

UNITED ELECTRICAL, RADIO AND
MACHINE WORKERS OF AMERICA

UE LOCAL 170
WEST VIRGINIA PUBLIC WORKERS
UNION



HOW TO REQUEST DISCOVERY

DATE:

AGENCY LAWYER'S NAME

LEGAL DIVISION

WV DIVISION OF HIGHWAYS

BLDG 5 ROOM 519a

CHARLESTON, WV 25305

HOW TO REQUEST DISCOVERY

DATE:

AGENCY LAWYER'S NAME

LEGAL DIVISION

WV DEPARTMENT OF HEALTH AND HUMAN
RESOURCES

812 QUARRIER STREET 2ND FLOOR
CHARLESTON, WV 25301

DISCOVERY CONTINUED

IN ORDER TO PROPERLY REPRESENT “MEMBER” IN HIS GRIEVANCE AGAINST RESPONDENT, DOCKET # 2018-0666-(DHHR,DOH) THE UNION REQUESTS COPIES OF THE FOLLOWING:

ANY AND ALL DOCUMENTS AND MATERIALS RELEVANT TO THE ALLEGATION THAT WAS THE BASIS OF RESPONDENT’S DECISION TO SUSPEND AND DISMISS GRIEVANT FROM HIS/HER POSITION.

YOUR COOPERATION IN THIS MATTER IS GREATLY APPRECIATED.

WITH REGARDS,

NAME,
ADDRESS,

Cc; WEST VIRGINIA PUBLIC EMPLOYEES GRIEVANCE BOARD

MOTION TO COMPEL DISCOVERY

MEMBERS NAME,
GRIEVANT,

VS.

DOCKET 2018-0666-(DHHR-DOH)

WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES

RESPONDENT,

MOTION TO COMPEL DISCOVERY

COMES NOT THE GRIEVANT BY REPRESENTATIVE IN THE ABOVE- STYLED MATTER AND MOVES TO COMPEL RESPONDENT TO PRODUCE DISCOVERY:

- 1.) ON (DATE), GRIEVANT'S REPRESENTATIVE MADE A REQUEST FOR DISCOVERY LISTING 2 TIMES. RESPONDENT DID NOT PROVIDE VIDEO FOOTAGE RELIED UPON IN THE DECISION TO DISMISS AND REFERRED TO IT IN THE PREDETERMINATION HEARING.

WHEREFORE, GRIEVANT RESPECTFULLY REQUESTS THAT THIS MOTION BE GRANTED.

RESPECTFULLY SUBMITTED,
ON BEHALF OF GRIEVANT,

NAME,
ADDRESS,
DATE

Cc: (AGENCY LAWYER) VIA EMAIL

HOW TO REQUEST FOIA

DATE:

FOIA COMPLIANCE OFFICER
WV DIVISION OF HIGHWAYS
BUILDING 5 ROOM 519A
CHARLESTON, WV 25305

PURSUANT TO THE STATE OPEN RECORDS LAW, WEST VIRGINIA CODE §29b-1-1 TO §29B-1-7, I WRITE TO REQUEST ACCESS TO AND COPIES OF ALL DOCUMENTS, AGREEMENTS, CONTRACTS AND PURCHASE ARRANGEMENTS RELATED TO THE ACQUISITION, STORAGE AND USE OF SALT BRINE FROM GAS WELLS.

I AGREE TO PAY ANY REASONABLE COPYING AND POSTAGE FEES. PLEASE PROVIDE A RECEIPT INDICATING THE CHARGES FOR EACH DOCUMENT

AS REQUIRED BY THE OPEN RECORDS LAW, I WOULD REQUEST YOUR RESPONSE WITHIN THE FIVE (5) WORKING DAYS.

SINCERELY,

NAME,
ADDRESS,

Cc: UNIONS ATTORNEY

FOIA CONTINUED

DATE:

BUREAU FOR BEHAVIORAL HEALTH AND HEALTH FACILITIES
FOIA COMPLIANCE
WV DEPARMTENT OF HEALTH AND HUMAN RESOURCES
1 DAVIS SQUARE
CHARLESTON, WV 25301

PURSUANT TO THE STATE OPEN RECORDS LAW, WEST VIRGINIA CODE §29B-1-1 TO § 29B-1-7, I WRITE TO REQUEST COPIES OF ALL REPORTS, DOCUMENTS , EMAILS, CONTRACT BID REQUESTS AND CONTRACTS RELATED TO OUTSOURCING OF DIRECT CARE STAFF AT HOPEMONT, SHARPE AND OTHER BUREAU FACILITIES.

I AGREE TO PAY ANY REASONABLE COPYING AND POSTAGE FEES. PLEASE PROVIDE A RECEIPT INDICATING THE CHARGES FOR EACH DOCUMENT.

