STATE OF NEVADA
LOCAL GOVERNMENT EMPLOYEE-MANAGEMENT
RELATIONS BOARD

WATER EMPLOYEES ASSOCIATION, Complainant, -vs- LAS VEGAS VALLEY WATER DISTRICT, Respondent.	ITEM NO. 245 CASE NO. A1-045454 **DECISION**

For Complainant: Patricia S. Waldeck, Esq.

For Respondent: Gregory E. Smith, Esq.
SMITH & KOTCHKA

STATEMENT OF THE CASE

On August 22, 1989, Complainant Water Employees Association ("Union") brought this complaint against the Las Vegas Valley Water District ("District") alleging that the District implemented changes in the group health insurance plan including an increased premium deduction for dependent coverage on July 1, 1989 without negotiating those changes with the Union and further, that the District discriminated against Union members by paying the increased dependent premiums for employees not represented by the Union.

On April 27, 1990, the parties appeared before the Local Government Employee-Management Relations Board ("Board") at a regularly held public meeting in Las Vegas requesting that the Board render a decision in this matter based on the Stipulation of Facts and Exhibits, Prehearing Statements and exhibits previously filed. The Board granted the request and

waived a hearing on the matter.

On May 18, 1990, at a regularly held public meeting, duly noticed and posted pursuant to NRS Chapter 241, the Board, based on due deliberation of the evidence and argument presented, dismissed the Complaint.

DISCUSSION

I

THIS MATTER IS MOOT BECAUSE THE FACTFINDER PREVIOUSLY AWARDED ALL BENEFITS BEING SOUGHT BY THE UNION.

On July 24, 1989, the Union filed a grievance over the withholding of the increased health insurance premiums, utilizing Articles 5 and 6 of the expired labor agreement between the parties which provided for a three-step grievance procedure and for final and binding arbitration. Although the Union pursued the grievance through the three-step procedure and filed its notice of intent to arbitrate, the Union chose not to proceed to arbitration. Instead, the Union brought the matter before this Board in the form of this complaint on August 22, 1989.

On December 18, 1989, in a separate action, the Union and the District submitted their contract negotiations dispute, including this matter, to factfinder Joseph F. Gentile. On February 3, 1990, Mr. Gentile issued his final and binding award which included an order that the District reimburse the employees represented by the Union for the increased premiums which had been deducted from their paychecks between July 11, 1989 and January 1, 1990. This

matter is moot, and the Board, therefore, declines to rule on the merits of this complaint.

ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. That the Union's Complaint, be, and hereby is, dismissed with prejudice.

DATED this 11th day of June, 1990.

LOCAL GOVERNMENT EMPLOYEE-
MANAGEMENT RELATIONS BOARD

By _____
SALVATORE C. GUGINO, Chairman

By Tamara Barengo
TAMARA BARENGO, Vice Chairman

By _____
HOWARD ECKER, Member