



Legal Alert

From the Offices of Molan, Milner & Krupski, PLLC

LGC – HealthTrust Drug Changes

Many of you may have received notice that the LGC Board of Directors has decided to make changes in how you access and what you may receive and pay for drugs under the pharmacy benefit of your health insurance plan.

There are three changes: One is called the **Specialty Drug Program** where members would be required to access CVS's Caremark Specialty Pharmacy for specialty drugs. The second is the **General Equivalent Program** where employees who want to fill a prescription for a brand name drug when there is a generic equivalent available would be required to pay the generic co-payment plus the cost difference between the brand name medication and its generic form. The third is the **Maintenance Mail Program** wherein you would be allowed to fill a 34 day supply of newly prescribed maintenance medication at a pharmacy with up to two refills and thereafter you would be required to use the mail service.

These are all benefit changes that, unless they have been negotiated with the Union, are a violation of our labor agreements with the various cities and towns.

Unless your contract specifically permits the carrier to change benefits during the course of your contract, they are in violation of the contract. This is a unilateral change in benefits prohibited both by contract and law.

In the past, we have arbitrated at least three similar cases as well as brought cases to the PELRB, all of which in similar circumstances have been found to violate the collective bargaining agreements. Effective January 1, 2010, if you have receive notice that this change is going to take effect, you should file a grievance based on the section that designates your health care benefit as well as your Recognition Clause. The grievance is based on a change in benefits without negotiation and is a unilateral change in the conditions of employment and is, therefore, a refusal to bargain in good faith.

In order to save your timelines, we strongly suggest that you file these grievances promptly. Please notify our office when you have done so with a copy of the grievance.

We will be contacting officials at the LGC with our concerns and will keep you advised.

If you have any questions in this regard, please contact your legal representative.