

**WEST VIRGINIA  
PUBLIC EMPLOYEES GRIEVANCE BOARD  
ANNUAL REPORT  
FISCAL YEAR 2022**



**Director: Michelle L. Bradley**

# TABLE OF CONTENTS

Number of Grievances Against Each Employer

- County Boards of Education..... 1
- State Employers ..... 2

Types of Grievances Filed ..... 6

Level of Resolution..... 7

Outcomes of Grievances ..... 8

Costs of Grievances..... 9

Administrative Law Judge Caseload ..... 10

Mediations..... 11

## NUMBER OF GRIEVANCES AGAINST EACH EMPLOYER

| COUNTY BOARDS OF EDUCATION |      |      |            |  |            |            |            |              |
|----------------------------|------|------|------------|--|------------|------------|------------|--------------|
| 2020                       | 2021 | 2022 |            |  | 2020       | 2021       | 2022       |              |
| 3                          | 1    | 2    | Barbour    |  | 8          | 1          | 0          | Mineral      |
| 3                          | 11   | 14   | Berkeley   |  | 10         | 8          | 19         | Mingo        |
| 95                         | 326  | 0    | Boone      |  | 6          | 18         | 4          | Monongalia   |
| 5                          | 2    | 2    | Braxton    |  | 8          | 3          | 1          | Monroe       |
| 259                        | 3    | 0    | Brooke     |  | 2          | 0          | 1          | Morgan       |
| 4                          | 2    | 10   | Cabell     |  | 4          | 0          | 2          | Nicholas     |
| 2                          | 0    | 1    | Calhoun    |  | 2          | 3          | 0          | Ohio         |
| 0                          | 0    | 0    | Clay       |  | 1          | 0          | 0          | Pendleton    |
| 0                          | 1    | 0    | Doddridge  |  | 0          | 1          | 0          | Pleasants    |
| 7                          | 0    | 2    | Fayette    |  | 1          | 0          | 0          | Pocahontas   |
| 5                          | 0    | 0    | Gilmer     |  | 1          | 13         | 0          | Preston      |
| 0                          | 1    | 4    | Grant      |  | 7          | 3          | 9          | Putnam       |
| 2                          | 2    | 2    | Greenbrier |  | 8          | 25         | 4          | Raleigh      |
| 5                          | 6    | 4    | Hampshire  |  | 6          | 121        | 2          | Randolph     |
| 4                          | 4    | 2    | Hancock    |  | 0          | 1          | 0          | Ritchie      |
| 0                          | 0    | 1    | Hardy      |  | 1          | 2          | 0          | Roane        |
| 1                          | 7    | 0    | Harrison   |  | 1          | 4          | 0          | Summers      |
| 1                          | 1    | 1    | Jackson    |  | 14         | 4          | 4          | Taylor       |
| 10                         | 4    | 9    | Jefferson  |  | 0          | 2          | 2          | Tucker       |
| 26                         | 85   | 14   | Kanawha    |  | 0          | 0          | 0          | Tyler        |
| 1                          | 9    | 2    | Lewis      |  | 6          | 10         | 4          | Upshur       |
| 5                          | 9    | 10   | Lincoln    |  | 21         | 8          | 4          | Wayne        |
| 5                          | 11   | 6    | Logan      |  | 1          | 0          | 0          | Webster      |
| 47                         | 172  | 7    | Marion     |  | 3          | 6          | 6          | Wetzel       |
| 5                          | 1    | 1    | Marshall   |  | 1          | 0          | 1          | Wirt         |
| 19                         | 0    | 3    | Mason      |  | 7          | 2          | 21         | Wood         |
| 4                          | 1    | 2    | McDowell   |  | 3          | 0          | 3          | Wyoming      |
| 7                          | 12   | 6    | Mercer     |  | <b>647</b> | <b>906</b> | <b>192</b> | <b>TOTAL</b> |

