

By Mr. Bosley of North Adams, petition of the Massachusetts Municipal Association and Daniel E. Bosley for legislation to authorize coalition bargaining for health care for employees in cities and towns. Public Service.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Two.

AN ACT ENABLING COALITION BARGAINING FOR HEALTH CARE FOR MUNICIPAL EMPLOYEES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 32B of the General Laws is hereby
2 amended by adding after Section 17 the following Section 18: —
3 Section 18. By accepting the provisions of this Section, a
4 governmental unit may elect to be subject to the provisions of the
5 Section:

6 (1) Notwithstanding any other provision of this Chapter or of
7 Chapter 150E of the General Laws, on or after July 1, 1991
8 collective bargaining subjects under this Chapter shall be
9 negotiated through coalition bargaining between the governmen-
10 tal unit and a coalition committee which shall represent all
11 employees of the governmental unit who are represented in
12 collective bargaining units by certified or recognized employee
13 organizations. Employees of a governmental unit who are not
14 represented by any employee organization may select one (1)
15 representative to participate in coalition committee negotiations,
16 provided, such employees shall not be considered to be in a
17 collective bargaining unit for any purpose, and shall not be deemed
18 to be represented by the coalition committee or by any employee
19 organization. In such negotiations the governmental unit, other
20 than a regional school district, shall be represented by the
21 appropriate public authority and not by the school committee.

22 In a regional school district the governmental unit shall be
23 represented by the regional school committee of such district.

24 (2) An agreement between the coalition committee and the
25 appropriate public authority shall be binding on all employees
26 represented by the coalition committee if ratified by a majority
27 of the collective bargaining units. Such agreement shall be subject
28 to the provisions of General Laws chapter 150E, Section 7, in that
29 it shall be reduced to writing, executed by the parties, shall not
30 exceed a term of three years and shall be subject to the submission
31 and funding requirements of subsection (b) of said Section 7.

32 (3) The coalition committee negotiations under this Section
33 shall be subject to mediation over mandatory bargaining subjects
34 as provided for the resolution of certain impasses under Section 9
35 of Chapter 150E of the General Laws, subject to the following
36 time line requirements:

37 (a) Negotiations for the initial coalition agreement shall
38 commence at any time by mutual agreement. Absent mutual
39 agreement, such negotiations shall commence at the request of
40 either party no later than January 2, 1992.

41 (b) Negotiations for a successor coalition agreement shall
42 commence within 20 days after a receipt by one party of written
43 notice from the other party, not less than 180 days prior to the
44 expiration of the preceding coalition agreement.

45 (c) If the parties are unable to reach agreement within 30 days
46 following the commencement of good faith negotiations, both
47 parties or either of them shall file a request for the state board
48 of conciliation and arbitration to appoint a mediator. If the parties
49 are unable to reach agreement within 45 days following such
50 request, the Board shall certify to the parties that the collective
51 bargaining process under this Section, including the statutory
52 impasse procedure, has been completed.

53 No other provision of law nor the provision of any pre-existing
54 collective bargaining agreement nor any pre-existing term and
55 condition of employment shall restrict the right of the appropriate
56 public authority to take action following such Board certification
57 as provided under said Section 9.

58 The time line requirements under subparagraphs (a) through
59 (c) of this paragraph shall be expedited as appropriate whenever

60 a deadline for decision-making by a governmental unit is imposed
61 by a third party or by financial circumstances, as, for example,
62 in case of a notice of cancellation of insurance by an insurance
63 carrier.

64 (4) Notwithstanding any other provision of the General Laws:

65 (a) no health insurance plan or program implemented by a
66 governmental unit shall be required to offer indemnity insurance,
67 group general or blanket insurance providing hospital, surgical,
68 medical, dental or other health insurance benefits.

69 (b) a governmental unit shall not be restricted by law from
70 purchasing from a health care organization or any other
71 organization authorized to sell health insurance to a governmental
72 unit, or such organization's sponsor, agent, broker or
73 intermediary, nor shall any such organization or its sponsor,
74 agent, broker or intermediary, be restricted by law from selling
75 to any governmental unit, at a blended rate or at rates otherwise
76 offered, health insurance plan which combines elements of a
77 traditional indemnity insurance plan with elements of a health
78 maintenance organization, preferred provider organization or
79 other health care organization.

80 (c) If the appropriate public authority is unable to provide
81 plan coverage to the retirees of a governmental unit as, for
82 example, because the Plan provider does not offer Plan benefits
83 to retirees, the appropriate public authority may transfer its
84 retirees to the State group insurance commission. Said
85 commission shall administer its program for all such retirees so
86 transferred hereunder in accordance with the provisions of
87 General Laws chapter 32A, Sections 2(F) and 10B.

