, operations clerks, dossier clerks, purchasing clerks, paper pickers, environmental technicians, and Toter Container Delivery Department container drivers-non-CDL employed by Republic Silver State Disposal, Inc., d/b/a Republic Services of Southern Nevada, at the Cheyenne Transfer Station in Las Vegas, Nevada, the Henderson Transfer Station in Henderson, Nevada, and the Gowan Facility in North Las Vegas, Nevada, and by Republic Dumpco, Inc. at the Apex Landfill in Las Vegas, Nevada, and the Laughlin Landfill in Laughlin, Nevada; excluding all other employees, sales employees, special waste executives, purchasing specialists, medical billing clerks, safety representatives, human resources coordinators, human resources administrative assistants, office clerical employees, confidential employees, administrative employees, managerial employees, guards and supervisors as defined in the Act.

7. The Petitioner and the Employer hereby move that the bargaining unit described above in Paragraph 6 be the bargaining unit in Paragraph 5. The Petitioner and the Employer further move that the Regional Director clarify the bargaining unit set forth in this paragraph to include route auditors, so that the new unit reads as follows:

UNIT: All full-time and regular part time production and maintenance employees, including drivers, heavy equipment operators, mechanics, utility employees, gate attendants/scale operators, dispatchers, operations clerks, dossier clerks, purchasing clerks, paper pickers, and environmental technicians, Toter Container Delivery Department container drivers-non-CDL, and route auditors employed by Republic Silver State Disposal, Inc., d/b/a Republic Services of Southern Nevada, at the Cheyenne Transfer Station in Las Vegas, Nevada, the Henderson Transfer Station in Henderson, Nevada, and the Gowan Facility in North Las Vegas, Nevada, and by Republic Dumpco, Inc. at the Apex Landfill in Las Vegas, Nevada, and the Laughlin Landfill in Laughlin, Nevada; excluding all other employees, sales employees, special waste executives, purchasing specialists, medical billing clerks, safety representatives, human resources



coordinators, human resources administrative assistants, office clerical employees, confidential employees, administrative employees, managerial employees, guards and supervisors as defined in the Act.

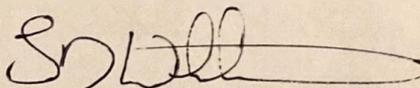
8. The Petitioner represents the employees in the existing bargaining unit described in Paragraph 6 of this stipulation and claims to represent the employees in the Unit described in Paragraph 7 of this stipulation, and the Employer agrees to recognize the Petitioner as the exclusive collective bargaining representative of the employees in the Unit described in Paragraph 7 of this stipulation.

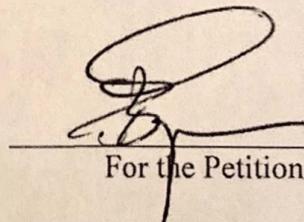
9. The Employer and the Petitioner hereby make a joint motion to the Regional Director to cancel the hearing scheduled for this UC petition on March 12, 2020, based on their agreement to the Unit as set forth above in Paragraphs 7 and 8.

10. The Employer and the Petitioner are not aware of any other labor organization representing or claiming to represent any of the employees in the Unit described above in paragraph 7.

11. There are current collective-bargaining agreements covering the employees in the existing bargaining unit described above in paragraph 6, but there is no contract bar to this proceeding.

Upon receipt of this Stipulation by Region 28, it may be admitted, without objection, as a Board exhibit in this proceeding.

 3/12/20
For the Employer

 3/11/2020
For the Petitioner

RECEIVED:

Board Agent, Region 28

Date: _____

