

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



Director: Michelle L. Bradley

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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		647	906	192	TOTAL

NUMBER OF GRIEVANCES AGAINST EACH EMPLOYER

STATE EMPLOYERS			
2020	2021	2022	
6	6	19	Administration, Department of
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	Adjutant General
1	0	1	Mountaineer Challenge Academy
0	3	2	Arts, Culture and History, Department of
0	3	1	Educational Broadcasting Authority
0	0	1	Library Commission
35	17	59	Commerce, Department of
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	Economic Development, Department of
0	0	1	Small Business Development Center
0	6	2	Education, Board of
0	0	2	WV Schools for the Deaf and Blind
0	3	2	Education, Department of
3	2	6	Environmental Protection, Department of
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	Health and Human Resources, Department of
160	575	112	Bureau for Behavioral Health & Health Facilities
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	Bureau for Child Support Enforcement
102	48	93	Bureau for Children and Families
1	0	2	Bureau for Medical Services
9	16	8	Bureau for Public Health
2	0	0	Children's Health Insurance Program
7	4	2	County Health Departments
0	0	2	Berkley County Health Department
1	1	0	Office of Constituent Services
3	1	0	Office of Human Resource Management
1	1	0	Office of Management Information Services
1	0	0	Office of the Inspector General
0	0	1	Office of Secretary
0	0	1	West Virginia Children's Home Society
74	73	67	Higher Education Policy Commission
1	0	0	Higher Education Policy Commission
66	65	57	Baccalaureate and Graduate Institutions
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	Community and Technical Colleges
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	Homeland Security, Department of
1	1	4	Division of Administrative Services
1	1	3	Central Office
0	0	1	Justice and Community Services
139	26	64	Division of Corrections and Rehabilitation

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	Division of Emergency Management
0	0	29	State Fire Commission

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.

LEVEL OF RESOLUTION				
2020	2021	2022	Percent of Level Total for FY 2022	Level
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

LEVEL OF RESOLUTION IN FY 2022, BY GROUP			
County Boards of Education	Higher Education Policy Commission	State Employees	
79 50%	34 51%	243 54%	Level One – Chief Administrator Percent of Group Total
0 0%	1 1%	1 >1%	Level One - Default Percent of Group Total
27 17%	8 12%	58 13%	Level Two – Alternative Dispute Resolution Percent of Group Total
53 33%	24 36%	148 13%	Level Three – Hearing 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%
Total	205	5	168	55	62	152	35	77	103	0	862	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	\$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.