88 (d) Notwithstanding any requirement under this Chapter
89 that the percentage or premium cost be uniformly applicable to
90 all employees of a governmental unit, this Section shall permit
91 the appropriate authority to engage in coalition bargaining and,
92 where appropriate, to implement a plan which may provide
93 different subsidiary or additional rates for different groups or
94 classes or employees, such as current employees or new hires, or
95 employees grouped by income levels, so long as such criteria are
96 uniformly applicable to all employees of the governmental unit.

97 (e) The percentage of premium cost paid by the employer
98 shall in no event be less than fifty percent for blanket health

99 insurance and the premium cost paid by an employee for HMO
100 benefits shall in no event be less than ten percent.

101 In the event a governmental unit offers a Plan with a blended
102 rate, the premium cost borne by the employer will be no less than
103 fifty percent nor more than ninety percent.

104 (5) Nothing in this Section shall prevent a consortium of
105 governmental units from negotiating and purchasing one or more
106 health insurance plans under Section 12 of this Chapter.

107 (6) The provisions of this Section shall not be construed to
108 prevent the appropriate public authority and any certified or
109 recognized employee organization representing employees in the
110 governmental unit, including employees of a school committee in
111 a city or town, from bargaining directly with each other, by mutual
112 agreement, concerning bargainable matters under this Chapter
113 which are not required by law to be uniformly applicable to all
114 bargaining units and which are not included in any existing health
115 plan uniformly available to all employees of such governmental
116 unit.

117 (7) This Section supersedes the establishment and function of
118 an advisory committee under Section 3 of this Chapter in any
119 governmental unit which accepts it.

120 (8) Acceptance. This Section may be accepted in a governmen-
121 tal unit by its chief executive officer, as defined in General Laws
122 chapter 150E, Section 1; provided, for the purpose of this section;
123 in a city or town the chief executive officer shall not be the school
124 committee but shall be the chief executive officer otherwise
125 designated under said Section 1 to deal with non-school
126 employees.

127 (9) Revocation of Acceptance. Notwithstanding any contrary
128 provisions of General Laws chapter 4, Section 4B, Section 10 of
129 this Chapter or any other provision of law, acceptance of this
130 Section may be revoked in the same manner as this Section was
131 accepted at any time after expiration of the second year following
132 the date of acceptance.

1 SECTION 2. Chapter 32B of the General Laws is hereby
2 amended by adding after Section 18 the following Section 19: —

3 Section 19. By accepting the provisions of this Section, a
4 governmental unit may elect to be subject to the provisions of this
5 Section:

6 (1) (a) Notwithstanding any other provisions of this Chapter,
7 for the purposes of this Section only, a governmental unit shall
8 not be restricted from providing different subsidiary or additional
9 rates to collective bargaining units, including units consisting of
10 employees of a school committee in a city or town or to a group
11 or groups of employees not represented by an employee
12 organization.

13 (b) No provision of this Chapter shall restrict the governmental
14 unit from negotiating with any employee organization to alter or
15 vary the subsidiary or additional rates within any bargaining unit,
16 nor to restrict a governmental unit from implementing a plan
17 which may provide different subsidiary or additional rates for
18 different groups or classes of employees, such as current
19 employees or new hires, or employees grouped by income level.

20 (c) The percentage of premium cost paid by the employers shall
21 in no event be less than fifty percent for blanket health insurance;
22 the premium cost paid by an employee for HMO benefits shall
23 in no event be less than ten percent.

24 In the event a governmental unit offers a Plan with a blended
25 rate, the premium cost borne by the employer will be no less than
26 fifty percent nor more than ninety percent.

27 (2) Negotiations over the percentage contribution by the
28 governmental unit to the cost of an insurance plan under this
29 Section will be between the governmental unit and each employee
30 organization recognized or certified as the bargaining represen-
31 tative for a collective bargaining unit under General Laws chap-
32 ter 150E. The governmental unit shall be represented by its chief
33 executive officer as defined in Section 1 of chapter 150E.
34 Notwithstanding any contrary provision of said Section 1, in the
35 case of a collective bargaining unit consisting of school employees,
36 the city or town shall not be represented by the School Committee
37 but shall be represented by the chief executive officer of the city
38 or town designated under Section 1 to represent the city or town
39 in its collective bargaining with employee organizations
40 representing non-school employees.

41 (3) Acceptance. This section may be accepted in a governmen-
42 tal unit by its chief executive officer, as defined in General Laws
43 chapter 150E, Section 1; provided, for the purpose of this section,

44 in a city or town the chief executive officer shall not be the school
45 committee but shall be the chief executive officer otherwise
46 designated under said Section 1 to deal with non-school
47 employees.

48 (4) Revocation of Acceptance. Notwithstanding any contrary
49 provision of General Laws chapter 4, Section 4B, chapter 32B,
50 Section 10 or any provision of law, acceptance of this Section may
51 be revoked in the same manner as this Section was accepted at
52 any time after expiration of the second year following the date
53 of acceptance.