## NUMBER OF GRIEVANCES AGAINST EACH EMPLOYER

| STATE EMPLOYERS |      |      |   |
|-----------------|------|------|---|
| 2020            | 2021 | 2022 |   |
| 6               | 6    | 19   | <b>Administration, Department of</b>                        |
| 0               | 0    | 1    | Consolidated Public Retirement Board                        |
| 0               | 0    | 1    | Division of Personnel                                       |
| 0               | 0    | 2    | Division of Purchasing                                      |
| 1               | 0    | 12   | General Services Division                                   |
| 0               | 4    | 0    | Office of Technology  |
| 5               | 2    | 3    | Public Employees Insurance Agency                           |
| 1               | 0    | 1    | <b>Adjutant General</b>                                     |
| 1               | 0    | 1    | Mountaineer Challenge Academy                               |
| 0               | 3    | 2    | <b>Arts, Culture and History, Department of</b>             |
| 0               | 3    | 1    | Educational Broadcasting Authority                          |
| 0               | 0    | 1    | Library Commission  |
| 35              | 17   | 59   | <b>Commerce, Department of</b>                              |
| 17              | 1    | 1    | Division of Forestry  |
| 1               | 0    | 0    | Division of Labor   |
| 10              | 6    | 42   | Division of Natural Resources                               |
| 2               | 0    | 5    | Division of Rehabilitation Services                         |
| 0               | 0    | 1    | Office of Miners' Health, Safety and Training               |
| 5               | 10   | 10   | WorkForce West Virginia                                     |
| 0               | 0    | 1    | <b>Economic Development, Department of</b>                  |
| 0               | 0    | 1    | Small Business Development Center                           |
| 0               | 6    | 2    | <b>Education, Board of</b>                                  |
| 0               | 0    | 2    | WV Schools for the Deaf and Blind                           |
| 0               | 3    | 2    | <b>Education, Department of</b>                             |
| 3               | 2    | 6    | <b>Environmental Protection, Department of</b>              |
| 0               | 1    | 0    | Business and Technology Office                              |
| 1               | 0    | 2    | Division of Air Quality                                     |
| 0               | 0    | 2    | Division of Land Restoration                                |
| 0               | 1    | 2    | Division of Water and Waste Management                      |
| 2               | 0    | 0    | Office of Oil and Gas                                       |
| 291             | 648  | 228  | <b>Health and Human Resources, Department of</b>            |
| 160             | 575  | 112  | <b>Bureau for Behavioral Health &amp; Health Facilities</b> |
| 2               | 3    | 3    | Hopemont Hospital   |
| 7               | 68   | 4    | Jackie Withrow Hospital (Pinecrest Hospital)                |
| 1               | 6    | 0    | John Manchin Sr. Health Care Center                         |
| 2               | 2    | 6    | Lakin Hospital  |
| 71              | 241  | 17   | Mildred Mitchell-Bateman Hospital                           |

