

**WEST VIRGINIA  
SECRETARY OF STATE  
KEN HECHLER  
ADMINISTRATIVE LAW DIVISION**

Form #5

Do Not Mark In This Box

FILED

2002 JUL 11 A 9:59

WEST VIRGINIA  
SECRETARY OF STATE

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

AGENCY: WV Education and State Employees Grievance Board TITLE NUMBER: 156

CITE AUTHORITY: W. Va. Code §§ 6-9A-3, 18-29-5 & 29-5A-5

RULE TYPE: PROCEDURAL XX INTERPRETIVE \_\_\_\_\_

EXEMPT LEGISLATIVE RULE \_\_\_\_\_

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW  
\_\_\_\_\_

AMENDMENT TO AN EXISTING RULE: YES \_\_\_\_\_ NO XX

IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_  
\_\_\_\_\_

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 2

TITLE OF RULE BEING PROPOSED: Notice and Conduct of Meetings  
\_\_\_\_\_

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE  
EFFECTIVE DATE OF THIS RULE IS August 11, 2002

  
Authorized Signature

**SCANNED**

156 CSR 2

FILED

2002 JUL 11 A 10:00

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

WEST VIRGINIA  
SECRETARY OF STATE

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.
- 1.3. Filing Date –
- 1.4. Effective Date –

**§156-2-2. Preface.**

2.1. The West Virginia Legislature has provided in Article 9A of Chapter 6 of the West Virginia Code 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 Section 3, Article 9A, Chapter 6, of the West Virginia Code 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. Section 5, Article 29, Chapter 18 of the West Virginia Code 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. Section 5, Article 6A, Chapter 29 of the West Virginia Code 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.

**§156-2-3. Notice of Meetings.**

3.1. The Education and State 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). 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.

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 West Virginia 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 Article 9A of Chapter 6 for the holding of such executive session and has presented it to the governing body and to the general public, as required by Section 4, Article 9A, Chapter 6 of the West Virginia Code. 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.



**WEST VIRGINIA EDUCATION AND  
STATE EMPLOYEES GRIEVANCE BOARD**  
**BOB WISE**  
Governor

**MEMBERS**  
Billy Coffindaffer  
Roger Smith II  
Lowell Witters

**DIRECTOR**  
Ronald Wright

808 Greenbrier Street  
Charleston, WV 25311  
Telephone (304) 558-3361  
FAX (304) 558-1106  
Toll-Free (866) 747-6743  
E-MAIL:  
wvgb@state.wv.us

INTERNET:  
www.state.wv.us/admin/  
grievanc/grievanc.htm

**MEMORANDUM**

**TO:** Judy Cooper, Administrative Law Division  
Secretary of State's Office

**FROM:** Ron Wright *RW*

**RE:** New Procedural Rule 156 CSR 2  
Open Meetings Law

**DATE:** July 9, 2002

The Comment Period for the Grievance Board's new procedural rule expired on June 28. No comments were received during this period, and no changes were made to the rule as filed for comment.

On July 2, 2002, the Board met and authorized me to file the enclosed rule. Form 5 has been completed, and signed by Cabinet Secretary Greg Burton, the appropriate authority for the Department of Administration. A copy of the rule in Word Perfect format on a floppy disk is also attached.

As we discussed on July 8, the filing dates and effective dates for the rule have been left blank. This information is to be filled in by your office once the forms and documents have been received.

Thank you, as always, for your courteous and professional assistance.

**RECEIVED**

JUL 11 2002

**JOE MANCHIN III**  
**WV SECRETARY OF STATE**