

WEST VIRGINIA PUBLIC EMPLOYEES GRIEVANCE BOARD

ANNUAL REPORT FISCAL YEAR 2014



**ROBIN B. PERDUE
DIRECTOR**

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On behalf of the West Virginia Public Employees Grievance Board and in accordance with *West Virginia Code* § 6C-3-3, I am pleased to submit the Grievance Board's Annual Report for Fiscal Year 2014.

The report provides the following data:

- The number of grievances against each employer;
- The types of grievances, level of resolution and costs;
- The number of grievances granted, denied or resolved by other means; and
- The caseload of each administrative law judge, the type of grievance, the number of grievances resolved and the number of decisions issued.

During Fiscal Year 2014, 1,680 were filed. 1,523 grievances were filed at Level 1; 5 at Level 1 Defaults; 306 at Level 2; and 320 at Level 3. Please note that post-filing consolidation results in fewer proceedings than the number of original grievances.

The Board strives to resolve grievances fairly, consistently and as expeditiously as possible. Continuances at the rates of 28% for mediations and 56% for hearings impede that goal and increase the workload for support staff.

During Fiscal Year 2014, 218 appealable decisions were issued; 14 of those were submitted for review based on the Level 1 hearing record.

During Fiscal Year 2014, 61 Level 2 Mediations were closed as Successful and 31 were closed as Unsuccessful but were not appealed to Level 3. With the average cost of a Level 3 hearing of 2,557.08, these 92 mediations represent a potential cost avoidance (of a Level 3 hearing) of more than \$235,251.36.

The Board is pleased to report that cumulatively, from July 1, 2007 to June 30, 2014, 465 mediations were successful and 247 unsuccessful mediations were not appealed. Together, they represent a cost avoidance of \$1,874,620.22.

I hope you find this report informative and welcome your inquiries regarding any of the data it contains.

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NUMBER OF GRIEVANCES AGAINST EACH EMPLOYER

COUNTY BOARDS OF EDUCATION								
2012	2013	2014			2012	2013	2014	
2	2	0	Barbour		0	1	0	Mineral
4	2	10	Berkeley		38	10	19	Mingo
5	4	6	Boone		24	23	6	Monongalia
5	1	3	Braxton		9	4	6	Monroe
6	9	5	Brooke		6	23	1	Morgan
5	6	4	Cabell		4	11	4	Nicholas
0	1	1	Calhoun		6	6	7	Ohio
0	0	1	Clay		0	0	0	Pendleton
2	0	3	Doddridge		0	0	0	Pleasants
7	9	26	Fayette		0	0	4	Pocahontas
0	1	26	Gilmer		3	20	13	Preston
4	2	0	Grant		11	7	5	Putnam
1	6	0	Greenbrier		5	10	12	Raleigh
1	14	0	Hampshire		1	3	16	Randolph
9	6	77	Hancock		1	0	3	Ritchie
1	1	2	Hardy		6	7	15	Roane
24	39	19	Harrison		0	2	1	Summers
5	23	1	Jackson		0	1	2	Taylor
3	11	1	Jefferson		0	5	1	Tucker
32	34	66	Kanawha		0	0	0	Tyler
6	53	62	Lewis		13	0	12	Upshur
11	7	16	Lincoln		11	16	39	Wayne
10	11	8	Logan		1	3	1	Webster
10	2	40	Marion		4	10	10	Wetzel
5	7	9	Marshall		0	0	0	Wirt
43	21	53	Mason		10	140	30	Wood
7	4	8	McDowell		0	0	0	Wyoming
7	9	13	Mercer		368	587	667	TOTAL