|     |     |     |  |
|-----|-----|-----|--|
| 0   | 0   | 1   | Office of Adult Substance Use                        |
| 5   | 0   | 56  | Welch Community Hospital                             |
| 72  | 255 | 25  | William R. Sharpe, Jr. Hospital                      |
| 4   | 2   | 9   | <b>Bureau for Child Support Enforcement</b>          |
| 102 | 48  | 93  | <b>Bureau for Children and Families</b>              |
| 1   | 0   | 2   | <b>Bureau for Medical Services</b>                   |
| 9   | 16  | 8   | <b>Bureau for Public Health</b>                      |
| 2   | 0   | 0   | <b>Children's Health Insurance Program</b>           |
| 7   | 4   | 2   | <b>County Health Departments</b>                     |
| 0   | 0   | 2   | Berkley County Health Department                     |
| 1   | 1   | 0   | <b>Office of Constituent Services</b>                |
| 3   | 1   | 0   | <b>Office of Human Resource Management</b>           |
| 1   | 1   | 0   | <b>Office of Management Information Services</b>     |
| 1   | 0   | 0   | <b>Office of the Inspector General</b>               |
| 0   | 0   | 1   | <b>Office of Secretary</b>                           |
| 0   | 0   | 1   | <b>West Virginia Children's Home Society</b>         |
| 74  | 73  | 67  | <b>Higher Education Policy Commission</b>            |
| 1   | 0   | 0   | Higher Education Policy Commission                   |
| 66  | 65  | 57  | <b>Baccalaureate and Graduate Institutions</b>       |
| 0   | 6   | 3   | Fairmont State University                            |
| 0   | 1   | 1   | Glenville State College                              |
| 23  | 20  | 12  | Marshall University                                  |
| 2   | 2   | 4   | West Virginia University Potomac State College       |
| 2   | 0   | 4   | Shepherd University                                  |
| 1   | 0   | 3   | West Liberty University                              |
| 4   | 1   | 1   | West Virginia School of Osteopathic Medicine         |
| 3   | 10  | 3   | West Virginia State University                       |
| 23  | 19  | 23  | West Virginia University                             |
| 1   | 1   | 1   | West Virginia University at Parkersburg              |
| 7   | 5   | 2   | West Virginia University Institute of Technology     |
| 7   | 4   | 10  | <b>Community and Technical Colleges</b>              |
| 2   | 0   | 1   | BridgeValley Community & Technical College           |
| 0   | 0   | 1   | Calhoun-Gilmer Career Center                         |
| 0   | 0   | 1   | Fairmont State Community and Technical Collete       |
| 1   | 2   | 0   | Mountwest Community & Technical College              |
| 0   | 0   | 1   | Fred Eberle Technical Center                         |
| 3   | 0   | 6   | Southern West Virginia Community & Technical College |
| 1   | 0   | 0   | United Technical Center                              |
| 0   | 2   | 0   | West Virginia Northern Community College             |
| 142 | 147 | 104 | <b>Homeland Security, Department of</b>              |
| 1   | 1   | 4   | <b>Division of Administrative Services</b>           |
| 1   | 1   | 3   | Central Office                                       |
| 0   | 0   | 1   | Justice and Community Services                       |
| 139 | 26  | 64  | <b>Division of Corrections and Rehabilitation</b>    |

|    |    |    |   |
|----|----|----|---|
| 3  | 9  | 3  | <i>Central Office</i>                           |
| 8  | 10 | 7  | <i>Community Corrections</i>                    |
| 4  | 4  | 1  | Anthony Correctional Center                     |
| 1  | 0  | 2  | Beckley Correctional Center and Jail            |
| 1  | 2  | 2  | Charleston Correctional Center and Jail         |
| 2  | 5  | 2  | Parkersburg Correctional Center and Jail        |
| 32 | 20 | 13 | <i>Juvenile Facilities</i>                      |
| 12 | 4  | 2  | Donald R. Kuhn Juvenile Center                  |
| 5  | 1  | 1  | Gene Spadaro Juvenile Center                    |
| 0  | 4  | 2  | J.M. "Chick" Buckbee Juvenile Center            |
| 7  | 1  | 4  | James H. "Tiger" Morton Juvenile Center         |
| 2  | 5  | 1  | Kenneth "Honey" Rubenstein Juvenile Center      |
| 0  | 1  | 1  | Lorrie Yeager Jr. Juvenile Center               |
| 2  | 0  | 0  | Robert L. Shell Juvenile Center                 |
| 3  | 1  | 0  | Sam Perdue Juvenile Center                      |
| 1  | 1  | 0  | Stars Youth Rrting Center                       |
| 0  | 1  | 0  | Tri County Reporting Center                     |
| 1  | 1  | 1  | Vicki V. Douglas Juvenile Center                |
| 0  | 0  | 0  | Cabell County Youth Reporting Center            |
| 2  | 0  | 0  | Kanawha County Youth Reporting Center           |
| 92 | 64 | 41 | <i>Prisons and Jails</i>                        |
| 0  | 1  | 1  | Central Regional Jail and Correctional Facility |
| 3  | 0  | 0  | Denmar Correctional Center                      |
| 9  | 6  | 1  | Eastern Regional Jail                           |
| 5  | 7  | 8  | Huttonsville Correctional Center                |
| 1  | 3  | 1  | Lakin Correctional Center                       |
| 4  | 2  | 0  | Martinsburg Correctional Center                 |
| 12 | 11 | 4  | Mount Olive Correctional Complex                |
| 5  | 1  | 3  | North Central Regional Jail                     |
| 4  | 0  | 5  | Northern Correctional Facility                  |
| 5  | 0  | 3  | Northern Regional Jail                          |
| 6  | 5  | 5  | Ohio County Correctional Complex                |
| 3  | 0  | 1  | Potomac Highlands Regional Jail                 |
| 3  | 4  | 3  | Pruntytown Correctional Center                  |
| 3  | 1  | 0  | Saint Marys Correctional Center                 |
| 11 | 10 | 1  | Salem Correctional Center                       |
| 1  | 1  | 1  | South Central Regional Jail                     |
| 3  | 2  | 3  | Southern Regional Jail                          |
| 5  | 3  | 1  | Southwestern Regional Jail                      |
| 4  | 2  | 0  | Tygart Valley Regional Jail                     |
| 5  | 4  | 0  | Western Regional Jail                           |
| 0  | 4  | 3  | <b>Division of Emergency Management</b>         |
| 0  | 0  | 29 | <b>State Fire Commission</b>                    |

