

**WEST VIRGINIA  
PUBLIC EMPLOYEES GRIEVANCE BOARD  
ANNUAL REPORT  
FISCAL YEAR 2021**



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## NUMBER OF GRIEVANCES AGAINST EACH EMPLOYER

COUNTY BOARDS OF EDUCATION								
2019	2020	2021			2019	2020	2021	
1	3	1	Barbour		5	8	1	Mineral
11	3	11	Berkeley		5	10	8	Mingo
4	95	326	Boone		5	6	18	Monongalia
5	5	2	Braxton		2	8	3	Monroe
13	259	3	Brooke		4	2	0	Morgan
17	4	2	Cabell		10	4	0	Nicholas
0	2	0	Calhoun		3	2	3	Ohio
0	0	0	Clay		2	1	0	Pendleton
1	0	1	Doddridge		0	0	1	Pleasants
13	7	0	Fayette		3	1	0	Pocahontas
2	5	0	Gilmer		1	1	13	Preston
1	0	1	Grant		19	7	3	Putnam
11	2	2	Greenbrier		14	8	25	Raleigh
6	5	6	Hampshire		8	6	121	Randolph
7	4	4	Hancock		0	0	1	Ritchie
14	0	0	Hardy		8	1	2	Roane
22	1	7	Harrison		0	1	4	Summers
1	1	1	Jackson		12	14	4	Taylor
7	10	4	Jefferson		0	0	2	Tucker
39	26	85	Kanawha		1	0	0	Tyler
19	1	9	Lewis		5	6	10	Upshur
4	5	9	Lincoln		57	21	8	Wayne
27	5	11	Logan		3	1	0	Webster
17	47	172	Marion		23	3	6	Wetzel
6	5	1	Marshall		1	1	0	Wirt
22	19	0	Mason		9	7	2	Wood
7	4	1	McDowell		2	3	0	Wyoming
9	7	12	Mercer		<b>488</b>	<b>647</b>	<b>906</b>	<b>TOTAL</b>

## NUMBER OF GRIEVANCES AGAINST EACH EMPLOYER

STATE EMPLOYERS			
2019	2020	2021	
<b>12</b>	<b>6</b>	<b>6</b>	<b>Administration, Department of</b>
0	0	0	Division of Personnel
10	1	0	General Services Division
0	5	2	Public Employees Insurance Agency
1	0	0	Real Estate Division
1	0	4	Office of Technology
0	0	0	Unspecified
<b>1</b>	<b>0</b>	<b>3</b>	<b>Arts, Culture and History, Department of</b>
1	0	3	Educational Broadcasting Authority
0	0	0	Division of Culture and History (Formerly under Dept. of Education and the Arts)
<b>32</b>	<b>35</b>	<b>17</b>	<b>Commerce, Department of</b>
1	17	1	Division of Forestry
6	1	0	Division of Labor
12	10	6	Division of Natural Resources
8	2	0	Division of Rehabilitation Services
1	0	0	Office of Miners' Health, Safety and Training
4	5	10	WorkForce West Virginia
<b>1</b>	<b>0</b>	<b>6</b>	<b>Education, Board of</b>
<b>10</b>	<b>0</b>	<b>3</b>	<b>Education, Department of</b>
<b>14</b>	<b>3</b>	<b>2</b>	<b>Environmental Protection, Department of</b>
1	0	1	Business and Technology Office
1	0	0	Central Office
1	1	0	Division of Air Quality
1	0	0	Division of Land Restoration
4	0	0	Division of Mining and Reclamation
3	0	1	Division of Water and Waste Management
0	2	0	Office of Oil and Gas
2	0	0	Office of Special Reclamation
0	0	0	Solid Waste Management Board
0	0	0	Not specified
<b>454</b>	<b>291</b>	<b>648</b>	<b>Health and Human Resources, Department of</b>
<b>343</b>	<b>160</b>	<b>575</b>	<b>Bureau for Behavioral Health &amp; Health Facilities</b>
2	2	3	Hopemont Hospital
21	7	68	Jackie Withrow Hospital (Pinecrest Hospital)
1	1	6	John Manchin Sr. Health Care Center
3	2	2	Lakin Hospital
82	71	241	Mildred Mitchell-Bateman Hospital

