

WEST VIRGINIA PUBLIC EMPLOYEES GRIEVANCE BOARD

ANNUAL REPORT FISCAL YEAR 2015



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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 2015.

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 2015, 1,640 new grievances were filed at either Level One or Level Three. 1,487 grievances were filed at Level 1; 10 as Level 1 Defaults; 312 at Level 2; and 287 at Level 3. Please note that post-filing consolidation results in fewer proceedings than the number of original grievances.

During Fiscal Year 2015, 196 appealable decisions were issued. The average number of days from date of maturity to date of issue was 38.62.

During Fiscal Year 2015, 55 Level 2 Mediations were closed as Successful and 32 were closed as Unsuccessful but were not appealed to Level 3. With the average cost of a Level 3 hearing of \$4,481.58, these 87 mediations represent a cost avoidance (of a Level 3 hearing) of more than \$389,897.46.

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								
2013	2014	2015			2013	2014	2015	
2	0	2	Barbour		1	0	0	Mineral
2	10	8	Berkeley		10	19	43	Mingo
4	6	10	Boone		23	6	5	Monongalia
1	3	4	Braxton		4	6	4	Monroe
9	5	15	Brooke		23	1	55	Morgan
6	4	5	Cabell		11	4	7	Nicholas
1	1	196	Calhoun		6	7	4	Ohio
0	1	1	Clay		0	0	0	Pendleton
0	3	1	Doddridge		0	0	0	Pleasants
9	26	4	Fayette		0	4	0	Pocahontas
1	26	1	Gilmer		20	13	4	Preston
2	0	0	Grant		7	5	4	Putnam
6	0	3	Greenbrier		10	12	9	Raleigh
14	0	2	Hampshire		3	16	2	Randolph
6	77	12	Hancock		0	3	2	Ritchie
1	2	0	Hardy		7	15	1	Roane
39	19	6	Harrison		2	1	3	Summers
23	1	2	Jackson		1	2	3	Taylor
11	1	7	Jefferson		5	1	1	Tucker
34	66	66	Kanawha		0	0	0	Tyler
53	62	31	Lewis		0	12	4	Upshur
7	16	20	Lincoln		16	39	12	Wayne
11	8	23	Logan		3	1	1	Webster
2	40	4	Marion		10	10	17	Wetzel
7	9	3	Marshall		0	0	1	Wirt
21	53	17	Mason		140	30	25	Wood
4	8	4	McDowell		0	0	1	Wyoming
9	13	9	Mercer		587	667	664	TOTAL

NUMBER OF GRIEVANCES AGAINST EACH EMPLOYER

STATE EMPLOYERS			
2013	2014	2015	
15	8	13	Administration, Department of
0	0	1	Aviation Division
2	0	0	Finance Division
1	0	0	Fleet Management
6	1	4	General Services Division
1	2	3	Personnel Division
2	0	0	Public Employees Insurance Agency
0	0	3	Public Defender Services
2	0	0	Real Estate Division
0	0	2	Risk and Insurance Management, Board of
1	5	0	Technology, Office of
0	4	1	Bureau of Senior Services
26	36	37	Commerce, Department of
2	5	1	Forestry, Division of
0	2	0	Geological and Economic Survey
8	11	2	Labor, Division of
2	3	3	Miners' Health, Safety and Training, Office of
10	11	15	Natural Resources, Division of
0	0	1	Tourism, Division of
4	4	15	WorkForce West Virginia
18	4	9	Education, Department of
0	0	1	Cedar Lakes Conference Center
0	0	1	Central Office
3	0	0	Regional Education Service Agencies
3	0	0	RESA 1
7	0	0	Technical and Learning, Division of
5	3	2	Technical, Adult & Institutional Education, Division of
0	1	1	Institutional Education Programs, Office of
1	2	1	Multi-County Career and Technical Centers
		1	Mid-Ohio Valley Technical Institute
0	1	3	Unspecified
3	0	2	West Virginia Schools for the Deaf and the Blind