|     |      |     |   |
|-----|------|-----|---|
| 1   | 1    | 4   | West Virginia State Police                            |
| 1   | 0    | 0   | Housing Development Fund                              |
| 1   | 0    | 0   | Miscellaneous Boards and Commissions                  |
| 1   | 0    | 0   | Board of Examiners for Registered Professional Nurses |
| 1   | 2    | 0   | Public Service Commission                             |
| 12  | 7    | 8   | Revenue, Department of                                |
| 0   | 1    | 2   | Alcohol Beverage Control Administration               |
| 0   | 2    | 0   | Offices of the Insurance Commissioner                 |
| 0   | 3    | 4   | Lottery Commission                                    |
| 0   | 0    | 0   | Racing Commission                                     |
| 12  | 1    | 2   | Tax Department  |
| 249 | 607  | 147 | Transportation, Department of                         |
| 242 | 601  | 136 | Division of Highways                                  |
| 3   | 5    | 10  | Division of Motor Vehicles                            |
| 4   | 1    | 1   | Parkways Authority                                    |
| 19  | 27   | 11  | Veterans Assistance, Department of                    |
| 0   | 0    | 1   | Supreme Court of Appeals                              |
| 4   | 2    | 4   | No Jurisdiction                                       |
| 837 | 1546 | 662 | TOTAL   |

## TYPES OF GRIEVANCES FILED IN FY 2022, BY GROUP\*

| 2020 | 2021 | 2022 |  |
|------|------|------|--|
| 736  | 1210 | 372  | Classification and Compensation                                    |
| 8    | 3    | 4    | Level One - Default  |
| 324  | 196  | 149  | Disciplinary   |
| 52   | 405  | 71   | Discrimination   |
| 119  | 69   | 82   | Harassment   |
| 230  | 981  | 249  | Non-Disciplinary Employment Actions **                             |
| 90   | 66   | 46   | Reprisal   |
| 142  | 82   | 98   | Selection  |
| 138  | 396  | 92   | Violations of Federal, State or Agency Statutes, Rules or Policies |
| 4    | 0    | 0    | Other  |

