





STATE OF WEST VIRGINIA  
DEPARTMENT OF ADMINISTRATION

State Capitol  
Charleston, WV 25305

Gaston Caperton  
Governor

August 21, 1995

Chuck Polan  
Cabinet Secretary

The Honorable Ken Hechler  
Secretary of State  
Office of the Secretary of State  
Capitol Complex, Room 157-K  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305

Re: Procedural Rules

Dear Mr. Hechler:

Approval is hereby given for the filing of the enclosed rules for the West Virginia Education and State Employees Grievance Board, entitled "Procedural Rules, Education and State Employees Grievance Board" which are in accordance with the West Virginia Code.

Sincerely,

A handwritten signature in cursive script, appearing to read "Thecla Maguire".

Thecla Maguire  
Deputy Secretary

TM:tj

Enclosures

## STATEMENT OF CIRCUMSTANCES

This rule repeals and replaces the former procedural rule. This rule sets forth the practice and procedure established by the Grievance Board for carrying out its responsibilities in the administration and enforcement of education and state employees grievance statutes.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: 156 CSR 1

Type of Rule: Legislative Interpretive  Procedural

Agency West Virginia Education and State Employees Grievance Board

Address 808 Greenbrier Street  
Charleston, West Virginia 25311

1. Effect of Proposed Rule

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
<u>ESTIMATED TOTAL COST</u>	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
PERSONAL SERVICES					
CURRENT EXPENSE					
REPAIRS & ALTERNATIONS					
EQUIPMENT					
OTHER					

2. Explanation of above estimates:

The procedural rules proposed include no provisions requiring costs, fees or expenses for those individuals affected by said rules.

3. Objectives of these rules:

These rules are proposed in order to allow the Grievance Board to administer and enforce the grievance procedure and grievance procedure statutes.

Rule Title: 156 CSR 1 Procedural rule

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

Not applicable

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of Citizens.

Not applicable

C. Economic Impact on Citizens/Public at Large.

Not Applicable

Date: August 17, 1995

Signature of Agency Head or Authorized Representative

Ronald Wright

SUMMARY OF PROPOSED PROCEDURAL RULE  
156 CSR 1  
WEST VIRGINIA EDUCATION AND STATE EMPLOYEES GRIEVANCE BOARD

The attached proposed procedural rule is submitted in order to repeal and replace the former rules approved by the Grievance Board (hereinafter Board) pursuant to West Virginia Code §§ 18-29-1, et seq., and 29-6A-1, et seq. As stated in the Scope subsection of the proposed rule, the substance of the rule is intended to establish rules of procedure for those employees, employers, representatives and counsel who would appear before the Grievance Board for the purpose of prosecuting a grievance filed by an eligible state or education employee at the fourth level of the grievance procedure, and to more fully address procedures and concerns not covered by this Board's prior rule. These rules are formally promulgated by the Grievance Board in an effort to comply with its legislative mandate to administer and enforce the grievance procedure.

The proposed rule contains a definition section which defines terms not currently defined in the two grievance procedure statutes, such as "file," "subpoena" and "evidence." Section three relates to forms and the written procedures which are required to be completed at the three lower levels of the grievance procedure. Section four is the most informative as to the administration of the grievance procedure by the Board as an entity, and also by the specific Administrative Law Judges it employs. This section contains provisions relating to all aspects of the prosecution of a grievance at level four, including but not limited to, requirements and standards for the assignment of cases, discovery, continuances, dismissal of a grievance, hearings, locations and appeals.

Section five of this proposed rule is completely new as it contains reference to the Board's Administrative Law Judges' offering of mediation services. Mediation is a form of alternative dispute resolution whereby parties are offered the assistance of a neutral individual in order to facilitate the settlement of a grievance. Mediation was specifically authorized by the Legislature in its 1992 amendments to the grievance procedure statute for education employees. Mediation is also currently offered to all state employees. The subsections dealing with mediation services relate to the location, time and attendance for an agreed upon mediation session. Finally, this section recognizes that all of the information received by an Administrative Law Judge acting as a mediator is to be held confidential.