2019	2020	2021	
7	5	0	Welch Community Hospital
227	72	255	William R. Sharpe, Jr. Hospital
8	4	2	<b>Bureau for Child Support Enforcement</b>
83	102	48	<b>Bureau for Children and Families</b>
1	1	0	<b>Bureau for Medical Services</b>
8	9	16	<b>Bureau for Public Health</b>
0	2	0	<b>Children's Health Insurance Program</b>
4	7	4	<b>County Health Departments</b>
0	1	1	<b>Office of Constituent Services</b>
0	3	1	<b>Office of Human Resource Management</b>
1	1	1	<b>Office of Management Information Services</b>
6	1	0	<b>Office of the Inspector General</b>
0	0	0	<b>Office of Secretary</b>
77	74	0	<b>Higher Education Policy Commission</b>
0	1	0	Higher Education Policy Commission
68	66	65	<b>Baccalaureate and Graduate Institutions</b>
3	0	0	Bluefield State College
1	0	0	Concord University
0	0	6	Fairmont State University
0	0	1	Glenville State College
11	23	20	Marshall University
3	2	2	Potomac State College of West Virginia University
2	2	0	Shepherd University
2	1	0	West Liberty University
1	4	1	West Virginia School of Osteopathic Medicine
3	3	10	West Virginia State University
41	23	19	West Virginia University
0	1	1	West Virginia University at Parkersburg
1	7	5	West Virginia University Institute of Technology
9	7	4	<b>Community and Technical Colleges</b>
0	0	0	BlueRidge Community & Technical College
0	2	0	BridgeValley Community & Technical College
0	1	2	Mountwest Community & Technical College
0	0	0	New River Community & Technical College
1	0	0	Pierpont Community & Technical College
1	0	0	Roane-Jackson Technical Center
0	3	0	Southern West Virginia Community & Technical College
1	1	0	United Technical Center
6	0	2	West Virginia Northern Community College
120	142	147	<b>Homeland Security, Department of</b>
0	1	0	<b>Adjutant General</b>
4	1	1	<b>Division of Administrative Services</b>
49	139	26	<b>Division of Corrections and Rehabilitation</b>

2019	2020	2021	
4	3	9	Central Office (Division of Corrections)
1	0	0	Central Office (Regional Jail and Correctional Facilities Authority)
1	0	0	Central Office (Division of Juvenile Services)
0	0	17	Parole Services
2	2	0	WV Corrections Academy
0	8	10	<b>Community Corrections, Bureau of</b>
0	4	4	Anthony Correctional Center
1	1	0	Beckley Correctional Center and Jail
2	1	1	Charleston Correctional Center and Jail
9	2	5	Parkersburg Correctional Center and Jail
<b>45</b>	<b>92</b>	<b>64</b>	<b>Prisons and Jails, Bureau of</b>
3	0	1	Central Regional Jail and Correctional Facility
0	3	0	Denmar Correctional Center
5	9	6	Eastern Regional Jail
6	5	7	Huttonsville Correctional Center
2	1	3	Lakin Correctional Center
0	4	2	Martinsburg Correctional Center
14	12	11	Mount Olive Correctional Complex
7	5	1	North Central Regional Jail
3	4	0	Northern Correctional Facility
2	5	0	Northern Regional Jail
1	6	5	Ohio County Correctional Complex
0	0	1	Parkersburg Correctional Center and Jail
11	3	0	Potomac Highlands Regional Jail
3	3	4	Pruntytown Correctional Center
2	3	1	Saint Marys Correctional Center
0	11	10	Salem Correctional Center
0	1	1	South Central Regional Jail
2	3	2	Southern Regional Jail
4	5	3	Southwestern Regional Jail
1	4	2	Tygart Valley Regional Jail
9	5	4	Western Regional Jail
<b>13</b>	<b>34</b>	<b>20</b>	<b>Juvenile Services, Bureau of</b>
<b>10</b>	<b>32</b>	<b>20</b>	<b>Juvenile Centers and Facilities</b>
1	12	4	Donald R. Kuhn Juvenile Center
0	5	1	Gene Spadaro Juvenile Center
0	0	4	J.M. "Chick" Buckbee Juvenile Center
3	7	1	James H. "Tiger" Morton Juvenile Center
2	2	5	Kenneth "Honey" Rubenstein Juvenile Center
0	0	1	Lorrie Yeager Jr. Juvenile Center
2	2	0	Robert L. Shell Juvenile Center
1	3	1	Sam Perdue Juvenile Center
0	0	1	Stars Youth Rrting Center



