

**WEST VIRGINIA
PUBLIC EMPLOYEES GRIEVANCE BOARD
ANNUAL REPORT
FISCAL YEAR 2020**



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DIRECTOR

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NUMBER OF GRIEVANCES AGAINST EACH EMPLOYER

COUNTY BOARDS OF EDUCATION								
2018	2019	2020			2018	2019	2020	
2	1	3	Barbour		5	5	8	Mineral
7	11	3	Berkeley		9	5	10	Mingo
16	4	95	Boone		12	5	6	Monongalia
2	5	5	Braxton		7	2	8	Monroe
5	13	259	Brooke		0	4	2	Morgan
14	17	4	Cabell		9	10	4	Nicholas
0	0	2	Calhoun		2	3	2	Ohio
1	0	0	Clay		1	2	1	Pendleton
0	1	0	Doddridge		0	0	0	Pleasants
7	13	7	Fayette		0	3	1	Pocahontas
2	2	5	Gilmer		1	1	1	Preston
1	1	0	Grant		9	19	7	Putnam
0	11	2	Greenbrier		13	14	8	Raleigh
8	6	5	Hampshire		3	8	6	Randolph
21	7	4	Hancock		9	0	0	Ritchie
0	14	0	Hardy		6	8	1	Roane
8	22	1	Harrison		1	0	1	Summers
1	1	1	Jackson		1	12	14	Taylor
13	7	10	Jefferson		4	0	0	Tucker
50	39	26	Kanawha		0	1	0	Tyler
18	19	1	Lewis		5	5	6	Upshur
19	4	5	Lincoln		29	57	21	Wayne
5	27	5	Logan		15	3	1	Webster
24	17	47	Marion		7	23	3	Wetzel
0	6	5	Marshall		2	1	1	Wirt
16	22	19	Mason		11	9	7	Wood
3	7	4	McDowell		3	2	3	Wyoming
5	9	7	Mercer		412	488	647	TOTAL

NUMBER OF GRIEVANCES AGAINST EACH EMPLOYER

STATE EMPLOYERS			
2018	2019	2020	
20	12	6	Administration, Department of
1	0	0	Division of Personnel
18	10	1	General Services Division
0	0	5	Public Employees Insurance Agency
0	1	0	Real Estate Division
0	1	0	Office of Technology
1	0	0	Unspecified
1	1	0	Arts, Culture and History, Department of
0	1	0	Educational Broadcasting Authority
1	0	0	Division of Culture and History (Formerly under Dept. of Education and the Arts)
16	32	35	Commerce, Department of
2	1	17	Division of Forestry
1	6	1	Division of Labor
9	12	10	Division of Natural Resources
18	8	2	Division of Rehabilitation Services
0	1	0	Office of Miners' Health, Safety and Training
4	4	5	WorkForce West Virginia
6	1	0	Education, Board of
2	10	0	Education, Department of
17	14	3	Environmental Protection, Department of
0	1	0	Business and Technology Office
0	1	0	Central Office
0	1	1	Division of Air Quality
2	1	0	Division of Land Restoration
3	4	0	Division of Mining and Reclamation
8	3	0	Division of Water and Waste Management
0	0	2	Office of Oil and Gas
0	2	0	Office of Special Reclamation
1	0	0	Solid Waste Management Board
3	0	0	Not specified
447	454	291	Health and Human Resources, Department of
199	343	160	Bureau for Behavioral Health & Health Facilities
2	2	2	Hopemont Hospital
24	21	7	Jackie Withrow Hospital (Pinecrest Hospital)
7	1	1	John Manchin Sr. Health Care Center
37	3	2	Lakin Hospital
37	82	71	Mildred Mitchell-Bateman Hospital

2018	2019	2020	
17	7	5	Welch Community Hospital
75	227	72	William R. Sharpe, Jr. Hospital
30	8	4	Bureau for Child Support Enforcement
200	83	102	Bureau for Children and Families
1	1	1	Bureau for Medical Services
15	8	9	Bureau for Public Health
0	0	2	Children's Health Insurance Program
1	4	7	County Health Departments
0	0	1	Office of Constituent Services
0	0	3	Office of Human Resource Management
0	1	1	Office of Management Information Services
0	6	1	Office of the Inspector General
1	0	0	Office of Secretary
83	77	74	Higher Education Policy Commission
0	0	1	Higher Education Policy Commission
72	68	66	Baccalaureate and Graduate Institutions
1	3	0	Bluefield State College
1	1	0	Concord University
2	0	0	Fairmont State University
3	0	0	Glenville State College
20	11	23	Marshall University
1	3	2	Potomac State College of West Virginia University
3	2	2	Shepherd University
1	2	1	West Liberty University
0	1	4	West Virginia School of Osteopathic Medicine
10	3	3	West Virginia State University
30	41	23	West Virginia University
1	0	1	West Virginia University at Parkersburg
0	1	7	West Virginia University Institute of Technology
11	9	7	Community and Technical Colleges
2	0	0	BlueRidge Community & Technical College
1	0	2	BridgeValley Community & Technical College
1	0	1	Mountwest Community & Technical College
1	0	0	New River Community & Technical College
2	1	0	Pierpont Community & Technical College
0	1	0	Roane-Jackson Technical Center
2	0	3	Southern West Virginia Community & Technical College
0	1	1	United Technical Center
1	6	0	West Virginia Northern Community College
135	120	142	Homeland Security, Department of
0	0	1	Adjutant General
0	4	1	Division of Administrative Services
76	49	139	Division of Corrections and Rehabilitation

