

**WEST VIRGINIA
PUBLIC EMPLOYEES GRIEVANCE BOARD**

**ANNUAL REPORT
FISCAL YEAR 2009 – 2010**



**ROBIN B. PERDUE
DIRECTOR**

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NUMBER OF GRIEVANCES AGAINST EACH EMPLOYER

COUNTY BOARDS OF EDUCATION							
2008	2009	2010	COUNTY	2008	2009	2010	County
20	10	0	Barbour	2	2	1	MINERAL
21	6	19	Berkeley	18	3	14	MINGO
8	4	15	Boone	79	25	62	MONONGALIA
4	0	4	Braxton	6	3	38	MONROE
9	4	12	Brooke	2	1	1	MORGAN
7	15	37	Cabell	7	2	3	NICHOLAS
6	1	2	Calhoun	2	15	21	OHIO
1	4	0	Clay	0	1	0	PENDLETON
1	3	0	Doddridge	4	4	0	PLEASANTS
31	28	13	Fayette	3	2	15	POCAHONTAS
1	1	4	Gilmer	4	31	5	PRESTON
10	5	6	Grant	81	3	17	PUTNAM
9	0	5	Greenbrier	26	12	9	RALEIGH
2	12	6	Hampshire	3	20	12	RANDOLPH
21	20	4	Hancock	1	0	5	RITCHIE
1	7	5	Hardy	16	1	3	ROANE
7	17	17	Harrison	1	4	1	SUMMERS
7	2	15	Jackson	2	3	1	TAYLOR
6	14	8	Jefferson	0	0	0	TUCKER
143	42	38	Kanawha	0	0	0	TYLER
3	11	4	Lewis	8	57	54	UPSHUR
12	24	6	Lincoln	15	17	28	WAYNE
10	25	10	Logan	1	2	2	WEBSTER
23	14	9	Marion	7	6	6	WETZEL
44	13	16	Marshall	1	0	0	WIRT
20	42	30	Mason	38	17	12	WOOD
20	33	27	McDowell	1	0	3	WYOMING
9	4	9	Mercer				
				784	592	634	TOTAL

NUMBER OF GRIEVANCES AGAINST EACH EMPLOYER

COUNTY HEALTH DEPARTMENTS							
2008	2009	2010	COUNTY	2008	2009	2010	County
			BARBOUR	1			MCDOWELL
			BERKELEY				MERCER
			BOONE			5	MID-OHIO VALLEY
			BRAXTON				MINERAL
			BROOKE		1		MINGO
	1		CABELL	1	2		MONONGALIA
		1	CLAY				MONROE
			DODDRIDGE		1		MORGAN
			FAYETTE				NICHOLAS
			GILMER				OHIO
			GRANT				PENDLETON
			GREENBRIER				POCAHONTAS
	1	1	HAMPSHIRE				PRESTON
			HANCOCK		1	4	PUTNAM
			HARDY				RALEIGH
			HARRISON				RANDOLPH
			JACKSON				SUMMERS
1	1		JEFFERSON				TAYLOR
			KANAWHA				TUCKER
			LEWIS				UPSHUR
			LINCOLN				WAYNE
1			LOGAN				WEBSTER
2	1		MARION				WETZEL-TYLER
2			MARSHALL				WYOMING
			MASON				
				8	9	11	TOTAL

