



**WEST VIRGINIA DIVISION OF ADMINISTRATIVE SERVICES  
AGENCY POLICY STATEMENT**

**SUBJECT: EMPLOYEE GRIEVANCE PROCEDURE**

**INDEX NUMBER: 129.00.00**

**EFFECTIVE DATE: 16 August 2021**

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**PURPOSE:** To assure compliance with statutory provisions, as codified in §15A-9-1, *et seq.*, intended to provide employees of the Division of Administrative Services (DAS) an equitable and consistent procedure for the resolution of grievances.

**REFERENCE:** West Virginia Code §6C-2-1, *et seq.*, §15A-2-1, *et seq.*, and 15A-9-1, *et seq.*; and the West Virginia Public Employees Grievance Board (hereinafter, “the Board”) Procedural Rule 156CSR1 *et seq.*

**RESPONSIBILITY:** No additional written instructions on this subject are required.

**CANCELLATIONS:** Any previous written or verbal instruction on this subject.

**APPLICABILITY:** Those DAS employees identified as covered by the West Virginia Employees Grievance Procedure (WV Code §6C-2-1, *et seq.*).

**DEFINITIONS:** Definitions of terms relevant to the Public Employees Grievance Procedure may be found at West Virginia Code §6C-2-2 on the Board’s website.

**POLICY:**

- I. Some DAS employees are covered by the West Virginia Employees Grievance Procedure (WV Code §6C-2-1, *et seq.*). Other employees, for example, temporary, or exempt employees may have limited or no grievance coverage.
- II. The Board’s website located online at <https://pegb.wv.gov/Pages/default.aspx> is the best, readily available, online source to employees regarding the grievance procedure, definitions of terms, the levels contained in the procedure, grievance forms, and a wealth of other helpful information.
- III. In the event of any conflict between this policy and the applicable provisions of the West Virginia Code, or the applicable Legislative Rules, or Grievance Board Policies, the West Virginia Code, the Legislative Rules, or Grievance Board Polices shall control.
- IV. **Filing a Grievance**
  - A. A DAS employee must file their written grievance on the appropriate form approved by the Board. The written grievance form submitted by the employee

must state the nature of the grievance, the relief requested, and follow the instructions of the Grievance Board that accompany the grievance form. 7

- B. A grievance filed by a DAS employee shall be filed only to the Director of the Division of Administrative Services; no other DAS supervisors or managers are authorized to receive employee grievances on behalf of DAS. Where grievances are sent by mail, they must be sent by U.S. Mail and not the state internal mail system. The employee is also responsible to file a copy of the grievance with the Board, in a manner as outlined by the Board, and a copy to the Director of the Division of Personnel, in a manner as outlined by the Board. **The grievance form available on the Board's website contains an instruction sheet along with the mailing addresses for the Board and the Division of Personnel.**
- C. Any employee covered by the grievance procedure may designate a representative who may be present at any step of the procedure.
- D. The Director shall ensure the grievance is submitted to the Chief Hearing Examiner, who serves as the Director of the Office of Administrative Hearings, a separate operating agency within the Department of Homeland Security, as provided in WV Code §15A-9-1, *et seq.*

V. Agency Representation

- A. Legal representation for the agency may only be requested by the Director, or an appropriate individual as designated by the Director.
- B. The Director, or an appropriate individual as designated by the Director may assign an employee to serve as DAS's administrative representative for an employee grievance. The administrative representative is generally responsible to gather and review all pertinent information, documentation, or other evidence, to testify as needed, assist in assembling a list of other agency witnesses to testify at a conference or hearing, and to assist DAS's legal counsel as needed.
- C. When mediation is being conducted the Director or a person designated by the Director may appear in person on behalf of DAS with full settlement authority relating to the matter.

ATTACHMENT(S): None.

APPROVED SIGNATURE: \_\_\_\_\_

  
Michael V. Coleman, Director



Date