



Brief Summary of Proposed Rule  
and  
Statement of Circumstances Which Require Amendment  
and  
Fiscal Note

The Rule indicates how the Public Employees Grievance Board's will notice and conduct meetings.

Amendment of the Notice and Conduct of Meetings Rule is required to correspond with the new Public Employees Grievance Board statutes. Additionally, Section 3.3 now quotes the Administrative Procedures Act on emergency meetings.

No fiscal note is attached as this amendment will not create any fiscal impact.

APPENDIX B

**FISCAL NOTE FOR PROPOSED RULES**

Rule Title: Notice AND Conduct of Meetings  
 Type of Rule:  Legislative  Interpretive  Procedural  
 Agency: PUBLIC EMPLOYEES GRIEVANCE BOARD  
 Address: 808 GREENBRIER STREET  
CHARLESTON, WV 25311  
 Phone Number: 558-3361 Email: \_\_\_\_\_

**Fiscal Note Summary**

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

*this is AN AMENDMENT TO A PROCEDURAL RULE, SO THERE WILL BE NO FISCAL IMPACT ON STATE GOVERNMENT.*

**Fiscal Note Detail**

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0		
Personal Services	0		
Current Expenses	0		
Repairs & Alterations	0		
Assets	0		
Other	0		
2. Estimated Total Revenues	0		

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3. **Explanation of above estimates (including long-range effect):**  
Please include any increase or decrease in fees in your estimated total revenues.

There will be NO INCREASE OR DECREASE  
in fees.

### MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule **would not** have a fiscal impact, and/or any special issues **not** captured elsewhere on this form.

NONE

Date: 2/14/08

Signature of Agency Head or Authorized Representative

Robin B. Perrine

FINAL  
2008 FEB 14 PM 3:33  
SECRETARY OF STATE

**TITLE 156  
PROCEDURAL RULE  
WEST VIRGINIA EDUCATION AND STATE PUBLIC EMPLOYEES GRIEVANCE  
BOARD**

**SERIES 2  
NOTICE AND CONDUCT OF MEETINGS**

§156-2-1. General.

1.1. Scope. -- This procedural rule establishes requirements for notice of meetings and general rules for conduct of said meetings.

1.2. Authority. -- W. Va. Code §§ 6-9A-1, et seq., ~~18-29-5 and 29-6A-5~~ 6C-3-4(b).

1.3. Filing Date. -- February 14, 2008

1.4. Effective Date. -- ~~August 11, 2002~~

§156-2-2. Preface.

2.1. The West Virginia Legislature has provided in W. Va. Code §6-9A-1 that all regular and special meetings of governing bodies shall be open to the people of the State and that the people shall be given reasonable advance notice of the time, date and location of such meetings being convened: Provided, however, that governing bodies may hold executive sessions as part of duly convened regular, special or emergency meetings under certain circumstances as permitted by law;

2.2. The Legislature has provided in W. Va. Code § 6-9A-3 that:

Each governing body shall promulgate rules by which the time, place and agenda of all regularly scheduled meetings and the time, place and purpose of all special meetings are made available, in advance, to the public and news media, except in the event of an emergency requiring immediate official attention;

2.3. W. Va. Code §~~18-29-5~~ provides that the Education and State Employees Grievance Board "~~shall hold at least two meetings yearly at times and places as it may prescribe and may meet at other times as may be necessary . . .~~"; and

— 2.4. W. Va. Code §~~29-6A-5~~ provides that the Board shall evaluate the level four grievance process on an annual basis; ~~notifying all employers, employees organizations; the director of the division of personnel and all grievants participating in level four grievances in the year for which evaluation is being made and shall provide for the submission of written comment or the hearing of testimony regarding the grievance process; or both.~~ § 6C-3-1(k) provides that the Public

Employees Grievance Board “shall hold at least four meeting per year. Other meetings shall be held at the call of the chairperson or upon the written request of two members, at such time and place as designated in the call or request.”

§156-2-3. Notice of Meetings.

3.1. ~~The Education and State Public~~ Employees Grievance Board shall meet at the Board’s offices at 808 Greenbrier Street, Charleston, West Virginia, or at such other locations as the Board may from time to time deem necessary.

3.2. Regular meetings -- Notice of regularly scheduled meetings shall be provided through the State Register, administered by the West Virginia Secretary of State’s office, and also shall be posted on the Board’s website at [www.state.wv.us/admin/grievanc/grievanc.htm](http://www.state.wv.us/admin/grievanc/grievanc.htm) <http://pegboard.state.wv.us/>. Meeting notices shall be published in the state register at least five days prior to the date of the meeting. Said notices shall contain the time, date, and location of the meeting. The agenda of the meeting shall be posted on the Board’s website and made available in the Board’s Charleston office at least three days prior to the date of the meeting. The three-day period will exclude the day of the meeting, along with Saturdays, Sundays and legal holidays.

3.3. ~~Special and Emergency Meetings -- The notice of any special or emergency meeting shall be published in the State Register, at least five days prior to the date of the meeting, and on the Board’s website, and shall include the date, time, place and purpose of the meeting. Any notice of an emergency meeting shall state the facts and circumstances of the emergency. In the event of an emergency requiring immediate official action, the Board will file an emergency meeting notice at any time prior to the meeting. The emergency meeting notice shall state the date, time, place and purpose of the meeting and the facts and circumstances of the emergency.~~

3.4. The minutes of the Board will be open to the inspection of any member of the public at the Charleston office, as provided by W. Va. Code §6-9A-5.

§156-2-4. Conduct of Meetings.

4.1. All meetings must be open to the public, although the Board may, either on its own initiative or upon the request of an interested party, hold an executive session during a meeting after its presiding officer has identified the authorization under W. Va. Code §6-9A-1 for the holding of such executive session and has presented it to the governing body and to the general public, as required by W. Va. Code §6-9A-4. An executive session will only be held upon a majority affirmative vote of the Board members present.

4.2. Persons desiring to address the Board are encouraged to make arrangements in advance with the Board. However, advance arrangements are not necessary as such person may sign in prior to the scheduled commencement of any regular or special meeting. Any speaker shall provide his/her name, mailing address, telephone number and the subject to be addressed.

Presentations shall be limited to five minutes, unless otherwise designated by the Board. Delegations are encouraged to use a spokesperson to present their concerns or proposals.

§156-2-5. Meeting by Conference Call.

~~5.1~~ Occasions may arise when one or more Board members are not available to attend a meeting in person. On such occasions, members may attend and participate in the meeting by telephone or video teleconference to the same extent as if physically present. A speakerphone or other audio/video device shall be used at the meeting site to enable those present, including the public, to hear/see the members who are attending and participating by telephone or video teleconference.