NUMBER OF GRIEVANCES AGAINST EACH EMPLOYER

HIGHER EDUCATION POLICY COMMISSION			
2008	2009	2010	
	1	1	HIGHER EDUCATION POLICY COMMISSION
			BACCALAUREATE AND GRADUATE INSTITUTIONS
15	10	9	BLUEFIELD STATE COLLEGE
5	3	1	CONCORD UNIVERSITY
10	3	23	FAIRMONT STATE UNIVERSITY
1			GLENVILLE STATE COLLEGE
45	175	63	MARSHALL UNIVERSITY
3	3	3	SHEPHERD UNIVERSITY
	2	1	WEST LIBERTY UNIVERSITY
1		3	WEST VIRGINIA SCHOOL OF OSTEOPATHIC MEDICINE
19	2	1	WEST VIRGINIA STATE UNIVERSITY
119	52	59	WEST VIRGINIA UNIVERSITY
		2	WEST VIRGINIA UNIVERSITY INSTITUTE OF TECHNOLOGY
			COMMUNITY AND TECHNICAL COLLEGES
1			BLUE RIDGE COMMUNITY & TECHNICAL COLLEGE
			BRIDGEMONT COMMUNITY AND TECHNICAL COLLEGE
			EASTERN WEST VIRGINIA COMMUNITY AND TECHNICAL COLLEGE
	3	4	KANAWHA VALLEY COMMUNITY AND TECHNICAL COLLEGE
1	2		MARSHALL COMMUNITY & TECHNICAL COLLEGE
1	2	1	NEW RIVER COMMUNITY & TECHNICAL COLLEGE
1	1		PIERPONT COMMUNITY AND TECHNICAL COLLEGE
	1	1	SOUTHERN WEST VIRGINIA COMMUNITY AND TECHNICAL COLLEGE
3	3	1	WEST VIRGINIA NORTHERN COMMUNITY COLLEGE
4		2	WEST VIRGINIA UNIVERSITY AT PARKERSBURG
233	277	173	TOTAL

NUMBER OF GRIEVANCES AGAINST EACH EMPLOYER

STATE EMPLOYERS			
2008	2009	2010	DEPARTMENT/AGENCY
	1		AGRICULTURE, DEPARTMENT OF
20	11	37	ADMINISTRATION, DEPARTMENT OF
1	1		CHILDREN'S HEALTH INSURANCE PROGRAM
1		4	CONSOLIDATED PUBLIC RETIREMENT BOARD
3	6	29	GENERAL SERVICES DIVISION
1	3	2	PERSONNEL DIVISION
1	1		PUBLIC EMPLOYEES GRIEVANCE BOARD
4			PUBLIC EMPLOYEES INSURANCE AGENCY
		1	PURCHASING DIVISION
1			REAL ESTATE DIVISION
8		1	TECHNOLOGY, OFFICE OF
		3	BUREAU OF SENIOR SERVICES
45	84	20	COMMERCE, DEPARTMENT OF
	2		DEVELOPMENT OFFICE
2	6		FORESTRY, DIVISION OF
4	3		LABOR, DIVISION OF
4	2	2	MINERS' HEALTH, SAFETY AND TRAINING, OFFICE OF
26	61	10	NATURAL RESOURCES, DIVISION OF
1			TOURISM, DIVISION OF
8	10	8	WORKFORCE WEST VIRGINIA
26	22	5	EDUCATION, DEPARTMENT OF
		2	REGIONAL EDUCATION SERVICE AGENCIES
	1		RESA 1
		1	RESA 5
		1	RESA 8
1	2	1	STUDENT SUPPORT SERVICES, DIVISION OF
	1	1	INSTITUTIONAL EDUCATION PROGRAMS, OFFICE OF
1			TECHNICAL AND ADULT EDUCATION SERVICES, DIVISION OF
23	14		SOUTH BRANCH CAREER AND TECHNICAL CENTER
		1	UNSPECIFIED
1	4	1	WEST VIRGINIA SCHOOLS FOR THE DEAF AND THE BLIND