0	0	1	Tri County Reporting Center
1	1	1	Vicki V. Douglas Juvenile Center
2	2	0	<b>Reporting Centers</b>
0	0	0	Cabell County Youth Reporting Center
<b>2019</b>	<b>2020</b>	<b>2021</b>	
0	2	0	Kanawha County Youth Reporting Center
1	0	0	Putnam County Youth Reporting Center
1	0	0	Wetzel Tyler Youth Reporting Center
0	0	4	<b>Division of Emergency Management</b>
1	0	1	<b>Justice and Community Services</b>
1	0	0	<b>State Fire Commission</b>
5	1	1	<b>West Virginia State Police</b>
2	0	0	<b>West Virginia Military Authority</b>
2	1	0	<b>Housing Development Fund</b>
7	3	2	<b>Miscellaneous</b>
1	0	0	Central WV Aging Service
1	0	0	Central WV Regional Airport Authority
0	1	0	Cowen Public Service District
2	0	0	Days Inn
0	0	0	Hammond Public Service District
1	0	0	Orbital ATK
1	1	0	State Auditor's Office
1	0	0	Summers County Council on Aging
0	0	0	United Hospital Center
0	0	1	Vienna Public Library
0	0	1	WV University Medical Corporation
0	1	0	Winfield Police Department
0	1	0	<b>Miscellaneous Boards and Commissions</b>
0	1	0	Board of Examiners for Registered Professional Nurses
0	0	0	Board of Social Work
1	1	2	<b>Public Service Commission</b>
15	12	7	<b>Revenue, Department of</b>
6	0	1	Alcohol Beverage Control Administration
4	0	2	Offices of the Insurance Commissioner
3	0	3	Lottery Commission
0	0	0	Racing Commission
2	12	1	Tax Department
514	249	607	<b>Transportation, Department of</b>
507	242	601	Division of Highways
7	3	5	Division of Motor Vehicles
0	4	1	Parkways Authority
17	19	27	<b>Veterans Assistance, Department of</b>
1277	837	1546	<b>TOTAL</b>

### TYPES OF GRIEVANCES FILED IN FY 2021, BY GROUP\*

2019	2020	2021	
756	736	1210	Classification and Compensation
15	8	3	Level One - Default
290	324	196	Disciplinary
116	52	405	Discrimination
114	119	69	Harassment
399	230	981	Non-Disciplinary Employment Actions **
77	90	66	Reprisal
249	142	82	Selection
326	138	396	Violations of Federal, State or Agency Statutes, Rules or Policies
59	4	0	Other

### TYPES OF GRIEVANCES FILED IN FY 2021, BY GROUP

COUNTY BOARDS OF EDUCATION	HIGHER EDUCATION POLICY COMMISSION	STATE EMPLOYEES	
398	26	786	Classification and Compensation
0	2	1	Level One - Default
29	27	138	Disciplinary
366	11	28	Discrimination
43	7	19	Harassment
450	21	510	Non-Disciplinary Employment Actions **
13	6	47	Reprisal
46	3	33	Selection
192	9	195	Violations of Federal, State or Agency Statutes, Rules or Policies
0	0	0	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.



<b>LEVEL OF RESOLUTION</b>				
<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>Percent of Level Total for FY 2021</b>	<b>Level</b>
463	485	365	48%	Level One – Chief Administrator
5	6	1	1%	Level One - Default
112	118	127	17%	Level Two – Alternative Dispute Resolution
311	241	260	34%	Level Three – Hearing

<b>LEVEL OF RESOLUTION IN FY 2021, BY GROUP</b>			
<b>County Boards of Education</b>	<b>Higher Education Policy Commission</b>	<b>State Employees</b>	
111 55%	22 37%	231 47%	Level One – Chief Administrator Percent of Group Total
1 1%	0 0%	0 0%	Level One - Default Percent of Group Total
24 12%	13 22%	90 18%	Level Two – Alternative Dispute Resolution Percent of Group Total
66 33%	24 41%	170 35%	Level Three – Hearing Percent of Group Total

