



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

PROFESSIONAL FIREFIGHTERS OF KEENE, N.H.

and

KEENE FIRE DEPARTMENT SUPERVISORS

Petitioners

v.

CITY OF KEENE, NEW HAMPSHIRE

Respondent

CASE NO. F-0138:1 (F.F.)
F-0139:1 (SUPVR.)

DECISION NO. 91-36

APPEARANCES

Representing Professional Firefighters:

Glenn R. Milner, Esq., Counsel

Representing Keene Fire Department Supervisors:

Shawn J. Sullivan, Esq., Counsel

Representing City of Keene, N.H.:

Patrick J. MacQueen, City Manager

Also appearing:

Frank Marcellino, Insurance Broker
Thomas L. Loll, Local 3265, (Supervisor)
Robert Meagher, Local 3265, V.P. (Firefighter)

BACKGROUND

On February 27, 1991 both the Professional Firefighters of Keene, N.H. (Firefighters) and the Keene Fire Department Supervisors (Supervisors) filed unfair labor charges against the City of Keene, N.H. (City) for unilaterally implementing a "managed care rider" to the existing Blue Cross/Blue Shield health insurance plan.

In response, the City stated that the implementation of the rider did not take away or diminish any of the benefits in the City's J-Y-C-C Blue Cross/Blue Shield coverage which was still in effect, and, the only change made was in the selection of an administrator of claims and benefits and that the selection of the insurance company is within management's discretion.

Both units filed Motions for Cease and Desist Orders and a return to status quo.

The parties agreed that the filings dealt with the same issue, facts were basically the same and the cases could be consolidated.

The City preserved its right to litigate the legality of same representation at a subsequent hearing.

Full hearing on the merits of the unfair labor charges and same representation to be held at a later date.

Hearing on the Motions for Cease and Desist orders was held on May 3, 1991 in the Board's office in Concord with all parties represented.

FINDINGS OF FACT

1. The two units were certified pursuant to a PELRB conducted election on March 15, 1990.
2. Certification under RSA 273-A requires the City to negotiate, upon certification, any changes to wages, hours, fringes and all conditions of employment with the certified units.
3. Insurance coverage is a benefit covered under RSA 273-A and a mandatory subject of negotiations.
4. The City in January of '91 requested the units consider and approve the implementation of the "Managed Care Rider" to the existing health insurance plan.
5. Both units reviewed the pros and cons of the rider and on January 30, 1991 advised the City Manager, in writing, that its members had unanimously voted to retain their present coverage thereby rejecting the City's proposal to add the rider.
6. The City on February 6, 1991 advised both units that the "Managed Care Rider" would be added effective March 1, 1991.
7. The rider has been implemented as of March 1, 1991.

DECISION AND ORDER

- A. The selection of an administrator of claims and benefits and the selection of an insurance company is within the managerial discretion of the employer.
- B. Insurance benefits are covered under the requirements of RSA 273-A and thereby are mandatory subjects of negotiations.
- C. "Motion to Dismiss" filed by the City of Keene, N.H. is hereby DENIED.

CEASE AND DESIST

The addition of the "Managed Care Rider" constitutes a change in employees insurance benefits and should be negotiated with the certified units.

The City of Keene, N.H. is hereby ORDERED to CEASE AND DESIST the addition of the "Managed Care Rider" to the Blue Cross/Blue Shield Plan J-Y-C-C for all professional Firefighters of Keene, N.H. and all Keene Fire Department Supervisors pending completion of negotiations on this matter.

The City of Keene, N.H. is hereby ORDERED to return to status quo and immediately negotiate the issue of any change in health care insurance coverage affecting the members of both units.

Compliance to these orders and periodic reports of progress to be forwarded to PELRB in writing by all parties no later than July 1, 1991.

So ordered.

Signed this 11th day of June, 1991.


EDWARD J. HASELTINE
Chairman

By unanimous vote. Chairman Edward J. Haseltine presiding. Members Seymour Osman and E. Vincent Hall present and voting.