## TYPES OF GRIEVANCES FILED IN FY 2022, BY GROUP

| COUNTY BOARDS OF EDUCATION | HIGHER EDUCATION POLICY COMMISSION | STATE EMPLOYEES |  |
|----------------------------|------------------------------------|-----------------|--|
| 46                         | 16                                 | 310             | Classification and Compensation                                    |
| 1                          | 1                                  | 2               | Level One - Default  |
| 33                         | 21                                 | 94              | Disciplinary   |
| 27                         | 14                                 | 30              | Discrimination   |
| 43                         | 6                                  | 33              | Harassment   |
| 64                         | 22                                 | 163             | Non-Disciplinary Employment Actions **                             |
| 17                         | 10                                 | 19              | Reprisal   |
| 48                         | 1                                  | 49              | Selection  |
| 27                         | 8                                  | 55              | 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>2020</b>                | <b>2021</b> | <b>2022</b> | <b>Percent of Level Total for FY 2022</b> | <b>Level</b>                               |
| 485                        | 365         | 356         | 53%                                       | Level One – Chief Administrator            |
| 6                          | 1           | 2           | >1%                                       | Level One - Default                        |
| 118                        | 127         | 93          | 14%                                       | Level Two – Alternative Dispute Resolution |
| 241                        | 260         | 225         | 33%                                       | Level Three – Hearing                      |

| <b>LEVEL OF RESOLUTION IN FY 2022, BY GROUP</b> |   |                        |  |
|---|---|------------------------|--|
| <b>County Boards of Education</b>               | <b>Higher Education Policy Commission</b> | <b>State Employees</b> |  |
| 79<br>50%                                       | 34<br>51%                                 | 243<br>54%             | Level One – Chief Administrator<br>Percent of Group Total            |
| 0<br>0%   | 1<br>1%                                   | 1<br>>1%               | Level One - Default<br>Percent of Group Total                        |
| 27<br>17%                                       | 8<br>12%                                  | 58<br>13%              | Level Two – Alternative Dispute Resolution<br>Percent of Group Total |
| 53<br>33%                                       | 24<br>36%                                 | 148<br>13%             | Level Three – Hearing<br>Percent of Group Total                      |

## OUTCOMES OF GRIEVANCES IN FY22\*

| TYPE                  | OUTCOMES OF GRIEVANCES IN FY22* |          |              |                |            |                                     |           |           |  |          |            |             |
|-----------------------|---------------------------------|----------|--------------|----------------|------------|-------------------------------------|-----------|-----------|--|----------|------------|-------------|
|                       | 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                | 60                              | 1        | 47           | 14             | 18         | 46                                  | 13        | 22        | 33   | 0        | 254        | 29%         |
| Dismissal             | 20                              | 0        | 20           | 11             | 10         | 18                                  | 5         | 11        | 13   | 0        | 108        | 13%         |
| Granted               | 1                               | 1        | 8            | 1              | 2          | 3                                   | 0         | 3         | 4  | 0        | 23         | 3%          |
| Granted/Denied        | 2                               | 0        | 2            | 2              | 5          | 5                                   | 1         | 1         | 3  | 0        | 21         | 2%          |
| Settled               | 46                              | 0        | 32           | 11             | 12         | 22                                  | 7         | 13        | 12   | 0        | 155        | 18%         |
| Level 2-Not Appealed* | 15                              | 0        | 6            | 0              | 1          | 8                                   | 0         | 5         | 1  | 0        | 36         | 4%          |
| Withdrawn             | 61                              | 3        | 53           | 16             | 14         | 50                                  | 9         | 22        | 37   | 0        | 265        | 31%         |
| <b>Total</b>          | <b>205</b>                      | <b>5</b> | <b>168</b>   | <b>55</b>      | <b>62</b>  | <b>152</b>                          | <b>35</b> | <b>77</b> | <b>103</b>   | <b>0</b> | <b>862</b> | <b>100%</b> |

