

**TITLE 128  
PROCEDURAL RULES  
WEST VIRGINIA BOARD OF TRUSTEES**

**SERIES 52  
CLASSIFIED EMPLOYEE GRIEVANCE PROCEDURES**

**§128-52-1. General.**

1.1. Scope. -- Policy regarding classified employee grievance procedure.

1.2. Authority. -- W. Va. Code §18-26

1.3. Filing Date. -- December 13, 1985

1.4. Effective Date. -- February 11, 1986

1.5. Repeal of former rule. -- Revises and replaces Policy Bulletin No. 52, effective July 10, 1984.

**§128-52-2. Filing Option.**

2.1. A staff member shall have the option of filing grievances (1) in accordance with the provisions of this Series; or (2) in accordance with the provisions of article twenty-nine, chapter eighteen of the Code of West Virginia. Copies of the Code sections are available in the office of the President at each institution.

**§128-52-3. Definition of Work Week.**

3.1. The purpose of this policy is to assist the employee and employer in arriving at a satisfactory resolution to differences involving work related matters. The emphasis of discussion should be positive and reflect good communication between the two (2) parties, resulting in a fair and effective resolution to the grievance. For the purpose of this policy, the definition of work week is the total work schedule of the aggrieved employee. Work release time will be granted to the grievant, committee member and to those employees who are called as witnesses to attend hearings on a particular grievance.

**§128-52-4. Grievance Procedures.**

4.1. An employee with a complaint should discuss, or attempt to discuss the problem with his/her immediate supervisor in an attempt to resolve the matter informally. This informal attempt at problem solving should take place within five (5) work days after the disagreement or incident occurs and/or the employee becomes aware of the incident. In the event an employee and his/her immediate supervisor are unable to resolve the problem, then step one (1) may be initiated.

(a) Step one. -- The grievant shall present in writing his/her grievance to the immediate supervisor, summarizing the relevant points from the initial discussion and requesting and receiving any letters or documents needed from the grievant's file. The grievant should state his/her written grievance to his/her immediate supervisor within five (5) work days of their original discussion.

4.2. The immediate supervisor must respond in writing within five (5) work days upon receipt of the grievant's written statement. The immediate supervisors' response shall explain in detail the reasons for or policies used in reaching his/her decision on the matter.

(a) Step two. -- If the grievant does not feel the grievance has been answered satisfactorily in step one, he/she may proceed to step two. The grievant shall present his/her grievance in writing to the person occupying the position one (1) level above his/her immediate supervisor or the appropriate dean or director. The grievant must do this within five (5) work days following the completion of step one. The person to whom the grievance is submitted must respond in writing to the grievant within five (5) work days.

4.3. If the person occupying the position one (1) level above the immediate supervisor is the President of the institution, the grievant should skip step two and proceed directly to step three.

(a) Step three. -- This is the final step in the grievance procedure. If the grievant does not feel the grievance has been answered satisfactorily in step two, he/she may proceed to this level. In step three, the employee must decide to have his/her grievance heard in one (1) of the following manners and notify the personnel director.

(1) The institution's President or his/her designee.

(2) A three (3) person committee, one (1) selected by the grievant, one (1) selected by the person against whom the grievance was filed and the third person selected by the two (2) panel members previously chosen. If they cannot agree, the third person shall be selected by the institution president and becomes the committee chairperson.

(3) A panel of three (3) employees appointed by the institution president. (No more than one (1) member of this panel can be from the grievant's grade classification).

4.4. The grievant must initiate step three within ten (10) work days after receiving a response in step two. The final hearing, in step three, must be convened within thirty (30) work days of the grievant's submission of final appeal. The hearing shall be recorded on tape. A transcript shall be prepared upon request at the expense of the requesting party.

4.5. Following the appeal hearing, a written recommendation with all supporting documents, will be sent to the president within ten (10) work days. The president will render a written decision within ten (10) work days from the receipt of this recommendation. A copy of the decision will be sent to both parties involved in the grievance.

**§128-52-5. Additional Procedures and Definitions.**

5.1. The personnel director (unless he/she is an involved party) or his/her designee will be assigned the duties of providing coordination for the grievance procedures when a grievance is filed, to include providing for tape recording.

5.2. Periods of time indicated, within which an answer must be given do not commence until the first work day following the initiation of the previous step.

5.3. If time requirements are not met by the grievant or the employer, the decision will be made against the party failing to meet the prescribed deadlines. Extensions of time limits at each step may be granted if both parties concur in writing prior to the expiration of the established time limit or if either party has a verifiable sickness, accident, or scheduled absence from campus.

5.4. An aggrieved employee may have another employee assist him/her in the grievance procedure. The assisting employee cannot be an attorney.

5.5. Grievance issues must be those that are work related matters.

5.6. The aggrieved employee should stipulate in his/her initial appeal what redress is sought.

5.7. The relief sought must be within the capability of the institution to grant.

5.8. In any instance where legal counsel contacts personnel involved at any step in the grievance procedure that person should be referred immediately to the personnel director or, the president's designee. This counsel should be referred to the Assistant Attorney General assigned to the Board of Trustees.

5.9. The first step supervisor and the second step administrator may have another employee assist him/her in the procedure. The assisting employee cannot be an attorney.

5.10. No reprisals of any kind shall be taken by the Board of Trustees, institution or

administration, or any supervisor against any party in interest, any representative, or any participant in the grievance procedure by reason of such participation. This will include anyone in the grievance procedure who may participate either as a witness or members of the hearing panel.

5.11. For the purpose of this policy, the definition of work day is the usual work day schedule of the grievant.

5.12. Work release time for the purpose of this policy is paid time that is not charged to sick leave, annual leave, and is not required to be made up or added into overtime calculations.