FILED

Aug 22 9 57 AM '95

TITLE 156  
PROCEDURAL RULES  
WEST VIRGINIA EDUCATION AND STATE EMPLOYEES GRIEVANCE BOARD

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

## SERIES 1

## §156-1-1. General

1.1. Scope - The following procedural rule sets forth the practice and procedure established by the West Virginia Education and State Employees Grievance Board for carrying out its responsibilities in the administration and enforcement of the West Virginia Education and State Employees Grievance Statutes, W. Va. Code §§ 18-29-1, et seq., and 29-6A-1, et seq., as amended.

1.2. Authority - This rule is issued under authority of W. Va. Code §§ 18-29-1, et seq., and 29-6A-1, et seq.

1.3. Filing date - \_\_\_\_\_.

1.4. Effective date - \_\_\_\_\_. This rule applies to all grievances pending and those filed after this effective date.

1.5. This rule repeals and replaces the former Procedural Rule promulgated at 156 CSR 1.

1.6. Liberal construction - The provisions of this rule will be liberally construed to permit the Board to discharge its statutory functions and to secure just and expeditious determination of all matters before the Board; therefore, for good cause, the Board may, at any time, suspend the requirements of any of these regulations.

1.7. Severability - If any sections or subsections of this rule is determined to be invalid, it shall not be construed to invalidate any of the provisions not otherwise affected.

1.8. Availability of rule - This rule is on file in the Office of the Secretary of State and at each of the Grievance Board's offices.

1.9. Delegation of powers and duties - Except where contrary to law, the Board may delegate any of its powers and duties to the director, administrative law judges, or other employees or agents of the Board. Pursuant to W. Va. Code §§ 18-29-1, et seq., and 29-6A-1, et seq., the administrative law judges are authorized to take any other action not inconsistent with the grievance procedure statutes and this rule.

§156-1-2. Definitions

2.1. All terms defined in W. Va. Code §§ 18-29-2 and 29-6A-2 shall have the meanings therein ascribed to them for the purposes of this rule. All other terms shall have the following meanings.

2.1.1. "File" or "filing" means to place an appropriate grievance form or letter evidencing an intent to appeal a lower level grievance decision in an official depository of the United States Postal Service, postage prepaid, and addressed to the Board's main offices at 808 Greenbrier Street, Charleston, West Virginia 25311, or by facsimile transmission to the Board's offices. A hard copy of any grievance filed by facsimile must be received by the Board office within a reasonable time following the facsimile transmission.

2.1.2. "Service" or "Serve" means personal delivery or delivery by first class United States Postal Service mail, postage prepaid and addressed to the person to be served at his or her last known address. A Certificate of Service by the person making the service is to be attached to every document requiring service under this rule, indicating that copies have been served on all parties to the grievance or their representatives.

2.1.3. "Certificate of Service" means a certification by a party that on the stated date, he has hand-delivered or placed in the United States mail, postage pre-paid, in a properly addressed envelope, a true copy of the document he is filing with the Board, for the other parties, or their representatives, at their last known address. See Appendix B, attached hereto.

2.1.4. "Subpoena" means an official document, issued by an Administrative Law Judge pursuant to the provisions of the West Virginia Administrative Procedures Act, West Virginia Code §§ 29A-5-1 et seq., requiring the appearance of an individual at a given time and place.

2.1.5. "Subpoena duces tecum" means an official document requiring that an individual named to appear at a given time and place must bring a specific document or documents.

2.1.6. "Motion" means an oral or written request or application for a ruling or order by an administrative law judge.

2.1.7. "Evidence" means substance of proof, presented in a hearing on the merits of a grievance, by testimony given under oath, records, documents or other concrete objects, for the purpose of meeting one's burden of proof.

§156-1-3. Levels One, Two and Three

3.1. Forms - Each governing board (education) and employer (state) should, within ninety days of the effective day of this rule, adopt one official form for the initiation of grievances at Levels One, Two and Three. This form is to be made available to an employee, upon request, by his immediate supervisor. A sample form is attached as Appendix A to this rule.

3.2. Written procedures - Each governing board (education) and employer (state) should establish written procedures relating to employee grievances at Levels One, Two and Three. These procedures should inform employees of the provisions of this rule and of W. Va. Code §§ 18-29-3, et seq., 18A-2-8, and 29-6A-3, et seq. Copies of these procedures should be made available to all existing employees and all newly-hired employees should be given a copy of these procedures upon commencement of their employment.

