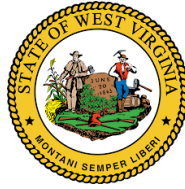


Allan L. McVey
Cabinet Secretary
Department of Administration

James A. Cox
Director



Public Employees Grievance Board

Grievance Board
John A. Myers, Chairman
Dale Lee, Secretary/Treasurer
William Burdette
Kris Mallory
Holly S. Planinsic

COVID-19/CORONAVIRUS NOTICE

The Grievance Board's offices will reopen to the public on **May 21, 2020**, and the previous waiver of timeframes will also end on that date. Level two and level three proceedings scheduled between May 21, 2020 and May 29, 2020 that were previously continued remain continued.

Timeframes

For filings or proceedings that would have been due to occur between March 23, 2020 and May 21, 2020, the new deadlines are as follows:

- Initial grievance filing: June 12, 2020
- Appeal to level two or level three: June 5, 2020
- Other deadlines or timeframes, including level one proceedings, that were due to occur between March 23, 2020 and April 21, 2020: June 12, 2020
- Other deadlines or timeframes, including level one proceedings, that were due to occur between April 21, 2020 and May 21, 2020: June 29, 2020
- Level two and level three hearings that were continued between March 16, 2020 and May 29, 2020: By June 5, 2020, the parties shall confer and select three mutually-agreed dates upon which the proceeding may be rescheduled and email the dates to the Grievance Board for scheduling.

All parties are reminded that challenges to timeliness are subject to the defense of excusable delay.

General Safety Requirements

- All persons are subject to non-contact temperature check upon arrival at a Board office.
- Any person with a temperature of 100.4 f or higher will be asked to leave.
- Any person refusing the temperature check will be asked to leave.
- No person may appear at the Grievance Board's offices if they have a fever or other COVID-19 symptoms or if they have been directly exposed to a known or suspected case of COVID-19. If you are scheduled to appear for a proceeding and this situation occurs, please contact the Grievance Board immediately for guidance.
- All persons entering the Grievance Board offices must wear a face covering, unless wearing a face covering is not advisable due to health concerns. If you have a concern regarding the use of a face covering, you must contact the Grievance Board prior to appearing at the office. Face coverings will not be provided by the Grievance Board.

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- Visitors must maintain appropriate social distancing of six feet.
- Visitors are prohibited from entering individual staff offices.
- Only necessary persons as determined by the assigned administrative law judge should appear.
- Parties are encouraged to continue to conduct business remotely to the extent possible.

Procedures for Proceedings

Level One

Chief administrators are encouraged to review and consider the West Virginia Supreme Court of Appeals' [guidelines](#) and are free to adopt particular procedures necessary to ensure the safe conduct of level one proceedings, considering each agencies' particular circumstances. Disagreements regarding scheduling, including proposed procedures, may be referred to the Grievance Board for decision pursuant to W.Va. Code § 6C-2-3(o) by filing a written request.

Level Two

Mediations will be conducted by telephone. If any party objects to conducting mediation by telephone, that party must place their objection in writing, including a detailed explanation of the reason for the objection, the opposing party will respond to the objection within ten calendar days, and the assigned administrative law judge will rule on the objection.

Level Three

Hearing Procedures

- The Grievance Board's remote location in Beckley is unavailable until further notice. Hearings that would typically be scheduled in that location may be scheduled at the Grievance Board's main office in Charleston by agreement of the parties or those grievances will remain in abeyance until the remote location reopens.
- Level three hearings will be conducted in person unless the parties agree that the hearing could be effectively conducted by telephone. If the parties agree the hearing can be conducted by telephone, they must notify the Grievance Board in writing, which may be done by email, of their agreement. The assigned administrative law judge will then review and make a final determination.
- Any person with a concern regarding appearance in person may place their concern in writing for the assigned administrative law judge to review.
- Seating will be marked to maintain proper social distancing and parties must sit at their assigned seat.
- Witnesses should appear by telephone unless in-person testimony is crucial.
- Witnesses who must appear in person will be required to wait in their vehicles. The witness will report to the hearing location at the appointed time and call the Grievance Board's main number to report their presence. If the witness does not have a cell phone, they may enter the building to report their presence. Witnesses will be called into the building only when it is their time to testify.
- Documents will not be exchanged in person during the hearing.
- Water will not be provided. Parties may bring their own beverages in a closed container.

Pre-Hearing Procedures

The following will require additional collaboration and planning for the parties but is necessary in order to proceed as safely as possible. The Grievance Board appreciates all parties' cooperation with these new requirements.

- All exhibits must be provided to the Grievance Board and the opposing party no later than three business days prior to the hearing. Each party is to provide a descriptive list of their exhibits and must identify each exhibit by number. The parties are encouraged to confer prior to the hearing and submit as joint exhibits any documents that are in common.
- All witnesses, whether appearing by telephone or in person, must be provided copies of any document to be used in their questioning prior to the hearing. Parties will not be permitted to hand documents to witnesses during the hearing.
- The parties shall confer well in advance of the hearing to estimate the order and approximate length of testimony for witnesses and whether it is necessary for the witness to appear in person. As witnesses who are required to appear in person will be waiting in their vehicle, the party calling the witness should provide the witness with an estimated time of their testimony to minimize their wait.
- The party calling a witness is responsible for informing the witness of the procedure for their appearance including the requirement to wear a mask if the witness is to testify in person.
- The parties' witness lists must include whether the witness will appear in person or by telephone, including the telephone number. If there is a confidentiality concern, the party may provide the telephone number privately to the Grievance Board.

If any party has any concern regarding these procedures, the party may request a telephone conference from the assigned administrative law judge.