2013	2014	2015	
20	9	12	Education and the Arts, Department of
0	0	1	Culture and History, Division of
16	9	11	Rehabilitation Services, Division of
4	0	0	West Virginia Public Broadcasting
4	58	8	Environmental Protection, Department of
2	3	1	Air Quality, Division of
1	3	2	Mining and Reclamation, Division of
0	14	0	Oil and Gas, Office of
0	38	4	Unspecified
1	0	1	Water and Waste Management, Division of
717	384	353	Health and Human Resources, Department of
0	1	5	Administration, Deputy Secretary for
589	219	206	Behavioral Health & Health Facilities, Bureau for
0	0	7	Central Office
5	2	4	Hopemont Hospital
6	20	13	Jackie Withrow Hospital (Pinecrest Hospital)
6	5	44	Lakin Hospital
188	7	25	Mildred Mitchell-Bateman Hospital
10	5	10	Welch Community Hospital
374	180	103	William R. Sharpe, Jr. Hospital
1	2	8	Boards, Commissions & Authorities
0	0	8	Barbers and Cosmetologists, Board of
1	2	0	Human Rights Commission
20	10	11	Child Support Enforcement, Bureau for
97	88	98	Children and Families, Bureau for
9	9	5	County Health Departments
0	0	1	Barbour
1	1	0	Berkeley
0	1	1	Cabell-Huntington
0	1	1	Grafton-Taylor
4	2	0	Jefferson
0	1	1	Kanawha-Charleston
1	2	0	Mid-Ohio Valley
2	0	0	Putnam
0	1	0	Randolph
1	0	1	Upshur-Buckhannon
0	0	2	Human Resource Management, Office of
0	5	1	Inspector General, Office of
0	2	3	Medical Services, Bureau for
0	47	13	Public Health, Bureau for

2013	2014	2015	
1	1	1	Secretary, Office of
129	100	107	Higher Education Policy Commission
1	0	0	WVNET
111	88	95	Baccalaureate and Graduate Institutions
10	0	4	Bluefield State College
3	1	6	Concord University
1	4	3	Fairmont State University
1	0	0	Glenville State College
16	3	8	Marshall University
0	3	2	Potomac State College Of WVU
2	2	1	Shepherd University
9	6	7	West Liberty University
2	3	2	West Virginia School Of Osteopathic Medicine
4	1	2	West Virginia State University
61	59	59	West Virginia University
2	6	1	West Virginia University Institute Of Technology
17	12	12	Community And Technical Colleges
0	1	0	Blue Ridge Community & Technical College
1	1	0	Eastern West Virginia Community & Technical College
2	0	0	Kanawha Valley Community & Technical College
2	2	3	Mountwest Community & Technical College
3	0	4	New River Community & Technical College
0	2	1	Pierpont Community & Technical College
2	1	2	Southern West Virginia Community & Technical College
5	4	0	West Virginia Northern Community College
2	1	2	West Virginia University At Parkersburg
0	1	1	Housing Development Fund
205	191	116	Military Affairs and Public Safety, Department of
0	1	0	Adjutant General/National Guard
113	61	65	Corrections, Division of
3	7	3	Anthony Correctional Center
6	2	6	Beckley Correctional Center
2	7	3	Central Office
0	1	0	Corrections Academy, WV
0	0	2	Charleston Work Release Center
2	0	0	Denmar Correctional Center
28	0	0	Huntington Work Release
29	8	9	Huttonsville Correctional Center
10	8	2	Lakin Correctional Center
1	1	2	Martinsburg Correctional Center
18	10	21	Mount Olive Correctional Complex

2013	2014	2015	
4	8	4	Northern Correctional Facility
1	4	0	Ohio County Correctional Complex
0	1	0	Parkersburg Correctional Center
4	1	5	Parole Services
3	2	2	Pruntytown Correctional Center
2	0	2	Saint Marys Correctional Center
0	0	4	Salem Correctional Center
0	1	0	Unspecified
5	2	0	Fire Commission
1	2	0	Homeland Security and Emergency Management, Division of
1	4	4	Justice and Community Services, Division of
26	78	16	Juvenile Services, Division of
1	0	0	Cabell County Youth Reporting Center
1	30	0	Donald R. Kuhn Juvenile Diagnostic and Detention Center
2	0	0	Dr. Harriet B. Jones Treatment Center
2	1	3	Gene Spadaro Juvenile Center
2	2	3	James H. "Tiger" Morton Juvenile Center
0	2	1	J. M. "Chick" Buckbee Juvenile Center
3	0	1	Kanawha County Youth Reporting Center
0	14	0	Kenneth "Honey" Rubenstein Juvenile Center
3	24	6	Lorrie Yeager Jr. Juvenile Center
1	0	0	Marion County Youth Reporting Center
2	2	0	Robert L. Shell Juvenile Center
1	0	1	Sam Perdue Juvenile Center
1	1	0	Vicki V. Douglas Juvenile Center
5	1	1	Wood County Youth Reporting Center
2	1	0	WV Industrial Home for Youth
0	1	0	Protective Services, Division of
57	40	30	Regional Jail and Correctional Facilities Authority
0	2	1	Central Office
1	2	4	Central Regional Jail
0	0	1	Eastern Regional Jail
5	6	6	North Central Regional Jail
1	5	1	Northern Regional Jail
3	1	5	Potomac Highlands Regional Jail
3	8	2	South Central Regional Jail
3	4	5	Southern Regional Jail
17	3	3	Southwestern Regional Jail
9	3	0	Tygart Valley Regional Jail
15	6	2	Western Regional Jail
2	2	1	State Police
1	2	7	Public Service Commission