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

| <b>COSTS OF GRIEVANCES</b>   |                   |                            |                  |                    |
|--|-------------------|----------------------------|------------------|--------------------|
| <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    | \$222.23          | \$0                        | \$185.96         | \$259.38           |
| Actual Cost of Legal Time paid in the Resolution of the Grievance  | \$112,299.04      | \$0                        | \$69,180.66      | \$479,988.68       |
| Actual Cost of Any Damages Paid in the Resolution of the Grievance | \$7,213.65        | \$0                        | \$6,908.55       | \$194,332.64       |
| Miscellaneous Costs Incurred by the Employer                       | \$40,637.63       | \$0                        | \$5,252.54       | \$13,044.45        |
| Average Total Cost of Handling the Grievance                       | \$645.41          | \$0                        | \$1,172.64       | \$7,548.90         |

\* 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 6-30-22)   | 5          | 1   | 11  | 3   | 18  | 2   | 23       | 16  | 20  | 12  | 25  | 18  |
| Number Closed  | 15         | 13  | 23  | 14  | 14  | 14  | 137      | 33  | 32  | 35  | 38  | 31  |
| Mediations Settled   | 8          | 8   | 5   | 4   | 6   | 7   |          |     |     |     |     |     |
| Decisions Issued   |            |     |     |     |     |     | 30       | 17  | 17  | 12  | 15  | 14  |
| Classification/ Compensation                                       | 8          | 3   | 12  | 7   | 7   | 9   | 9        | 2   | 6   | 7   | 10  | 11  |
| Default  |            |     |     |     |     |     | 2        | 0   | 1   | 1   | 0   | 1   |
| Disciplinary   | 1          | 3   | 4   | 1   | 1   | 0   | 34       | 24  | 19  | 18  | 18  | 14  |
| Discrimination   | 3          | 3   | 0   | 0   | 1   | 0   | 3        | 2   | 3   | 3   | 3   | 1   |
| Harassment   | 1          | 3   | 3   | 0   | 2   | 0   | 5        | 4   | 1   | 2   | 1   | 2   |
| Non-disciplinary employment actions                                | 1          | 5   | 10  | 4   | 3   | 2   | 6        | 4   | 4   | 5   | 9   | 3   |
| Reprisal   | 1          | 1   | 3   | 0   | 2   | 0   | 3        | 1   | 2   | 0   | 3   | 1   |
| Selection  | 2          | 3   | 1   | 3   | 2   | 3   | 1        | 5   | 3   | 3   | 2   | 3   |
| Violations of Federal, State or Agency Statutes, Rules or Policies | 3          | 3   | 3   | 2   | 2   | 0   | 6        | 1   | 5   | 4   | 5   | 2   |
| Other  | 0          | 0   | 0   | 0   | 0   | 0   | 0        | 0   | 0   | 0   | 0   | 0   |

## MEDIATIONS IN FY22

### Successful versus Unsuccessful, by Category of Grievance

| Successful | *Unsuccessful | Percentage Successful | Category   |
|------------|---------------|-----------------------|--|
| 19         | 15            | 56%                   | Classification/Compensation  |
| 3          | 6             | 33%                   | Disciplinary   |
| 2          | 0             | 100%                  | Discrimination   |
| 6          | 1             | 86%                   | Harassment   |
| 8          | 8             | 50%                   | Non-disciplinary employment actions                                |
| 5          | 0             | 100%                  | Reprisal   |
| 4          | 5             | 44%                   | Selection  |
| 6          | 1             | 88%                   | Violations of Federal, State or Agency Statutes, Rules or Policies |
| 0          | 0             | 0%                    | Other  |

### Successful versus Unsuccessful, by Administrative Law Judge

|   |    |     |     |
|---|----|-----|-----|
| 4 | 10 | 29% | LRB |
| 8 | 7  | 53% | BTC |
| 8 | 5  | 62% | CHL |
| 5 | 18 | 22% | JSF |
| 7 | 7  | 50% | WBM |
| 6 | 8  | 43% | RLR |

\*Unsuccessful mediations include grievances withdrawn by Grievant at Level 2 mediations and unsettled grievances not appealed to Level 3.