2018	2019	2020	
3	4	3	Central Office (Division of Corrections)
1	1	0	Central Office (Regional Jail and Correctional Facilities Authority)
1	1	0	Central Office (Division of Juvenile Services)
3	0	0	Parole Services
0	2	2	WV Corrections Academy
0	0	8	Community Corrections, Bureau of
3	0	4	Anthony Correctional Center
15	1	1	Beckley Correctional Center and Jail
2	2	1	Charleston Correctional Center and Jail
2	9	2	Parkersburg Correctional Center and Jail
39	45	92	Prisons and Jails, Bureau of
0	3	0	Central Regional Jail and Correctional Facility
2	0	3	Denmar Correctional Center
0	5	9	Eastern Regional Jail
11	6	5	Huttonsville Correctional Center
0	2	1	Lakin Correctional Center
1	0	4	Martinsburg Correctional Center
29	14	12	Mount Olive Correctional Complex
0	7	5	North Central Regional Jail
1	3	4	Northern Correctional Facility
2	2	5	Northern Regional Jail
1	1	6	Ohio County Correctional Complex
3	11	3	Potomac Highlands Regional Jail
1	3	3	Pruntytown Correctional Center
1	2	3	Saint Marys Correctional Center
1	0	11	Salem Correctional Center
6	0	1	South Central Regional Jail
15	2	3	Southern Regional Jail
11	4	5	Southwestern Regional Jail
1	1	4	Tygart Valley Regional Jail
0	9	5	Western Regional Jail
17	13	34	Juvenile Services, Bureau of
14	10	32	Juvenile Centers and Facilities
0	1	12	Donald R. Kuhn Juvenile Center
3	0	5	Gene Spadaro Juvenile Center
6	3	7	James H. "Tiger" Morton Juvenile Center
1	2	2	Kenneth "Honey" Rubenstein Juvenile Center
1	0	0	Lorrie Yeager Jr. Juvenile Center
1	2	2	Robert L. Shell Juvenile Center
2	1	3	Sam Perdue Juvenile Center
0	1	1	Vicki V. Douglas Juvenile Center
2	2	2	Reporting Centers
1	0	0	Cabell County Youth Reporting Center

2018	2019	2020	
0	0	2	Kanawha County Youth Reporting Center
1	1	0	Putnam County Youth Reporting Center
0	1	0	Wetzel Tyler Youth Reporting Center
1	0	0	Division of Emergency Management
1	1	0	Justice and Community Services
0	1	0	State Fire Commission
1	5	1	West Virginia State Police
0	2	0	West Virginia Military Authority
0	2	1	Housing Development Fund
3	7	3	Miscellaneous
0	1	0	Central WV Aging Service
0	1	0	Central WV Regional Airport Authority
0	0	1	Cowen Public Service District
0	2	0	Days Inn
1	0	0	Hammond Public Service District
0	1	0	Orbital ATK
1	1	1	State Auditor's Office
0	1	0	Summers County Council on Aging
1	0	0	United Hospital Center
0	0	1	Winfield Police Department
1	0	1	Miscellaneous Boards and Commissions
0	0	1	Board of Examiners for Registered Professional Nurses
1	0	0	Board of Social Work
1	1	1	Public Service Commission
25	15	12	Revenue, Department of
0	6	0	Alcohol Beverage Control Administration
19	4	0	Offices of the Insurance Commissioner
0	3	0	Lottery Commission
1	0	0	Racing Commission
5	2	12	Tax Department
220	514	249	Transportation, Department of
202	507	242	Division of Highways
17	7	3	Division of Motor Vehicles
1	0	4	Parkways Authority
4	17	19	Veterans Assistance, Department of
999	1277	837	TOTAL

TYPES OF GRIEVANCES FILED IN FY 2020, BY GROUP*			
2018	2019	2020	
620	756	736	Classification and Compensation
18	15	8	Level One - Default
273	290	324	Disciplinary
99	116	52	Discrimination
84	114	119	Harassment
228	399	230	Non-Disciplinary Employment Actions **
70	77	90	Reprisal
233	249	142	Selection
288	326	138	Violations of Federal, State or Agency Statutes, Rules or Policies
55	59	4	Other