NUMBER OF GRIEVANCES AGAINST EACH EMPLOYER

HIGHER EDUCATION POLICY COMMISSION			
2012	2013	2014	
0	1	0	HIGHER EDUCATION POLICY COMMISSION
0	1	0	WVNET
127	111	88	BACCALAUREATE AND GRADUATE INSTITUTIONS
4	10	0	BLUEFIELD STATE COLLEGE
6	3	1	CONCORD UNIVERSITY
2	1	4	FAIRMONT STATE UNIVERSITY
0	1	0	GLENVILLE STATE COLLEGE
21	16	3	MARSHALL UNIVERSITY
0	0	3	POTOMAC STATE COLLEGE OF WVU
0	2	2	SHEPHERD UNIVERSITY
2	9	6	WEST LIBERTY UNIVERSITY
3	2	3	WEST VIRGINIA SCHOOL OF OSTEOPATHIC MEDICINE
8	4	1	WEST VIRGINIA STATE UNIVERSITY
72	61	59	WEST VIRGINIA UNIVERSITY
9	2	6	WEST VIRGINIA UNIVERSITY INSTITUTE OF TECHNOLOGY
13	17	12	COMMUNITY AND TECHNICAL COLLEGES
0	0	1	BLUE RIDGE COMMUNITY & TECHNICAL COLLEGE
0	1	1	EASTERN WEST VIRGINIA COMMUNITY & TECHNICAL COLLEGE
2	2	0	KANAWHA VALLEY COMMUNITY & TECHNICAL COLLEGE
5	2	2	MOUNTWEST COMMUNITY & TECHNICAL COLLEGE
0	3	0	NEW RIVER COMMUNITY & TECHNICAL COLLEGE
0	0	2	PIERPONT COMMUNITY & TECHNICAL COLLEGE
1	2	1	SOUTHERN WEST VIRGINIA COMMUNITY & TECHNICAL COLLEGE
2	5	4	WEST VIRGINIA NORTHERN COMMUNITY COLLEGE
3	2	1	WEST VIRGINIA UNIVERSITY AT PARKERSBURG
140	129	100	TOTAL

NUMBER OF GRIEVANCES AGAINST EACH EMPLOYER

STATE EMPLOYERS			
2012	2013	2014	
29	15	8	Administration, Department of
0	2	0	Finance Division
0	1	0	Fleet Management
15	6	1	General Services Division
1	1	2	Personnel Division
1	0	0	Prosecuting Attorneys Institute
2	2	0	Public Employees Insurance Agency
1	0	0	Purchasing Division
5	2	0	Real Estate Division
1	0	0	Risk and Insurance Management, Board of
3	1	5	Technology, Office of
1	0	4	Bureau of Senior Services
22	26	36	Commerce, Department of
1	2	5	Forestry, Division of
0	0	2	Geological and Economic Survey
1	8	11	Labor, Division of
0	2	3	Miners' Health, Safety and Training, Office of
9	10	11	Natural Resources, Division of
1	0	0	Tourism, Division of
10	4	4	WorkForce West Virginia
5	18	4	Education, Department of
0	3	0	Regional Education Service Agencies
0	3	0	RESA 1
0	7	0	Technical and Learning, Division of
3	5	3	Technical, Adult & Institutional Education, Division of
3	0	1	Institutional Education Programs, Office of
0	1	2	Multi-County Career and Technical Centers
0	0	1	Unspecified
2	3	0	West Virginia Schools for the Deaf and the Blind
16	20	9	Education and the Arts, Department of
15	16	9	Rehabilitation Services, Division of

2012	2013	2014	
1	4	0	West Virginia Public Broadcasting
31	4	58	Environmental Protection, Department of
0	2	3	Air Quality, Division of
3	1	3	Mining and Reclamation, Division of
0	0	14	Oil and Gas, Office of
25	0	38	Unspecified
3	1	0	Water and Waste Management, Division of
311	717	384	Health and Human Resources, Department of
0	0	1	Administration, Deputy Secretary for
157	589	219	Behavioral Health & Health Facilities, Bureau for
13	5	2	Hopemont Hospital
11	6	20	Jackie Withrow Hospital (Pinecrest Hospital)
10	6	5	Lakin Hospital
48	188	7	Mildred Mitchell-Bateman Hospital
9	10	5	Welch Community Hospital
63	374	180	William R. Sharpe, Jr. Hospital
3	0	0	Unspecified
3	1	2	Boards, Commissions & Authorities
1	0	0	Barbers and Cosmetologists, Board of
0	1	2	Human Rights Commission
2	0	0	Medicine, Board of
34	20	10	Child Support Enforcement, Bureau for
73	97	88	Children and Families, Bureau for
15	9	9	County Health Departments
0	1	1	Berkeley
1	0	1	Cabell-Huntington
4	0	0	Clay
1	0	0	Doddridge
1	0	1	Grafton-Taylor
1	0	0	Greenbrier
1	0	0	Hampshire
1	4	2	Jefferson
0	0	1	Kanawha-Charleston
1	0	0	Marion
0	1	2	Mid-Ohio Valley
1	0	0	Monongalia
3	2	0	Putnam
0	0	1	Randolph