AS REQUIRED BY THE OPEN RECORDS LAW, I WOULD REQUEST YOUR RESPONSE WITHN FIVE (5) WORKING DAYS.

SINCERELY,

NAME,
ADDRESS,

Cc; Unions attorney

UNCLE ALBERT WANTS YOU



TO JOIN A UNION!

"I consider it important, indeed, urgently necessary for intellectual workers to get together, both to protect their own economic status and, also, generally speaking, to secure their influence in the political field."

Albert Einstein, charter member APT Local 552 at Princeton University, comments on why he joined the union

HE WAS SMART ENOUGH TO JOIN... ARE YOU?



West Virginia grievance procedure

CHAPTER 6C. PUBLIC EMPLOYEES.

ARTICLE 2. WEST VIRGINIA PUBLIC EMPLOYEES GRIEVANCE PROCEDURE.

§6C-2-1. Purpose.

(a) The purpose of this article is to provide a procedure for the resolution of employment grievances raised by the public employees of the State of West Virginia, except as otherwise excluded in this article.

(b) Resolving grievances in a fair, efficient, cost-effective and consistent manner will maintain good employee morale, enhance employee job performance and better serve the citizens of the State of West Virginia.

(c) Nothing in this article prohibits the informal disposition of grievances by stipulation or settlement agreed to in writing by the parties, nor the exercise of any hearing right provided in chapter eighteen or eighteen-a of this code. Parties to grievances shall at all times act in good faith and make every possible effort to resolve disputes at the lowest level of the grievance procedure.

(d) Effective July 1, 2007, any reference in this code to the education grievance procedure, the state grievance procedure, article twenty-nine, chapter eighteen of this code or article six-a, chapter twenty-nine of this code, or any subsection thereof, shall be considered to refer to the appropriate grievance procedure pursuant to this article.

Right to representation

§6C-2-3

(g)

Representation and disciplinary action. –

(1) An employee may designate a representative who may be present at any step of the procedure as well as at any meeting that is held with the employee for the purpose of discussing or considering disciplinary action.

Grievance procedure

- (2) An employee may not be compelled to testify against himself or herself in a disciplinary grievance hearing.
- (h) Reprisal. -- No reprisal or retaliation of any kind may be taken by an employer against a grievant or any other participant in a grievance proceeding by reason of his or her participation. Reprisal or retaliation constitutes a grievance and any person held responsible is subject to disciplinary action for insubordination.

Grievance procedure

- (i) Improper classification. -- A supervisor or administrator responsible for a willful act of bad faith toward an employee or who intentionally works an employee out of classification may be subject to disciplinary action, including demotion or discharge.
- (k) Discovery. -- The parties are entitled to copies of all material submitted to the chief administrator or the administrative law judge by any party.

Grievance procedure

(o) Scheduling. -- All proceedings shall be scheduled during regular work hours in a convenient location accessible to all parties in accommodation to the parties' normal operations and work schedules. By agreement of the parties, a proceeding may be scheduled at any time or any place. Disagreements shall be decided by the administrative law judge.

(p) Attendance and preparation. --

(1) The grievant, witnesses and an employee representative shall be granted reasonable and necessary time off during working hours to attend grievance proceedings without loss of pay and without charge to annual or compensatory leave credits.

Grievance procedure

(2) In addition to actual time spent attending grievance proceedings, the grievant and an employee representative shall be granted time off during working hours, not to exceed four hours per grievance, for the preparation of the grievance without loss of pay and without charge to annual or compensatory leave credits. However, the first responsibility of any employee is the work assigned to the employee. An employee may not allow grievance preparation and representation activities to seriously affect the overall productivity of the employee.

(3) The grievant and an employee representative shall have access to the employer's equipment for purposes of preparing grievance documents subject to the reasonable rules of the employer governing the use of the equipment for nonwork purposes.

Grievance procedure

(3) Level one hearing. -- The chief administrator shall hold a level one hearing within fifteen days of receiving the grievance. A level one hearing is a recorded proceeding conducted in private in which the grievant is entitled to be heard and to present evidence; the formal rules of evidence and procedure do not apply, but the parties are bound by the rules of privilege recognized by law. The parties may present and cross-examine witnesses and produce documents, but the number of witnesses, motions and other procedural matters may be limited by the chief administrator. The chief administrator shall issue a written decision within fifteen days of the level one hearing.

(4) An employee may proceed directly to level three upon the agreement of the parties or when the grievant has been discharged, suspended without pay or demoted or reclassified resulting in a loss of compensation or benefits. Level one and level two proceedings are waived in these matters.