TYPES OF GRIEVANCES FILED IN FY 2020, BY GROUP			
COUNTY BOARDS OF EDUCATION	HIGHER EDUCATION POLICY COMMISSION	STATE EMPLOYEES	
437	26	273	Classification and Compensation
4		4	Level One - Default
52	26	246	Disciplinary
21	2	29	Discrimination
74	9	36	Harassment
55	15	160	Non-Disciplinary Employment Actions **
51	2	37	Reprisal
67	2	73	Selection
37	15	86	Violations of Federal, State or Agency Statutes, Rules or Policies
	1	3	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

2018	2019	2020	Percent of Level Total for FY 2020	Level
438	463	485	57%	Level One – Chief Administrator
7	5	6	1%	Level One - Default
153	112	118	14%	Level Two – Alternative Dispute Resolution
310	311	241	28%	Level Three – Hearing

LEVEL OF RESOLUTION IN FY 2020, BY GROUP

County Boards of Education	Higher Education Policy Commission	State Employees	
176 58%	32 50%	276 58%	Level One – Chief Administrator Percent of Group Total
3 1%	0 0%	3 1%	Level One - Default Percent of Group Total
45 15%	10 16%	63 13%	Level Two – Alternative Dispute Resolution Percent of Group Total
82 27%	22 34%	137 29%	Level Three – Hearing Percent of Group Total

OUTCOMES OF GRIEVANCES IN FY 2020

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
Denied	26	4	19	10	3	15	6	15	9	1	108	21%
Dismissal - Other	17	0	15	6	16	20	9	19	22	2	126	24%
Granted	6	1	5	1	0	1	0	2	1	0	17	3%
Granted/Denied	1	0	1	0	0	2	1	3	3	0	11	2%
Settled	31	3	14	4	2	20	2	14	7	2	99	19%
Unsuccessful*	6	0	2	0	0	0	0	2	0	0	10	2%
Withdrawn	33	5	14	7	10	32	6	20	18	2	147	28%
Total	120	13	70	28	31	90	24	75	60	7	518	100%

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

COSTS OF GRIEVANCES

Cost Category	Level One*	Level One - Default	Level Two	Level Three
Average Estimated Cost of Employee Time to Handle the Grievance	\$187.68	\$0	\$230.31	\$830.62
Actual Cost of Legal Time paid in the Resolution of the Grievance	\$68,335.12	\$0	\$81,810.23	\$58,832.51
Actual Cost of Any Damages Paid in the Resolution of the Grievance	\$183,497.68	\$0	\$14,804.72	\$2,500.00
Miscellaneous Costs Incurred by the Employer	\$92,605.18	\$0	\$1,666.75	\$1,303.55
Average Total Cost of Handling the Grievance	\$994.22	\$0	\$3,262.11	\$2,908.33

* 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 6-30-20)	18	13	13	12	12	12		33	37	43	34	34	35
Number Closed	28	17	17	18	18	20		209	34	49	38	40	40
Mediations Settled	7	6	6	2	6	4							
Decisions Issued								32	18	23	16	20	27
Classification/ Compensation	4	2	2	4	3	2		3	6	2	9	9	11
Default								4	0	0	0	0	0
Disciplinary	3	1	1	0	0	1		10	6	7	4	9	3
Discrimination	0	0	0	1	1	0		1	1	2	3	1	2
Harassment	3	0	0	0	1	0		4	0	1	0	2	1
Non-disciplinary employment actions	3	1	0	0	1	0		3	3	5	3	4	4
Reprisal	0	0	0	0	1	0		2	1	2	2	3	1
Selection	3	1	1	2	2	3		5	2	5	1	0	3
Violations of Federal, State or Agency Statutes, Rules or Policies	4	2	0	0	1	0		5	1	1	3	4	4
Other	0	0	0	1	0	1		0	0	0	0	1	0

CONTRACT ADMINISTRATIVE LAW JUDGE CASELOAD

	MEDIATIONS					HEARINGS			
	LGB					LGB			
Assigned (as of 6-30-2020)						1			
Number Closed						1			
Mediations Settled									
Decisions Issued									
Classification/Compensation									
Default									
Disciplinary						1			
Discrimination									
Harassment									
Non-disciplinary employment actions									
Reprisal									
Selection									
Violations of Federal, State or Agency Statutes, Rules or Policies									
Other									

MEDIATIONS IN FY 2020

Successful versus Unsuccessful, by Category of Grievance

Successful	Unsuccessful	Percentage Successful	Category
2	15	12%	Classification/Compensation
0	6	0%	Disciplinary
0	2	0%	Discrimination
0	4	0%	Harassment
4	1	80%	Non-disciplinary employment actions
0	1	0%	Reprisal
3	9	25%	Selection
1	6	14%	Violations of Federal, State or Agency Statutes, Rules or Policies
1	1	50%	Other

Successful versus Unsuccessful, by Administrative Law Judge

7	21	25%	BTC
6	11	35%	CHL
6	11	35%	JSF
2	16	11%	LRB
6	12	33%	RLR
4	16	20%	WBM