23	12	26	EDUCATION AND THE ARTS, DEPARTMENT OF
4	7	1	CULTURE AND HISTORY, DIVISION OF
19	5	23	REHABILITATION SERVICES, DIVISION OF
		2	WEST VIRGINIA PUBLIC BROADCASTING
15	7	10	ENVIRONMENTAL PROTECTION, DEPARTMENT OF
2		1	AIR QUALITY, DIVISION OF
	4		EXPLOSIVES AND BLASTING, OFFICE OF
1			LAND RESTORATION, DIVISION OF
10	2	4	MINING AND RECLAMATION, DIVISION OF
2	1	3	UNSPECIFIED
		2	WATER AND WASTE MANAGEMENT, DIVISION OF
279	262	322	HEALTH AND HUMAN RESOURCES, DEPARTMENT OF
89	123	150	BEHAVIORAL HEALTH & HEALTH FACILITIES, BUREAU FOR
6	9	15	HOPMONT HOSPITAL
25	12	51	LAKIN HOSPITAL
24	31	17	MILDRED MITCHELL-BATEMAN HOSPITAL
6	14	6	JACKIE WITHROW HOSPITAL (PINECREST HOSPITAL)
16	47	28	WELCH COMMUNITY HOSPITAL
12	8	31	WILLIAM R. SHARPE, JR. HOSPITAL
	2	2	UNSPECIFIED
		9	BOARDS, COMMISSIONS & AUTHORITIES
		3	BARBERS AND COSMETOLOGISTS, BOARD OF
		2	DEAF AND HARD-OF-HEARING, COMMISSION FOR THE
		1	HEALTH CARE AUTHORITY
	4	1	HUMAN RIGHTS COMMISSION
		1	MEDICINE, BOARD OF
		1	WOMEN'S COMMISSION
55	26	33	CHILD SUPPORT ENFORCEMENT, BUREAU FOR
59	81	96	CHILDREN AND FAMILIES, BUREAU FOR
13	1	2	INSPECTOR GENERAL, OFFICE OF
		1	HUMAN RESOURCE MANAGEMENT, OFFICE OF
	4	1	MEDICAL SERVICES, BUREAU FOR
1			PERSONNEL SERVICES, OFFICE OF
10	15	26	PUBLIC HEALTH, BUREAU FOR
52	8	4	UNSPECIFIED
2			HOUSING DEVELOPMENT FUND

179	167	156	MILITARY AFFAIRS AND PUBLIC SAFETY, DEPARTMENT OF
91	56	53	CORRECTIONS, DIVISION OF
9	7	4	ANTHONY CORRECTIONAL CENTER
1	2		BECKLEY CORRECTIONAL CENTER
1	1	2	CENTRAL OFFICE
1	1	3	DENMAR CORRECTIONAL CENTER
27	9	10	HUTTONSVILLE CORRECTIONAL CENTER
2		6	LAKIN CORRECTIONAL CENTER
1			LAKIN CORRECTIONAL FACILITY FOR WOMEN
1	5	6	MARTINSBURG CORRECTIONAL CENTER
23	18	14	MOUNT OLIVE CORRECTIONAL COMPLEX
10	2	7	NORTHERN CORRECTIONAL FACILITY
	1	1	OHIO COUNTY CORRECTIONAL COMPLEX
1	5		PRUNTYTOWN CORRECTIONAL CENTER
14	4		ST. MARYS CORRECTIONAL CENTER
	1		WEST VIRGINIA CORRECTIONAL INDUSTRIES
6			CRIMINAL JUSTICE SERVICES, DIVISION OF
		1	FIRE MARSHAL, OFFICE OF THE
	2		HOMELAND SECURITY AND EMERGENCY MANAGEMENT, DIVISION OF
41	32	43	JUVENILE SERVICES, DIVISION OF
		2	CENTRAL OFFICE
3	1		DAVIS CENTER
3	6	2	DONALD R. KUHN JUVENILE DIAGNOSTIC AND DETENTION CENTER
5	3	5	GENE SPADARO JUVENILE CENTER
2	1	6	JAMES H. "TIGER" MORTON JUVENILE CENTER
5	6	3	J. M. "CHICK" BUCKBEE JUVENILE CENTER
1	2	3	LORRIE YEAGER, JR. JUVENILE CENTER
2	3	3	ROBERT L. SHELL JUVENILE CENTER
6	1	2	SAM PERDUE JUVENILE CENTER
5	1	2	VICKI V. DOUGLAS JUVENILE CENTER
	1		UNSPECIFIED
9	7	14	WV INDUSTRIAL HOME FOR YOUTH
8	2		NATIONAL GUARD
1		1	PAROLE BOARD
		1	PROTECTIVE SERVICES, DIVISION OF
14	37	39	REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY
		1	CENTRAL OFFICE
		1	CENTRAL REGIONAL JAIL
	2	5	EASTERN REGIONAL JAIL
3	4	2	NORTH CENTRAL REGIONAL JAIL
	1	2	NORTHERN REGIONAL JAIL
	2	5	POTOMAC HIGHLANDS REGIONAL JAIL
1	7	7	SOUTH CENTRAL REGIONAL JAIL
1	7	4	SOUTHERN REGIONAL JAIL