2012	2013	2014	
0	1	0	Upshur-Buckhannon
7	0	0	Human Resource Management, Office of
6	0	5	Inspector General, Office of
2	0	2	Medical Services, Bureau for
11	0	47	Public Health, Bureau for
0	1	1	Secretary, Office of
3	0	0	Unspecified
0	0	1	Housing Development Authority
186	205	191	Military Affairs and Public Safety, Department of
13	0	1	Adjutant General/National Guard
65	113	61	Corrections, Division of
2	3	7	Anthony Correctional Center
3	6	2	Beckley Correctional Center
1	2	7	Central Office
0	0	1	Corrections Academy, WV
1	2	0	Denmar Correctional Center
4	28	0	Huntington Work Release
6	29	8	Huttonsville Correctional Center
2	10	8	Lakin Correctional Center
6	1	1	Martinsburg Correctional Center
17	18	10	Mount Olive Correctional Complex
7	4	8	Northern Correctional Facility
1	1	4	Ohio County Correctional Complex
0	0	1	Parkersburg Correctional Center
2	4	1	Parole Services
6	3	2	Pruntytown Correctional Center
6	2	0	Saint Marys Correctional Center
1	0	1	Unspecified
1	5	2	Fire Commission
0	1	2	Homeland Security and Emergency Management, Division of
1	1	4	Justice and Community Services, Division of
35	26	78	Juvenile Services, Division of
0	1	0	Cabell County Youth Reporting Center
2	1	30	Donald R. Kuhn Juvenile Diagnostic and Detention Center
1	2	0	Dr. Harriet B. Jones Treatment Center
4	2	1	Gene Spadaro Juvenile Center
4	2	2	James H. "Tiger" Morton Juvenile Center
3	0	2	J. M. "Chick" Buckbee Juvenile Center

2012	2013	2014	
1	3	0	Kanawha County Youth Reporting Center
0	0	14	Kenneth "Honey" Rubenstein Juvenile Center
6	3	24	Lorrie Yeager Jr. Juvenile Center
0	1	0	Marion County Youth Reporting Center
3	2	2	Robert L. Shell Juvenile Center
0	1	0	Sam Perdue Juvenile Center
2	1	1	Vicki V. Douglas Juvenile Center
1	5	1	Wood County Youth Reporting Center
8	2	1	WV Industrial Home for Youth
0	0	1	Protective Services, Division of
70	57	40	Regional Jail and Correctional Facilities Authority
3	0	2	Central Office
0	1	2	Central Regional Jail
1	0	0	Eastern Regional Jail
2	5	6	North Central Regional Jail
0	1	5	Northern Regional Jail
3	3	1	Potomac Highlands Regional Jail
14	3	8	South Central Regional Jail
0	3	4	Southern Regional Jail
8	17	3	Southwestern Regional Jail
30	9	3	Tygart Valley Regional Jail
9	15	6	Western Regional Jail
1	2	2	State Police
21	1	2	Public Service Commission
6	10	19	Revenue, Department of
0	1	4	Alcohol Beverage Control Administration
2	1	1	Insurance Commission
1	2	1	Lottery Commission
3	6	13	Tax Department
0	1	0	Supreme Court of Appeals
203	221	179	Transportation, Department of
2	10	1	Administrative Hearings, Office of
184	196	165	Highways, Division of
16	15	13	Motor Vehicles, Division of
1	0	0	Parkways, Economic Development, and Tourism Authority

