

**Robin Mongeon, et al., New Hampshire Hospital Supervisors (Diane Allen, et al.), and New Hampshire Hospital Supervisors (Sheila Gagnon, et al.) v. Thomas S. Burack, DES Commissioner and Gary Smith, President, SEA/SEIU Local 1984**, Decision No. 2009-018 (Case No. S-0439-1, Case No. S-0394-3 and Case No. S-0394-4)

**Background:** Certain state employees filed unfair labor practice complaints against the state and the union alleging that they violated RSA 273-A:5 by charging the complainants an unlawful agency fee. The complainants contended that they were supervisors within the meaning of RSA 273-A:8, II and, as such, were improperly included in the same bargaining unit as employees they supervise. The state and the union denied the charges and filed motions to dismiss the complaints as untimely.

**Decision:** The PELRB found that the state began collecting an agency fee for the union from the complainants' paychecks in 2006. The complaints were filed in 2008. The PELRB dismissed the complaints because they were not filed within the statutory six months time limitation on action.

***Disclaimer: This summary is intended to provide a brief description of the issues in this case and the outcome. The summary is not a substitute for the decision, should not be relied upon in place of the decision, and should not be cited as controlling or relevant authority in PELRB proceedings or other proceedings.***