

**WEST VIRGINIA
SECRETARY OF STATE
BETTY IRELAND
ADMINISTRATIVE LAW DIVISION**

Form #5

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**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY: Public Employees Grievance Board TITLE NUMBER: 156CSR2

CITE AUTHORITY: Sections 6-9A-3, 6C-3-4(b)

RULE TYPE: PROCEDURAL INTERPRETIVE

EXEMPT LEGISLATIVE RULE

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 2

TITLE OF RULE BEING AMENDED: Notice and Conduct of Meetings

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS April 28, 2008


Authorized Signature

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**TITLE 156
PROCEDURAL RULE
WEST VIRGINIA 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., 6C-3-1.

1.3. Filing Date. -- February 14, 2008

1.4. Effective Date. -- March 31, 2008

§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 § 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 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 <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. Emergency Meetings -- 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.

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.

Joe Manchin III
Governor

Robert W. Ferguson, Jr.,
Cabinet Secretary
Department of Administration

Robin B. Perdue
Director



Public Employees Grievance Board

Grievance Board
Bob Brown
Chairman
Melissa Lampinen
Secretary-Treasurer
Marc L. Harman
Dr. Charles H. Polk
David W. Roberts

March 26, 2008

Ms. Judy Cooper
Manager, Administrative Law
Secretary of State
Bldg. 1, Suite 157-K
1900 Kanawha Blvd. East
Charleston, WV 25305-0770

Dear Ms. Cooper,

Attached is the final version of Procedural Rule 156CSR2.

There were no comments to the proposed changes and the rule is to be adopted as proposed.

Thank you for your help in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Robin B. Perdue".

Robin B. Perdue
Director

Enclosures

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<http://pegboard.state.wv.us>

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