§156-1-4. Level Four

4.1. Form - A sample form which may be used for filing a grievance at Level Four is attached as Appendix A.

4.2. Assignment of Administrative Law Judge - At Level IV, hearing examiners are known as an administrative law judges. Upon proper filing of a Level Four grievance, the Board shall assign the matter to an administrative law judge and all parties will be notified of this assignment. Thereafter, all documents or correspondence is to be delivered to the assigned administrative law judge as provided for in Rule 2.1.2.

4.3. Authority of Administrative Law Judge - Each Administrative Law Judge has the authority and discretion to control the processing of each grievance assigned to him and, to take any such action as is deemed appropriate consistent with the provisions of West Virginia Code §§18-29-5 and 29-6A-5.

4.4. Ex Parte Communication - No person shall confer or correspond with any member of the Board, its administrative law judges, staff or agents, concerning the merits or substance of a pending grievance, unless all parties to the grievance are present.

4.5. Subpoenas and subpoenas duces tecum - Subpoenas and subpoenas duces tecum will be issued by the Board to any party to a grievance upon written request, in the discretion of the administrative law judge, and in compliance with W. Va. Code § 29A-5-1(b). The written request shall include the full name and address of each person to be subpoenaed (and for subpoenas duces tecum, a complete description of the document or item to be produced), together with a statement accepting responsibility for service and costs (including applicable witness and mileage fees) incurred relative thereto.

4.5.1. Any party requesting a subpoena or subpoenas must advise all other parties of the request at the time it is made.

4.5.2. No subpoena or subpoena duces tecum will be issued unless a written request has been received by the administrative law judge within six work days prior to the scheduled hearing.

4.6. Motions - A application to an administrative law judge for an order must be by motion, in writing, unless made during a hearing, and must be filed and served upon all parties not less than ten working days before the hearing, if any, is to be held either on the motion or on the merits of the case. The non-moving party has seven working days from the date of service of the motion to file a written response. A certificate of service must accompany all motions.

4.6.1. If any party desires a hearing on a motion, he shall make a request for a hearing at the time of the filing of his motion or response. A hearing on a motion will be directed by the administrative law judge only if it is determined that a hearing is necessary to the development of a full and complete record on which a proper decision can be made.

4.6.2. If a situation necessitating a motion arises immediately before or during a hearing, an oral motion may be made at the hearing. The movant shall be prepared to state the reasons as to why the motion was not made in conformance with rule 4.6. Further, the movant is to be prepared to proceed with the hearing if the motion is denied and the granting of the motion would have operated to delay the hearing.

4.6.3. All motions are to be accompanied by a concise statement of its basis, both legal and factual. Motions not timely made in the determination of the administrative law judge may be denied on that basis alone.

4.7. Continuances - Any party may request a continuance of a hearing or other proceeding related to a grievance. Requests for a continuance of a hearing will be granted upon a showing of good cause. Unless time does not permit, a request for a continuance is to be made in writing to the administrative law judge and served upon all parties of record. The administrative law judge may, upon his own motion, continue hearings or other proceedings.

4.7.1. Any party moving for a continuance is encouraged to first contact the other side and obtain an agreement to request a joint continuance. The parties are further encouraged to provide the administrative law judge with alternative dates for the scheduling of the case.

4.8. Remand - Any party may move to remand (return to a lower level of the grievance procedure) a grievance. Requests for remand of a grievance will be granted upon a showing of good cause. The administrative law judge may, upon his own motion, remand a grievance.

4.9. Recusal - Any party may move to recuse (disqualify) the administrative law judge assigned to their grievance. Motions for recusal will be considered only in accordance with Rule 4.6 and granted only for good cause shown, in the discretion of the administrative law judge. A motion for recusal will not operate to automatically continue a hearing or other action on the grievance; provided, that any party may make a separate motion for a continuance until such time as a decision is made on the motion for recusal.

4.9.1. The administrative law judge's decision on a motion to recuse may be appealed to the Board or its Chairman by any party to the grievance, in accordance with Rule 4.6. An appeal shall operate to automatically continue any hearing or other action on the grievance. The decision of the Board or its Chairman is final and not subject to further appeal or review prior to the disposition of the grievance.