MILITARY AFFAIRS AND PUBLIC SAFETY, DEPARTMENT OF (CONT'D)			
1	4	4	SOUTHWESTERN REGIONAL JAIL
3	9	4	TYGART VALLEY REGIONAL JAIL
5	1	4	WESTERN REGIONAL JAIL
3	6	2	STATE POLICE
15	32	16	VETERANS AFFAIRS, DIVISION OF
10	16	2	PUBLIC SERVICE COMMISSION
18	15	20	REVENUE, DEPARTMENT OF
3	5	1	ALCOHOL BEVERAGE CONTROL ADMINISTRATION
8	4	6	INSURANCE COMMISSION
1	1	5	LOTTERY COMMISSION
6	5	8	TAX DEPARTMENT
237	237	254	TRANSPORTATION, DEPARTMENT OF
202	216	186	HIGHWAYS, DIVISION OF
19	14	65	MOTOR VEHICLES, DIVISION OF
		1	STATE RAIL AUTHORITY
		1	UNSPECIFIED
16	7	1	WV PARKWAYS, ECONOMIC DEVELOPMENT, AND TOURISM AUTHORITY
854	819	855	TOTAL

TYPE OF GRIEVANCE FILED*			
2008	2009	2010	TYPE
544	567	402	CLASSIFICATION AND COMPENSATION
18	9	12	DEFAULT
300	276	288	DISCIPLINARY
166	104	112	DISCRIMINATION
88	68	91	HARASSMENT
264	237	124	NON-DISCIPLINARY EMPLOYMENT ACTIONS**
27	16	43	REPRISAL
316	196	292	SELECTION
346	294	641	VIOLATIONS OF FEDERAL, STATE OR AGENCY STATUTES, RULES OR POLICIES
92	76	66	OTHER

LEVEL OF RESOLUTION			
2008	2009	2010	LEVEL
557	731	770	LEVEL ONE – CHIEF ADMINISTRATOR
4	4	5	DEFAULT
108	315	304	LEVEL TWO – ALTERNATIVE DISPUTE RESOLUTION
52	249	294	LEVEL THREE – HEARING (NEW PROCEDURE)
246	69	11	LEVEL FOUR – HEARING (OLD PROCEDURE)

COST OF GRIEVANCE			
2008	2009	2010	
2.66	18.37	301.57	AVERAGE ESTIMATED COST OF EMPLOYEE TIME TO HANDLE THE GRIEVANCE
3,223.72	3,384.63	388,601.14	ACTUAL COST OF LEGAL TIME OR DAMAGES PAID IN RESOLUTION OF GRIEVANCE
		765.30	AVERAGE ESTIMATED COST OF HANDLING THE GRIEVANCE AT: LEVEL 1
		285.50	DEFAULT
		1,006.06	LEVEL 2
		2,265.77	LEVEL 3

* GRIEVANCES FREQUENTLY INVOLVE MORE THAN ONE TYPE OF ISSUE.

** THIS INCLUDES TRANSFERS, REDUCTIONS IN FORCE, BUMPING, NON-RENEWAL OF CONTRACTS, COUNSELING, AND PROBATIONARY DISMISSAL FOR UNSATISFACTORY PERFORMANCE.

RESOLUTION OF GRIEVANCES

GRANTED			DENIED			GRANTED/DENIED			RESOLVED BY OTHER MEANS*			TYPE	
2008	2009	2010	2008	2009	2010	2008	2009	2010	2008	2009	2010		
56	42	65	109	87	63	5	10	6	99	107	111	CLASSIFICATION AND COMPENSATION	
0	0	0	2	1	0	0	0	0	2	2	5	DEFAULT	
16	20	20	64	75	75	5	7	10	120	109	101	DISCIPLINARY	
3	3	2	35	26	20	1	1	0	12	28	30	DISCRIMINATION	
0	2	3	16	12	15	2	1	1	20	33	28	HARASSMENT	
7	18	8	40	44	31	0	2	4	60	56	56	NON-DISCIPLINARY EMPLOYMENT ACTIONS	
1	0	0	5	4	6	0	0	1	9	12	11	REPRISAL	
7	6	9	55	61	46	6	3	3	61	91	73	SELECTION	
9	0	12	33	48	44	5	6	6	72	92	115	VIOLATIONS OF FEDERAL, STATE OR AGENCY STATUTES, RULES OR POLICIES	
2	4	1	5	4	10	0	0	1	9	15	30	OTHER	
101			364			24			464			953	2008 TOTAL
	95			362			30			545		1032	2009 TOTAL
		120			310			32			560	1022	2010 TOTAL

* This includes grievances that are settled, withdrawn, remanded, and dismissed.