2013	2014	2015	
10	19	18	Revenue, Department of
1	4	3	Alcohol Beverage Control Administration
1	1	5	Insurance Commission
2	1	0	Lottery Commission
6	13	10	Tax Department
1	0	0	Supreme Court of Appeals
221	179	261	Transportation, Department of
10	1	26	Administrative Hearings, Office of
196	165	202	Highways, Division of
15	13	33	Motor Vehicles, Division of
134	17	33	Veterans Assistance, Department of
1,501	1,012	976	TOTAL

TYPES OF GRIEVANCES FILED IN FY15*

2013	2014	2015	
836	699	663	Classification and Compensation
19	5	10	Level One - Default
349	311	346	Disciplinary
92	127	121	Discrimination
129	51	75	Harassment
367	289	258	Non-Disciplinary Employment Actions **
28	24	50	Reprisal
171	187	189	Selection
487	303	284	Violations of Federal, State or Agency Statutes, Rules or Policies
45	49	46	Other

TYPES OF GRIEVANCES FILED IN FY15, BY GROUP

COUNTY BOARDS OF EDUCATION	HIGHER EDUCATION POLICY COMMISSION	STATE EMPLOYEES	
295	34	334	Classification and Compensation
2	4	4	Level One - Default
91	17	238	Disciplinary
60	9	52	Discrimination
24	12	39	Harassment
105	30	123	Non-Disciplinary Employment Actions **
17	3	30	Reprisal
114	3	72	Selection
57	31	196	Violations of Federal, State or Agency Statutes, Rules or Policies
14	8	24	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				
2013	2014	2015	Percent of Level Total	Level
584	793	546	54%	Level One – Chief Administrator
7	3	2	0%	Level One - Default
150	128	146	14%	Level Two – Alternative Dispute Resolution
330	322	323	32%	Level Three – Hearing (Current Procedure)
0	2	0		Level Four – Hearing (Previous Procedure)

LEVEL OF RESOLUTION IN FY15, BY GROUP			
County Boards of Education	Higher Education Policy Commission	State Employees	
180 53%	45 64%	321 53%	Level One – Chief Administrator Percent of Group Total
1 0%	1 1%	0 0%	Level One - Default Percent of Group Total
47 14%	8 11%	91 15%	Level Two – Alternative Dispute Resolution Percent of Group Total
110 33%	16 23%	197 32%	Level Three – Hearing (Current Procedure) Percent of Group Total
0	0	0	Level Four – Hearing (Previous Procedure) Percent of Group Total

OUTCOMES OF GRIEVANCES

TYPE	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
2013												
Granted	26	0	26	5	6	9	1	11	11	1	96	9%
Denied	72	2	107	9	18	52	6	44	39	11	360	34%
Granted/Denied	12	0	12	1	1	5	0	1	5	1	38	4%
Settled**	20	5	39	6	8	23	5	14	16	2	138	13%
Other Means**	88	0	78	16	38	50	4	44	68	29	415	40%
Total											1,047	
2014												
Granted	15	4	25	0	1	8	1	7	9	1	71	6%
Denied	72	2	68	13	6	61	4	41	32	9	308	24%
Granted/Denied	8	0	12	1	2	6	1	4	5	2	41	3%
Settled**	36	2	50	3	9	35	2	25	27	4	193	15%
Other Means**	118	0	101	31	39	117	9	89	119	45	668	52%
Total											1,281	
2015												
Granted	21	0	19	1	1	11	1	8	7	1	70	7%
Denied	67	0	71	15	9	36	4	48	26	3	279	28%
Granted/Denied	10	0	9	2	0	4	1	6	1	1	34	3%
Settled	47	2	47	2	4	24	2	17	18	1	164	17%
Other Means	148	0	60	13	18	61	5	44	51	34	434	44%
Total											981	100%

* Defaults which are granted proceed to Level Three.