2012	2013	2014	
67	134	17	Veterans Assistance, Department of
898	1,372	912	TOTAL

TYPE OF GRIEVANCE FILED IN FY14*			
2012	2013	2014	
336	836	699	CLASSIFICATION AND COMPENSATION
6	19	5	LEVEL ONE - DEFAULT
308	349	311	DISCIPLINARY
80	92	127	DISCRIMINATION
75	129	51	HARASSMENT
234	367	289	NON-DISCIPLINARY EMPLOYMENT ACTIONS **
25	28	24	REPRISAL
207	171	187	SELECTION
284	487	303	VIOLATIONS OF FEDERAL, STATE OR AGENCY STATUTES, RULES OR POLICIES
37	45	49	OTHER

TYPE OF GRIEVANCE FILED IN FY14, BY GROUP			
COUNTY BOARDS OF EDUCATION	HIGHER EDUCATION POLICY COMMISSION	STATE EMPLOYEES	
338	25	336	CLASSIFICATION AND COMPENSATION
2		3	LEVEL ONE - DEFAULT
65	27	219	DISCIPLINARY
84	4	39	DISCRIMINATION
19	3	28	HARASSMENT
136	22	131	NON-DISCIPLINARY EMPLOYMENT ACTIONS **
5	4	15	REPRISAL
127	9	51	SELECTION
66	32	205	VIOLATIONS OF FEDERAL, STATE OR AGENCY STATUTES, RULES OR POLICIES
5	2	42	OTHER

* 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.

LEVEL OF RESOLUTION				
2012	2013	2014	Percent of Level Total	Level
557	584	793	58.23%	Level One – Chief Administrator
2	7	3	0.36%	Level One - Default
159	150	128	13.19%	Level Two – Alternative Dispute Resolution
280	330	322	28.10%	Level Three – Hearing (Current Procedure)
2	0	2	0.12%	Level Four – Hearing (Previous Procedure)

LEVEL OF RESOLUTION IN CY14			
County Boards of Education	Higher Education Policy Commission	State Employees	
371 71.90%	94 67.14%	326 55.25%	Level One – Chief Administrator Percent of Group Total
3 0.58%	0	0	Level One - Default Percent of Group Total
52 10.08%	17 12.14%	59 10.00%	Level Two – Alternative Dispute Resolution Percent of Group Total
90 17.44%	29 20.71%	203 34.41%	Level Three – Hearing (Current Procedure) Percent of Group Total
0	0	2 0.34%	Level Four – Hearing (Previous Procedure) Percent of Group Total

OUTCOMES OF GRIEVANCES IN FY14

GRANTED			DENIED				GRANTED/ DENIED				RESOLVED BY OTHER MEANS*				TYPE
2012	2013	2014	2012	2013	2014	2012	2013	2014	2012	2013	2014	2012	2013	2014	
39	26	15	68	72	72	4	12	8	127	147	193				
0	0	4	0	2	2	0	0	0	2	5	3				Classification And Compensation
24	26	25	76	107	68	6	12	12	156	145	175				Default
0	5	0	18	9	13	3	1	1	24	30	37				Disciplinary
3	6	1	11	18	6	2	1	2	35	61	55				Discrimination
5	9	8	34	52	61	3	5	6	91	96	172				Harassment
1	1	1	3	6	4	1	0	1	15	15	14				Non-Disciplinary Employment Actions
8	11	7	58	44	41	4	1	4	75	88	139				Reprisal
															Selection
8	11	9	28	39	32	2	5	5	129	106	157				Violations Of Federal, State Or Agency Statutes, Rules Or Policies
1	1	1	10	11	9	0	0	2	0	38	53				Other
89			306			25			654						1,074 2012 TOTAL
	96			360			37			731					1,224 2013 TOTAL
		71			308			41			998				1,418 2014 TOTAL
		5.01%			21.72%			2.89%			70.38%				PERCENTAGE**

