



STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Robin Mongeon, et al.; New Hampshire
Hospital Supervisors (Diane Allen, et al.); and
New Hampshire Hospital Supervisors (Sheila
Gagnon, et al)

Complainants

v.

Thomas S. Burack, DES Commissioner & Gary
Smith, President, SEA/SEIU Local 1984

Respondents

Case Nos. S-0439-1
S-0394-3
S-0394-4

Decision No. 2008-157

ORDER RE: PARTIALLY ASSENTED-TO MOTION TO STAY
THE ORDER REQUIRING POSTING OF SUPERVISORY UNIT
POPULATION PENDING RESOLUTION OF UNDERLYING COMPLAINTS

The board previously issued an order which included, as an appendix1, a list of employee
positions currently covered by the state supervisors' bargaining unit certification. See Decision
2008-150. Decision 2008-150 included the following posting requirement:

This order and appendix shall be posted in locations calculated to inform all employees of
the various state departments and agencies covered by the state supervisors' bargaining
unit certification for a period of not less than thirty (30) days beginning August 11, 2008.

The State has filed a partially assented to motion seeking to delay the posting until after
the hearing on the three unfair labor practice complaints, contending that an earlier posting is
premature because the composition of the state supervisory unit remains a topic of litigation.

The motion is denied. The purpose of the posting requirement is to ensure that affected
public employees are duly informed in a timely manner of their current status as members of the
state supervisors' bargaining unit. The detailed list of employee positions covered by the state
supervisors' bargaining unit was jointly prepared by the public employer and the exclusive

1 The board issued a corrected appendix to Decision 2008-150 on August 7, 2008.

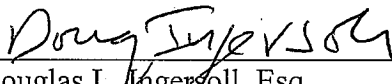
representative of the bargaining unit and has not previously been published or disclosed to state employees according to information on file with this agency. This information is of sufficient legal significance to warrant posting without delay.

The fact that the complainants² have raised issues in their unfair labor practice complaints and at pre-hearings concerning the existing composition of the state supervisory bargaining unit does not justify a stay of the posting order nor does it alter the current composition of the state supervisors' bargaining unit.³ Decision 2008-150 states that "the complainants' objections to the existing composition of the state supervisors' unit will be heard at the hearing on the merits of these complaints. Thereafter the board will issue any further and necessary orders as to the population of the state supervisors' bargaining unit." This language is sufficient to advise any interested employee of the existence of the pending proceedings at this agency, including the complainants' contentions that the existing state supervisors' bargaining unit is improper.

Decision 2008-150 and the corrected appendix shall be posted as previously ordered for a period of not less than thirty (30) days beginning August 15, 2008. The State shall file a certificate of posting on or before August 19, 2008.

So ordered.

August 14, 2008.



Douglas L. Ingersoll, Esq.
Hearing Officer

Distribution:
Per Attached Service List

² There are 27 complainants in these cases and approximately 1,290 employees whose positions are included in the appendix to Decision 2008-150.

³ The board may also require the posting of its final decision in these cases so that affected public employees will be duly notified of the final disposition.