** Settled and Other Means will not match last year's report because of new information received.

COSTS OF GRIEVANCES			
2013	2014	2015	
270.19	268.21	265.50	Average Estimated Cost of Employee Time to Handle the Grievance
721,001.28	622,128.66	1,108,342.19	Actual Cost of Legal Time Paid in the Resolution of the Grievance
41,305.20	68,563.02	430,324.20	Actual Cost of Any Damages Paid in the Resolution of the Grievance
			Average Total Cost of Handling the Grievance at:
944.85	874.86	820.22	Level 1
535.03	327.09	3,651.53	Level 1 - Default
888.79	1,934.54	1,144.34	Level 2
1,747.03	2,557.08	4,481.58	Level 3

COSTS OF GRIEVANCES IN FY15, BY GROUP			
COUNTY BOARDS OF EDUCATION	HIGHER EDUCATION POLICY COMMISSION	STATE EMPLOYEES	
238.62	646.70	230.26	Average Estimated Cost of Employee Time to Handle the Grievance
634,947.78	59,576.26	413,818.15	Actual Cost of Legal Time Paid in the Resolution of the Grievance
226,233.70	0.00	204,090.50	Actual Cost of Any Damages Paid in the Resolution of the Grievances
			Average Total Cost of Handling the Grievance at:
930.21	1,913.16	595.83	Level 1
9,020.58	50.00	1,884.00	Level 1 - Default
1,505.97	312.40	1,044.60	Level 2
7,533.86	399.20	3,199.28	Level 3

ADMINISTRATIVE LAW JUDGE CASELOAD

	MEDIATIONS						HEARINGS					
	LRB	BTC	BLG	CHL	WBM	RLR	LRB	BTC	BLG	CHL	WBM	RLR
Assigned (as of 6-30-2015)	10	9	3	14	12	24	22	26	41	25	21	31
Number Resolved	27	25	7	14	33	14	37	47	53	36	53	55
Mediations Settled	13	6	0	4	13	10						
Decisions Issued							19	33	31	27	28	32
Classification/ Compensation	12	14	2	2	9	4	5	7	13	8	10	20
Default	0	0	0	0	0	0	0	0	0	0	2	0
Disciplinary	7	1	0	3	6	2	22	24	21	14	23	17
Discrimination	2	0	0	0	0	0	0	1	0	1	0	1
Harassment	2	1	1	0	2	1	2	1	0	1	0	0
Non-disciplinary employment actions	3	2	2	3	5	5	5	8	6	5	7	4
Reprisal	2	1	0	0	0	1	2	1	0	1	0	0
Selection	1	6	0	3	3	2	6	7	10	4	6	6
Violations of Federal, State or Agency Statutes, Rules or Policies	4	2	1	1	8	1	2	3	3	4	1	9
Other	0	1	1	3	3	0	1	4	3	5	9	3

CONTRACT ADMINISTRATIVE LAW JUDGE CASELOAD									
	MEDIATIONS			HEARINGS					
	SLB	HDS	MJS	SLB	LGB	SLO	MJS		
Assigned (as of 6-30-2015)	0	5	0	4	10	0	7		
Number Resolved	3	22	1	16	24	1	4		
Mediations Settled	0	9	1						
Decisions Issued				11	14	1	0		
Classification/Compensation	0	7	0	4	7	0	0		
Default	0	0	0	0	0	0	0		
Disciplinary	0	4	0	9	8	1	3		
Discrimination	0	2	0	0	1	0	0		
Harassment	0	1	0	0	0	0	0		
Non-disciplinary employment actions	1	7	0	2	3	0	1		
Reprisal	0	0	0	0	1	0	1		
Selection	0	3	0	1	3	0	0		
Violations of Federal, State or Agency Statutes, Rules or Policies	2	0	1	2	2	0	0		
Other	0	1	0	4	2	0	0		