

**MINUTES OF  
THE WEST VIRGINIA PUBLIC EMPLOYEES GRIEVANCE BOARD  
MEETING ON July 17, 2007**

Location: Charleston Office of the Board

Members Present: Bob Brown, Melissa Lampinen, and Dr. Charles Polk (by telephone),  
Secretary Robert Ferguson, ex-officio member by appointment of the Governor

Present Also: Earl W. Maxwell, Christine Barr, Bob Morgenstern, Elaine Skorich, Chriceous Powell, Janis Reynolds, Sue Keller, Susan Evans, Sharon L. Horn, Harriett Fitzgerald, Gordon Simmons, Shabnaum Amjad, and Cindy Smith.

The meeting was called to order at 10:05 am by the Chairman Mr. Brown, and a quorum was declared, with three members of the Board present. The Chair then recognized and asked all present to introduce themselves. The Board reviewed and approved as amended the minutes of the July 7, 2007 meeting with one amendment to correct a typographic error concerning the time when the Board returned from executive session from 4:40 to 2:40 pm.

The Chair then opened the floor for comments of the Board members and noted that the Board is still awaiting the appointment of the remaining two members. He noted that it appeared that the restrictions with regard to qualifications based upon party affiliation and Congressional District residence seem to be the two primary delays in finding and qualifying the new members. He asserted the need to nonetheless move ahead and address among other things the building backlog of cases, and to commence work with a recognition of balancing doing the work ahead in a timely fashion while not sacrificing the quality of the work to be done.

It was then decided that the presentation reviewing the legislation and executive order should be placed on hold until the full membership of the Board could participate.

The Board then reviewed the statistics and progress of cases currently pending from the old system, and the request of the current administrative law judges to be assigned no more than 5 or 6 hearings per month. The Board was also briefed on the number of grievances currently being filed under the new system.

Member Lampinen expressed concern over the wording on the web page of the new Board about older cases remaining under the old system and not mentioning the option of transition to the new. The Board directed that the language be improved, and further that pending a formal mission statement the temporary statement be removed from the page.

The Board then discussed the apparent position of some agencies that the old grievance process was no longer in existence by virtue of statutory provision, and that the provisions of the Executive Order 02-07 did not extend the old grievance process to completion or pending grievances. They were made aware that this position was the subject of a form motion being

filed by Attorney General Counsel representing several agencies. Elaine Skorich, representing the Attorney General's office was present and commented on the motion and position but when requested declined to provide specifics on the legal position. The Board on motion resolved by unanimous vote that the Board endorsed and adopted as the operating policy of the Board and the grievance process the provisions of Executive Order 2-07, and further directed that the policy of the Board will be that it has jurisdiction over grievances filed under the old grievance process, prior to July 1, 2007 until they are resolved.

The Board then reviewed financial and administrative matters. The board reviewed the Fiscal 2007 Budget and was advised of the surplus of funds under personnel and the process underway to find funding in the Department of Administration to cover the shortfall in unclassified expenses. The Board also reviewed the inventory issues again and directed that a letter be prepared in response to the request for certification of the fixed asset system. The Board then reviewed and approved the June P-card charges, statements and reconciliations and the Chair signed the same.

The mission, goals and measures for the 2008 budget narrative was referred along with policies, procedures, forms, and rules were referred to the Board's working sessions to be scheduled, and the Board requested that all parties present to submit recommendations and suggestions as soon as possible for the Board to have during those sessions.

The Board at 11:00am took a 15 minute break and returned to go into executive session at 11:17am for the purpose of discussing personnel matters.

The Board broke for lunch and returned from executive session to regular session at 12:59 with no actions being taken during the executive session.

The Board announced that it had accepted the resignation of Director Earl W. Maxwell, effective September 1, 2007, which had been tendered to the Board at a previous meeting.

The Board announced that its next regular meeting will be on August 7, 2007 at 10:00 am, and that it will have an informal work session beginning at 1:00 pm on August 6 for the purpose of meeting with and interviewing Director candidates and to meet with and talk to all of the current employees of the Board. Both the work session and the meeting will take place at the Charleston Offices.

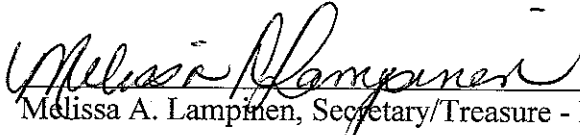
The Board Stated that it intends to extend an offer to a Director at the August 7<sup>th</sup> Board meeting. The Board further decided to have two work sessions on the 13<sup>th</sup> and 14<sup>th</sup> of August look at forms, the policy and rules proposals and to interview potential candidates for Administrative Law Judges. A regular meeting was also scheduled for August 15<sup>th</sup> at 1:00 pm. These work sessions and the meeting will take place at the Board offices in Charleston.

The Board then opened the floor for general discussion. Secretary Ferguson explained that his position as ex officio member was for the purpose of coordinating and assisting in obtaining services, but that he would not be involved in the selection of Administrative Law

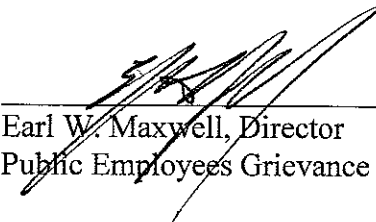
Judges. Secretary Ferguson then expressed several kind words for the departing Director. Bob Morgenstern then addressed the Board and those gathered with words expressing his agencies interest and appreciation for the work of the Board.

The Board then Adjourned at 2:14 pm.

Respectfully Submitted by:

  
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Melissa A. Lampinen, Secretary/Treasure - Member

Prepared by:

  
\_\_\_\_\_  
Earl W. Maxwell, Director  
Public Employees Grievance Board

Approved by the Public Employees Grievance Board:

  
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Chair

Dated: 8/7/07