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In the matter between \*

**Vt. Employer Health Care Commissioners** \*

-and- \*

**Vt. Employee Health Care Commissioners** \*

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**Factfinding before Mark Grossman, JD.**

Appearances:

For the Vt. Employee Health Care Commissioners:  
Suzanne Dirmaier, Vt. NEA  
Michael Campbell, Employee Commissioners Chair

For the Vt. Employer Health Care Commissioners:  
Joseph E. McNeil, Esq.  
Colin K. McNeil, Esq.  
McNeil Leddy & Sheahan P.C.

**BACKGROUND**

This fact finding proceeding is being conducted pursuant to Vermont Statutory Law 16 V.S.A. 2101 et seq. That chapter created the Commission on Public School Employees Health Benefits (the "Commission") which is comprised of 10 members, five representing school employers and five representing school employees.

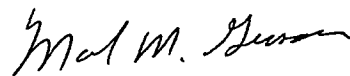
particular case or cases. However, they must have the authority to decide to arbitrate or not and to present the claims for their side if they so desire.

My recommendation is that there be a grievance procedure as part of the Health Care CBA that culminates in final and binding arbitration. The Employer and Employee Commissioners are very experienced and knowledgeable. Therefore, I leave the drafting of the particulars to them.

### **Other Matters**

There are other issues that have been raised and not yet discussed. These issues include HRAs and HSAs, O-O-P Costs including proration and pharmaceutical costs, transitioning to a Statewide TPA and TPA Services in the Interim, and Flexible Spending Accounts (FSAs). These items are all somewhat interrelated and very complicated (when viewed together). For example, the comparison between HRAs and HSAs is not simple because there are various types of HRAs and the differences between them are significant. I have decided to recommend that these additional issues remain as they currently exist during the initial term of the first Health Care CBA. I do not feel comfortable making specific recommendations on these subjects at this time. The information presented demonstrates that this is a very complex area and additional information, and possibly experiences, should be available before finalizing these items. The parties may attempt to resolve all the items covered in these recommendations rather than proceeding to arbitration.

Dated: September 16, 2019



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Mark M. Grossman, Fact Finder