## OUTCOMES OF GRIEVANCES IN FY21\*

TYPE	OUTCOMES OF GRIEVANCES IN FY21*											
	Classification and Compensation	Default	Disciplinary	Discrimination	Harassment	Non-Disciplinary Employment Actions	Reprisal	Selection	Violations of Federal, State or Agency Statutes, Rules or Policies	Other	TOTAL	Percentage
Denied	57	0	61	6	7	38	8	31	23	0	231	23%
Dismissal - Other	30	0	34	14	10	19	4	14	19	1	145	15%
Granted	10	0	10	2	5	5	1	0	7	0	40	4%
Granted/Denied	4	0	4	1	2	3	1	0	2	0	17	2%
Settled	49	0	42	9	8	28	9	15	13	0	173	17%
Unsuccessful*	29	0	10	4	0	5	0	6	4	0	58	6%
Withdrawn	59	0	58	17	18	79	17	34	49	0	331	33%
<b>Total</b>	<b>238</b>	<b>0</b>	<b>219</b>	<b>53</b>	<b>50</b>	<b>177</b>	<b>40</b>	<b>100</b>	<b>117</b>	<b>1</b>	<b>995</b>	<b>100%</b>

\*No settlement was reached at Level 2 but the grievance was not appealed to Level 3.

## COSTS OF GRIEVANCES

<b>Cost Category</b>	<b>Level One*</b>	<b>Level One - Default</b>	<b>Level Two</b>	<b>Level Three</b>
Average Estimated Cost of Employee Time to Handle the Grievance	\$201.91	\$0.00	\$171.06	\$486.39
Actual Cost of Legal Time paid in the Resolution of the Grievance	\$77,096.48	\$0.00	\$83,543.04	\$355,709.64
Actual Cost of Any Damages Paid in the Resolution of the Grievance	\$5,013.03	\$0.00	\$25,389.62	\$37,753.69
Miscellaneous Costs Incurred by the Employer	\$40,766.20	\$0.00	\$2,855.37	\$5,027.55
Average Total Cost of Handling the Grievance	\$484.22	\$0.00	\$1,174.03	\$3,120.26

\* The numbers do not include grievances that were filed by employees of entities over which the Grievance Board has no jurisdiction.

## ADMINISTRATIVE LAW JUDGE CASELOAD

	MEDIATIONS						HEARINGS					
	BTC	CHL	JSF	LRB	RLR	WBM	BTC	CHL	JSF	LRB	RLR	WBM
Assigned (as of 6-30-21)	9	9	17	7	13	8	31	28	34	19	45	17
Number Closed	38	9	14	24	23	19	172	39	49	43	34	42
Mediations Settled	12	5	3	7	6	10						
Decisions Issued							25	16	27	15	16	22
Classification/ Compensation	3	0	4	3	6	3	1	0	0	1	1	2
Default							1	0	0	0	0	0
Disciplinary	3	3	2	6	5	2	32	24	27	19	16	25
Discrimination	2	1	0	1	3	2	4	1	2	1	1	3
Harassment	5	1	0	0	1	2	5	1	2	1	3	1
Non-disciplinary employment actions	11	2	4	3	2	4	10	2	8	7	7	2
Reprisal	3	1	0	0	0	1	1	2	5	1	5	1
Selection	3	2	5	2	1	2	4	3	4	10	3	4
Violations of Federal, State or Agency Statutes, Rules or Policies	7	1	0	1	4	3	7	2	4	1	2	4
Other	0	0	0	0	0	0	0	0	0	0	0	0

## MEDIATIONS IN FY21\*

### Successful versus Unsuccessful, by Category of Grievance

Successful	Unsuccessful	Percentage Successful	Category
20	29	41%	Classification/Compensation
9	10	47%	Disciplinary
1	4	20%	Discrimination
3	0	100%	Harassment
11	5	69%	Non-disciplinary employment actions
4	0	100%	Reprisal
3	6	33%	Selection
5	4	56%	Violations of Federal, State or Agency Statutes, Rules or Policies
0	0	0%	Other

### Successful versus Unsuccessful, by Administrative Law Judge

7	17	29%	LRB
12	26	32%	BTC
5	4	56%	CHL
3	11	21%	JSF
10	9	53%	WBM
6	17	26%	RLR