

Teamsters Local Union 633 v. State of New Hampshire, Department of Corrections, Decision No. 2015-017 (Case No. G-0109-10).

Background: The Union filed an unfair labor practice complaint claiming that the State refused to negotiate in good faith in violation of RSA 273-A:5, I (e). The complaint was based upon the parties' meetings and communications pursuant to Health Insurance Exploratory Committee Article of the parties' collective bargaining agreement (CBA), which established a health insurance task force for the purpose of reviewing healthcare options for unit employees to determine the feasibility of having unit employees enroll in a plan outside the State's current health plan offering. The Union claimed that the State had raised bogus legal impediments to the possible movement of bargaining unit employees to a different health insurance plan. The State denied the charges claiming, among other things, that it had no obligation to agree to the health insurance plan proposed by the Union given the CBA language, the Administrative Services Commissioner's RSA 21-I authority to administer health insurance plans, the Governor and Council approval process for certain State contracts, the State's preference for a single health insurance benefit plan for all state employees, and the difficulty of integration and coordination of the Union-proposed option with existing State computer technology. The State also argued that the PELRB lacked jurisdiction to review the State's interpretation of the Commissioner's RSA 21-I obligations.

Decision: The hearing officer found that the PELRB had jurisdiction over the claim but the evidence was insufficient to establish that the State had committed an unfair labor practice in violation of RSA 273-A:5, I (e). The CBA Article 18.8.5 task force meetings were held to "determine the feasibility of other healthcare plans" and did not constitute collective bargaining under the Act. Even if the task force meetings were treated as collective bargaining negotiations, the evidence was still insufficient to prove a violation. The complaint was dismissed.

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.