4.10. Errata Notice - After the administrative law judge issues a final decision in a grievance, the Board retains jurisdiction to amend the decision to correct clerical errors by errata notice during the appeal period.

4.11. Failure to state a claim - A grievance may be dismissed, in the discretion of the administrative law judge, if no claim upon which relief can be granted is stated or a remedy wholly unavailable to the grievant is requested.

4.12. Discovery - W. Va. Code §§ 18-29-6 and 29-6A-6 of the grievance procedure statutes encourage parties to participate in informal discovery prior to hearing. All employers must produce, prior to any hearing on the merits, any documents requested in writing by the grievant that are relevant and are not privileged. Further, if an employer intends to assert the application of any statute, policy, rule, regulation or written agreement or submits any written response to the filed grievance at any level, a copy is to be forwarded to the grievant and/or any representative of the grievant named in the grievance.

4.12.1. Additional discovery may be allowed in the discretion of the administrative law judge, including evidentiary depositions which may be taken and read as in civil actions in the circuit courts of this state. When a party serves another party with a discovery request, that request need not be filed with the Board.

4.12.2. Parties shall attempt to resolve any discovery disputes among themselves before making a motion requesting an order compelling discovery. Any such motion must state that the parties have attempted to resolve the dispute, as well as the reason why the discovery is needed.

4.13. Joinder - Any party may move to join (or add as a party to the grievance) a person or entity necessary to the final disposition of the grievance, in accordance with Rule 4.6. The administrative law judge may on his own motion, join a person or entity necessary to the final disposition of the grievance.

4.14. Failure to pursue - Once no action by a party has been taken on a grievance for six months, the Board will send all parties a letter, by certified mail, advising that the case will be dismissed from the docket of the Board thirty calendar days from the date of the letter, unless any party objects and can demonstrate why the case should not be dismissed. If no timely written objection is received by the Board, an order of dismissal will be entered. If timely written objection is received by the Board, the grievance will be promptly scheduled for hearing or other action will be taken consistent with the orderly disposition of the grievance.

4.15. Hearings in general - Administrative law judges have full and complete authority to preside over and control all aspects of a hearing. If, in the determination of the administrative law judge, an individual present at a hearing is engaging in disruptive conduct, the administrative law judge may, in his discretion, admonish the individual to cease such conduct; exclude the individual from the remainder of the hearing; adjourn the hearing; or take other action consistent with the orderly and timely disposition of the grievance.

4.16. Location - All Level Four hearings will be conducted in the Board's offices; provided that, upon written motion in accordance with Rule 4.6 and for good cause shown, the administrative law judge may, in his discretion, conduct the hearing in another neutral location. In such cases, the party requesting the change in hearing site shall be responsible, at no expense to the Board, for providing the following: a suitable hearing room; a separate area for witnesses; such other facilities, equipment or personnel as necessary; and a certified copy of the transcript of the hearing and delivery of the same to the administrative law judge within a specific number of days after the hearing.

4.17. Final disposition - Grievances may be disposed of in three ways: by decision on the merits; nonappealable dismissal order; or appealable dismissal order.

4.17.1. Decisions on the merits will result in the granting or denying of a grievance, in whole or in part. All decisions are maintained by the Board staff and transmitted monthly to the Office of the Secretary of State, Capitol Complex, Charleston, West Virginia 25305. Copies may be obtained from that office, at cost. Decisions on the merits in education cases are appealable to the Kanawha County Circuit Court or the circuit court of the county in which the grievance arose. Decisions on the merits in state cases are appealable only to the circuit court of the county in which the grievance arose.

4.17.2. Nonappealable dismissal orders may be based upon grievances dismissed for the following: settlement, withdrawal and, in accordance with Rule 4.14, a party's failure to pursue.

4.17.3. Appealable dismissal orders may be issued in grievances dismissed for all other reasons, including, but not limited to, failure to state a claim or a party's failure to abide by an appropriate order of an administrative law judge. Appeals of any cases dismissed pursuant to this provision are to be made in the same manner as appeals of decisions on the merits.

4.18. Appeals to circuit court - In every matter appealed from this Board to circuit court, the appealing party shall furnish the Board with a copy of the notice of appeal and the circuit court docket number. The party prevailing on the appeal shall furnish the Board with a copy of the final decision of the circuit court and any accompanying order within twenty days of its receipt.

