

DEPARTMENT OF EDUCATION AND THE ARTS
Office of the Secretary

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Gaston Caperton
Governor

Barbara Harmon-Schamberger
Cabinet Secretary

December 16, 1993

The Honorable Ken Hechler
Secretary of State
State Capitol Building
Charleston, WV 25305

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

DEC 16 4 21 PM '93

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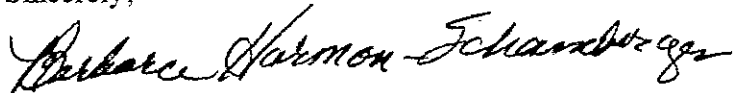
Dear Secretary Hechler,

I hereby grant consent as required pursuant to WV Code §5F-2-2 to the repeal of the following procedural rule of the University System of the West Virginia Board of Trustees.

Title 128, Series 52: Classified Employee Grievance Procedures

A letter from Chancellor Manning explaining the recision and a copy of the rule are attached.

Sincerely,



Barbara Harmon-Schamberger
Secretary

BHS:mc

Attachment

cc: Dr. Chancellor Manning
Dr. John Thralls

UNIVERSITY SYSTEM OF WEST VIRGINIA BOARD OF TRUSTEES

1018 KANAWHA BOULEVARD, EAST
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CHARLESTON, WEST VIRGINIA 25301 - 2827

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John R. Hoblitzell
Chairman

Charles W. Manning
Chancellor

November 16, 1993

Ms. Barbara Harmon-Schamberger
Secretary, Education and the Arts
Capitol Building
Charleston, West Virginia 25305

Dear Secretary Harmon-Schamberger,

The Board of Trustees voted to rescind Title 128, Series 52: *Classified Employee Grievance Procedures*.

Series 52 provided a grievance procedure for classified employees. Prior to the enactment in 1985 of the West Virginia Education Employees Grievance Procedure set out in W.Va. Code § 18-29-1 *et seq.*, Series 52 offered the only mechanism for a classified employee to grieve. After the enactment of W.Va. Code § 18-29-1 *et seq.*, a classified employee could opt to pursue a grievance through either the statutory procedure or the internal one of the Board.

Series 52 was rarely used by classified employees, who prefer the statutory procedure. There are a number of reasons for this. The statutory procedure provides greater rights to grievants, is better understood, and provides for a hearing by examiners outside of the higher education system. The statutory procedure made Series 52 effectively superfluous.

Rescinding Series 52 simplified the initiation and processing of grievances. Grievants will no longer have to make an initial selection of grievance procedure and human resource offices will more easily counsel and advise regarding procedure. With two procedures, there was often confusion regarding which procedure is being utilized and application of law to the different procedures.

Marshall University
University of West Virginia College of Graduate Studies
West Virginia School of Osteopathic Medicine
West Virginia University
Potomac State College of West Virginia University
West Virginia University at Parkersburg

The Board advised the institutions of its intent to rescind Series 52 and solicited comment. The Classified Staff Advisory Council supported the rescission and no negative comments were received.

If you approve of this action, please indicate your approval to the Secretary of State's office for final action. Thank you.

Sincerely,


Charles W. Manning
Chancellor

Enclosure

Series 52: Classified Employee Grievance Procedures

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