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

** This is a cumulative percentage of outcomes at all levels.

COSTS OF GRIEVANCES			
2012	2013	2014	
290.75	270.19	268.21	Average Estimated Cost of Employee Time to Handle the Grievance
425,540.46	721,001.28	622,128.66	Actual Cost of Legal Time Paid in the Resolution of the Grievance
33,482.06	41,305.20	68,563.02	Actual Cost of Any Damages Paid in the Resolution of the Grievance
			Average Estimated Cost of Handling the Grievance at:
706.27	944.85	874.86	Level 1
333.07	535.03	327.09	Level 1 - Default
983.17	888.79	1,934.54	Level 2
2,954.84	1,747.03	2,557.08	Level 3

COSTS OF GRIEVANCES IN FY14			
COUNTY BOARDS OF EDUCATION	HIGHER EDUCATION POLICY COMMISSION	STATE EMPLOYEES	
240.48	688.56	173.17	Average Estimated Cost of Employee Time to Handle the Grievance
331,012.26	117,894.24	173,222.16	Actual Cost of Legal Time Paid in the Resolution of the Grievance
74,117.90	253,164.00	82,036.12	Actual Cost of Any Damages Paid in the Resolution of the Grievances
			Average Estimated Cost of Handling the Grievance at:
830.71	2,077.60	574.08	Level 1
516.51	1,100.00	39.16	Level 1 - Default
2,103.37	6,509.43	527.16	Level 2
5,677.86	2,557.08	1,507.50	Level 3

ADMINISTRATIVE LAW JUDGE CASELOAD

	MEDIATIONS						HEARINGS					
	LRB	BTC	BLG	CHL	WBM	RLR	LRB	BTC	BLG	CHL	WBM	RLR
ASSIGNED (AS OF 6-30-2014)	10	9	6	7	13	22	29	26	36	25	27	32
NUMBER RESOLVED	20	16	6	13	27	14	37	46	47	38	52	53
MEDIATIONS SETTLED	12	7	4	3	9	6						
DECISIONS ISSUED							18	32	34	25	37	40
CLASSIFICATION/ COMPENSATION	5	6	4	2	9	5	6	12	7	6	10	9
DEFAULT	0	0	0	0	0	0	0	0	0	0	0	0
DISCIPLINARY	5	2	3	2	3	3	20	17	23	17	28	17
DISCRIMINATION	2	1	0	0	0	0	1	0	2	1	2	4
HARASSMENT	2	1	0	1	0	0	0	2	0	2	0	2
NON-DISCIPLINARY EMPLOYMENT ACTIONS	1	2	1	1	7	6	9	4	8	7	6	10
REPRISAL	0	2	0	1	1	0	0	0	0	2	0	0
SELECTION	7	3	0	4	5	1	3	5	7	4	1	6
VIOLATIONS OF FEDERAL, STATE OR AGENCY STATUTES, RULES OR POLICIES	1	2	1	3	5	1	1	1	3	4	7	7
OTHER	1	0	0	1	1	0	1	8	5	6	6	2

CONTRACT ADMINISTRATIVE LAW JUDGE CASELOAD								
	MEDIATIONS			HEARINGS				
	SLB	SLO	HDS	SLB	LGB	SLO	HDS	
ASSIGNED (AS OF 6-30-2014)	1	0	8	8	11	1	0	
NUMBER RESOLVED	3	0	29	16	31	6	1	
MEDIATIONS SETTLED	2	0	18					
DECISIONS ISSUED				10	20	1	0	
CLASSIFICATION/COMPENSATION	2	0	5	1	5	0	0	
DEFAULT	0	0	0	1	2	0	0	
DISCIPLINARY	0	0	8	10	15	3	1	
DISCRIMINATION	0	0	2	1	1	1	0	
HARASSMENT	0	0	3	0	0	1	0	
NON-DISCIPLINARY EMPLOYMENT ACTIONS	1	0	7	3	4	2	0	
REPRISAL	0	0	0	0	1	1	0	
SELECTION	0	0	6	2	5	0	0	
VIOLATIONS OF FEDERAL, STATE OR AGENCY STATUTES, RULES OR POLICIES	0	0	1	2	2	2	1	
OTHER	0	0	1	1	0	0	0	