4.19. Burden of proof - The grievant bears the burden of proving his case by a preponderance of the evidence, except in disciplinary matters, where the burden is on the employer to prove that the action taken was justified. Any party asserting the application of an affirmative defense bears the burden of proving that defense by a preponderance of the evidence.

4.20. Advisory opinions - The Board will, under no circumstances, issue an advisory opinion, i.e., an opinion on an issue not directly raised before the Board in a grievance.

4.21. Registration of employee organizations - All labor unions or other organizations representing West Virginia education and/or state employees and desiring to appear before the Board must register at the Board's main office in Charleston.

#### §156-1-5. Mediation

5.1. Parties to a grievance are encouraged to meet and attempt to negotiate and settle the grievance, as soon as possible after the grievance has been filed, prior to a hearing. The Board may provide mediation services, and information concerning such services will accompany the Notice of Hearing.

5.2. Motion for Mediated Settlement Conference - Any party to a grievance may request a mediated settlement conference prior to hearing. If any party objects to mediation, those services will not be rendered.

5.3. Independent administrative law judge - If the parties agree to mediation, an independent administrative law judge (other than the one assigned to hear the grievance), may be assigned to act as the mediator and actively assist the parties in identifying, clarifying and resolving issues regarding the grievance at any time prior to the level four hearing.

5.3.1. All of the information that is provided by the parties during mediation shall remain confidential. Mediators shall not be called as witnesses to provide testimony in unresolved grievances that proceed to a grievance hearing, and any administrative law judge involved in a mediation process shall not hear the grievance nor be consulted regarding the merits of the grievance.

5.4. Location - Mediation conferences will take place in the Board's offices, unless all parties and the mediator otherwise agree.

5.5. Time - The mediation conference will be scheduled sometime prior to the scheduled hearing of the grievance. In some instances, the mediation conference will be scheduled on the same day as the hearing, and the parties must be prepared to go forward with the hearing should the attempt at mediation fail.

5.6. Mediation not to delay other proceedings - The mediation conference shall not be cause for the delay of other proceedings in the grievance, including the completion of discovery, filing or hearing of motions, or the hearing of the grievance, except by order of the administrative law judge.

5.7. Attendance - All parties to the grievance and their representatives shall attend the mediation conference. If the authority to settle a grievance is vested in another individual not present at the mediation conference, that individual or individuals must be available be telephone.

5.8. Finalizing the record - Upon reaching an agreement, the parties and their representatives will be asked to reduce the agreement to writing and sign it. A written, voluntary dismissal or withdrawal of a grievance must be filed with the Board by such persons as the parties shall designate.

#### APPENDICES

Appendix A - Sample grievance form  
Appendix B - Certificate of Service form

# WEST VIRGINIA EDUCATION AND STATE EMPLOYEES GRIEVANCE FORM

**PART A - MUST be completed by Grievant**

If there is more than one grievant, put remaining names, addresses, telephone numbers and representatives, for each, on separate pages.

Grievant's Name	Department/Agency/Institution	Grievant's Representative or Pro Se
Grievant's Home Address	Department/Agency/Institution Address	Representative's Address
City, State & Zip Code	City, State & Zip Code	City, State & Zip Code
Grievant's Telephone No. Home & Work		Representative's Telephone No.

**STATEMENT OF GRIEVANCE:** Include a brief but COMPLETE description of the grievable event (attach additional pages if necessary). Suspensions exceeding 20 days, demotions for discipline and dismissals may be grieved directly to Level IV.

**RELIEF SOUGHT:** Include a brief but COMPLETE description of the relief sought.

CHECK  , if appropriate:  A Level I Informal Conference is requested.

Grievant's Signature: _____	Date Signed: _____
Supervisor's Signature: _____	Date Signed: _____

**PART B - MUST be completed and signed by Evaluators and Grievant**

**PROCEDURAL SUMMARY**

Level I decision issued by:	Signature: _____ Immediate Supervisor	Date: _____
Level I decision (attached) appealed to Level II:	Signature: _____ Grievant	Date: _____
Level II decision issued by:	Signature: _____ Administrator or Designee	Date: _____
Level II decision (attached) appealed to Level III:	Signature: _____ Grievant	Date: _____

**UPON APPEAL TO LEVEL III, THE GRIEVANT MUST FORWARD A COPY OF THE GRIEVANCE TO BOTH THE DIVISION OF PERSONNEL (ADDRESS BELOW) AND THE AGENCY HEAD.**

Level III decision issued by:	Signature: _____ Chief Administrator/Designee	Date: _____
Level III decision (attached) appealed to Level IV:	Signature: _____ Grievant	Date: _____

CHECK  ONE:  A Level IV Hearing is requested.  A decision may be made on the lower level record.