ADMINISTRATIVE LAW JUDGES

	LRB			MAB*			WAE			BLG			WBM			RLR		
	08	09	10	08	09	10	08	09	10	08	09	10	08	09	10	08	09	10
ASSIGNED (AS OF 6-30-2010)	51	28	60	NA	49	0	NA	40	76	45	28	43	NA	41	70	74	30	48
NUMBER RESOLVED	69	59	56	NA	57	43	NA	28	76	61	64	48	NA	58	82	79	80	65
DECISIONS ISSUED	13	22	21	NA	31	21	NA	7	36	22	29	31	NA	29	30	29	51	37
CLASSIFICATION/ COMPENSATION	2	5	8	NA	9	5	NA	2	13	8	7	7	NA	8	7	12	10	6
DEFAULT	0	2	0	NA	2	0	NA	0	0	2	1	0	NA	1	0	0	3	0
DISCIPLINARY	6	5	3	NA	6	9	NA	3	14	6	10	9	NA	10	17	6	17	13
DISCRIMINATION	1	0	1	NA	2	0	NA	0	1	0	4	3	NA	2	1	2	2	6
HARASSMENT	0	0	0	NA	2	0	NA	0	0	0	0	3	NA	0	0	0	0	2
NON-DISCIPLINARY EMPLOYMENT ACTIONS	3	2	0	NA	3	3	NA	0	3	4	2	3	NA	2	5	7	6	3
REPRISAL	0	0	0	NA	1	0	NA	0	1	0	1	0	NA	0	1	0	1	3
SELECTION	2	4	6	NA	9	3	NA	1	5	4	5	4	NA	4	2	6	12	6
VIOLATIONS OF FEDERAL, STATE OR AGENCY STATUTES, RULES OR POLICIES	1	2	3	NA	3	1	NA	1	0	0	2	7	NA	3	2	4	5	3
OTHER	0	2	0	NA	0	1	NA	0	0	0	0	2	NA	0	0	1	0	1

- RESIGNED 12-31-09

CONTRACT ADMINISTRATIVE LAW JUDGE CASELOAD FY2010

	HEARINGS				MEDIATIONS									
	MPM		JIR		MPM		JIR		PWR		HDS		TRT	
	09	10	09	10	09	10	09	10	09	10	09	10	09	10
FISCAL YEAR	09	10	09	10	09	10	09	10	09	10	09	10	09	10
ASSIGNED (AS OF 6-30-2010)	9	7	4	0	5	0	2	0	16	1	16	0	1	0
NUMBER RESOLVED	17	21	14	1	17	5	16	12	29	17	8	28	6	3
	DECISIONS ISSUED				MEDIATIONS SETTLED									
	13	13	8	4	9	2	10	5	13	8	4	16	1	1
CLASSIFICATION/ COMPENSATION	3	3	4	1	3	1	0	1	0	3	1	3	0	0
DEFAULT	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DISCIPLINARY	4	6	3	0	2	0	4	0	4	1	0	2	0	1
DISCRIMINATION	2	0	0	2	1	0	0	0	2	0	0	2	0	0
HARASSMENT	0	1	0	2	1	0	1	0	1	0	0	2	0	0
NON-DISCIPLINARY EMPLOYMENT ACTIONS	2	3	0	1	0	0	3	0	2	0	1	0	1	0
REPRISAL	1	0	0	1	1	0	0	0	0	0	0	0	0	0
SELECTION	4	0	0	0	3	0	1	0	2	2	0	2	0	0
VIOLATIONS OF FEDERAL, STATE OR AGENCY STATUTES, RULES OR POLICIES	0	1	1	2	0	0	1	2	2	1	2	5	0	0
OTHER	0	0	0	0	0	1	0	0	3	0	0	1	0	0