Grievance procedure

2) Conference. -- The chief administrator shall hold a conference within ten days of receiving the grievance. A conference is a private, informal meeting between the grievant and the chief administrator to discuss the issues raised by the grievance, exchange information and attempt to resolve the grievance. The chief administrator may permit other employees and witnesses to attend and participate in a conference to reach a resolution. The chief administrator shall issue a written decision within fifteen days of the conference.

Grievance procedure

(b) Level two: Alternative dispute resolution. --

(1) Within ten days of receiving an adverse written decision at level one, the grievant shall file a written request for mediation, private mediation or private arbitration.

(2) Mediation. -- The board shall schedule the mediation between the parties within twenty days of the request. Mediation shall be conducted by an administrative law judge pursuant to standard mediation practices and board procedures at no cost to the parties. Parties may be represented and shall have the authority to resolve the dispute. The report of the mediation shall be documented in writing within fifteen days. Agreements are binding and enforceable in this state by a writ of mandamus.

(3) Private mediation. -- The parties may agree in writing to retain their choice of a private mediator and share the cost. The mediator shall schedule the mediation within twenty days of the written request and shall follow standard mediation practices and any applicable board procedures. Parties may be represented and shall have the authority to resolve the dispute. The report of the mediation shall be documented in writing within fifteen days. Agreements are binding and enforceable in this state by a writ of mandamus.

Grievance procedure

(c) Level three hearing. --

(1) Within ten days of receiving a written report stating that level two was unsuccessful, the grievant may file a written appeal with the employer and the board requesting a level three hearing on the grievance. State government employees shall further file a copy of the grievance with the Director of the Division of Personnel.

(2) The administrative law judge shall conduct all proceedings in an impartial manner and shall ensure that all parties are accorded procedural and substantive due process.

(3) The administrative law judge shall schedule the level three hearing and any other proceedings or deadlines within a reasonable time in consultation with the parties. The location of the hearing and whether the hearing is to be made public are at the discretion of the administrative law judge.

(4) The administrative law judge may issue subpoenas for witnesses, limit witnesses, administer oaths and exercise other powers granted by rule or law.

Grievance procedure

(5) Within thirty days following the hearing or the receipt of the proposed findings of fact and conclusions of law, the administrative law judge shall render a decision in writing to all parties setting forth findings of fact and conclusions of law on the issues submitted.

(6) The administrative law judge may make a determination of bad faith and, in extreme instances, allocate the cost of the hearing to the party found to be acting in bad faith. The allocation of costs shall be based on the relative ability of the party to pay the costs.



How the boss keeps us disorganized

When you're assessing why more people haven't stepped up to take on the boss, it's important to find out the actual reasons why. You have to diagnose the problem before you can write the prescription. It's not apathy – but what is it?

Step back from your frustration and look at things from an organizing perspective. This chart shows 5 common problems and how you can help your co-workers get past them:

How the boss keeps us disorganized continued

The boss relies on.....

Fear of conflict and retaliation

Hopelessness, the feeling that things can't change and we have no power.

Division, putting workers against each other.

Confusion, passing around messages that will alarm and distract us.

Inaction, since problems can't be solved, so why bother?

How the boss keeps us disorganized continued

The organizer...

... taps into righteous anger about workplace injustices.

... helps develop a plan to win and shares examples of victories elsewhere.

... identifies common ground and builds relationships.

... interprets and shares information, fitting it into a bigger picture.

... mobilizes co-workers to do something together.

How the boss keeps us disorganized continued

Co-workers find...

- ... the courage and determination to act.
- ... hope that change is possible and worth fighting for.
- ... unity to act together
- ... clarity to see through the boss's plan
- ... that action gets results and solves problems.

Scenario one

A dhhr union employee is informed by his/her supervisor that another member is scheduled to report to an office in ten minutes to be interviewed about an incident. When the employee asks why, the employee is told that it is part of an investigation and the employee's attendance is required. What should the employee do?????

Scenario two

A doh union member is told to report to his/her supervisors office. When the employee arrives, the supervisor begins reading from either a report of significant incident (rso) or an (rl-544). What should the employee do???

Scenario three

A dhhr union member is called to his/her supervisors office., and, without any further discussion, is handed a “record of counseling” or a “written reprimand” and told to go back to work. What should this member do???

Further questions

If a worker, when called into a meeting that could result in disciplinary action; does not ask for a union representative, is the absence of a representative illegal???

Further questions continued

Does it matter, for a worker to request representation if the person or persons conducting the interview or meeting with the employee are not able to impose or even recommend discipline???

Further questions continued

If a member requests
representation, can the
supervisor or anyone else chose
who that members representative
is???

Further questions continued

If an member designates a specific representative, can the meeting be rescheduled if that representative is not immediately available???

Who are we???

Now, go kick
your boss's

Ass!!!