**UPON APPEAL TO LEVEL IV, THE GRIEVANT MUST SUBMIT THE GRIEVANCE FORM AND ALL LOWER LEVEL RECORDS, INCLUDING, TRANSCRIPTS, EXHIBITS AND DECISIONS TO:**

West Virginia Education and State Employees Grievance Board, 808 Greenbrier Street, Charleston, West Virginia 25311

**THE GRIEVANT MUST SUBMIT THE GRIEVANCE FORM AND ALL LOWER LEVEL DECISIONS TO:**

Division of Personnel, Building 5, Room B-645, State Capitol Complex, Charleston, West Virginia 25305.

**WEST VIRGINIA EDUCATION AND  
STATE EMPLOYEES GRIEVANCE FORM**

**GRIEVANCE FORM  
Levels I, II, III, IV  
(Circle One)**

**PART A - MUST be completed by Grievant**

If there is more than one grievant, put remaining names, addresses, telephone numbers and representatives, for each, on separate pages.

<hr/> <p style="text-align: center;">Grievant's Name</p>	v.	<hr/> <p style="text-align: center;">Agency/Board of Education/Institution</p>	<hr/> <p style="text-align: center;">Grievant's Representative or Pro Se</p>
<hr/> <p style="text-align: center;">Grievant's Home Address</p>			<hr/> <p style="text-align: center;">Representative's Address</p>
<hr/> <p style="text-align: center;">City, State &amp; Zip Code</p>			<hr/> <p style="text-align: center;">City, State &amp; Zip Code</p>
<hr/> <p style="text-align: center;">Grievant's Telephone No. Home &amp; Work</p>			<hr/> <p style="text-align: center;">Representative's Telephone No.</p>

**STATEMENT OF GRIEVANCE:** Include a brief but COMPLETE description of the grievable event (attach additional pages if necessary).

**RELIEF SOUGHT:** Include a brief but COMPLETE description of the relief sought.

**PART B - MUST be completed and signed by Evaluators and Grievant**

**PROCEDURAL SUMMARY**

Level I decision issued by:	Signature: _____	Date: _____
	Immediate Supervisor	
Level I decision (attached) appealed to Level II:	Signature: _____	Date: _____
	Grievant	
Level II decision issued by:	Signature: _____	Date: _____
	Chief Administrator/Superintendent	
Level II decision (attached) appealed to Level III:	Signature: _____	Date: _____
	Grievant	
Level III decision issued by:	Signature: _____	Date: _____
	Governing Board/Agency	
Level III decision (attached) appealed to Level IV:	Signature: _____	Date: _____
	Grievant	

**CHECK ✓ ONE:**     A Level IV Hearing is requested.     A decision may be made on the lower level record.

**UPON APPEAL TO LEVEL IV, THE GRIEVANT MUST SUBMIT THE GRIEVANCE FORM AND ALL LOWER LEVEL RECORDS, INCLUDING, TRANSCRIPTS, EXHIBITS AND DECISIONS TO:**

West Virginia Education and State Employees Grievance Board, 808 Greenbrier Street, Charleston, West Virginia 25311

**THE GRIEVANT MUST SUBMIT A COPY OF THIS GRIEVANCE FORM TO:**

The Chief Administrator of the agency, board of education or institution.

**APPENDIX A  
(EDUCATION)**

CERTIFICATE OF SERVICE

I, \_\_\_\_\_, do hereby certify that a true copy of the foregoing [NAME OF DOCUMENT] was mailed to the parties by depositing copies thereof in the United States Mail, postage prepaid, this \_\_\_ day of \_\_\_\_\_, 19\_\_.

[NAMES AND ADDRESSES OF PARTIES]

\_\_\_\_\_  
[NAME]

APPENDIX B