



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

PROFESSIONAL FIREFIGHTERS OF KEENE, N.H.:	:	
and	:	
KEENE FIRE DEPARTMENT SUPERVISORS	:	CASE NO. F-0138:1 (F.F.)
	:	F-0139:1 (SUP.)
Petitioners	:	
	:	DECISION NO. 92-02
v.	:	
CITY OF KEENE, NEW HAMPSHIRE	:	

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.

Thomas Flygare, Esq., Counsel

Also appearing

Patrick MacQueen, City of Keene
Thomas L. Loll, Local 3265
Bob Meagher, Local 3265
Albert C. Jones, City of Keene

BACKGROUND

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

On or about June 11, 1991, this Board issued a decision (Decision 91-36) the contents of which are incorporated herein by reference. By way of additional explanation, this Board decided that:

- a) The selection of an administrator of claims and benefits and the solution 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. (Emphasis in original).
- c) The Motion to Dismiss filed by the City of Keene is hereby denied.

Thereafter, the Board ordered the employer to cease and desist the addition of the managed care rider to the health insurance plan "pending completion of negotiations on this matter." The City was also ordered to return to the status quo and to immediately negotiate any change in health care insurance coverage affecting members of both units.

On or about July 1, 1991, the City submitted a Motion for Rehearing which was granted. Rehearing followed before the Board on August 22, 1991, at which time the parties were afforded full opportunity for the submission of evidence and the examination of witnesses.

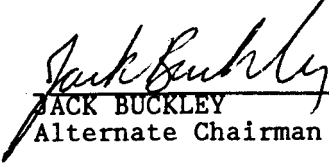
The City argued that the unilateral implementation of the managed care rider was not a violation of RSA 273-A because it did not change employee health care benefits or was equivalent to an employer's changing insurance companies or insurance administrators. This Board disagrees. The managed care rider was unilaterally implemented by the City after the proposal had been specifically referred to both bargaining units and rejected by them. Accordingly, this Board reaffirms its Decision No. 91-36 and reaffirms its remedy by the Order appearing below.

ORDER

1. The City of Keene, N.H. is hereby ORDERED 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.
2. The City of Keene, N.H. is ORDERED to return to the status quo and immediately negotiate the issue of any changes in health care insurance coverage affecting the members of both units.
3. The parties will keep this Board informed of their progress in the negotiations of contracts for both bargaining units by filing written reports thereof on the last day of January, 1992, and continuing on the last day of each month thereafter until contract settlement is reached.

So Ordered.

Signed this 23rd day of January, 1992.



JACK BUCKLEY
Alternate Chairman

By unanimous vote. Alternate Jack Buckley presiding. Members Seymour Osman and E. Vincent Hall present and voting.