

CITY OF RICHMOND PERSONNEL BOARD



2021 ANNUAL ACTIVITY REPORT

(Calendar years 2020 through 2018 for comparison purposes)



CITY OF RICHMOND

INTRACITY CORRESPONDENCE

DATE: January 25, 2022

TO: The Honorable Kristen Larson, Chairperson, Governmental Operations Standing Committee
The Honorable Katherine Jordan, Vice-Chairperson
Governmental Operations Standing Committee Members

FROM: Veronica Kenner, Human Resources Specialist
Department of Human Resources *Veronica E. Kenner*

SUBJECT: City of Richmond Personnel Board 2021 Annual Activity Report

I am pleased to present the Personnel Board 2021 Annual Activity Report. This report reflects all activity for the 2021 calendar year and references, for comparison purposes, calendar years 2020 through 2018.

We thank the Personnel Board for their support and serving the City as members of this body. Please let me know if you have any questions or comments.

CC: Shannon Taylor, Chairperson, Personnel Board
LaForest Williams, Vice-Chairperson (Classified Services), Personnel Board
Personnel Board Members
Caryl Johnson, Esquire, Attorney of the Personnel Board, Personnel Board
Jonnell Lilly, Esquire, Attorney of the Personnel Board, Personnel Board
Mona Adkins-Easley, HR Director, Department of Human Resources (DHR)
Gayle O'Neal, Deputy Department Director, DHR
Nicole M. Carter, HR Manager, DHR
Adrienne Green, HR Specialist, DHR
Candice Reid, City Clerk, Office of the City Clerk (OCC)
Pamela Nichols, Senior Assistant City Clerk, OCC
Jamie Isley, Assistant City Clerk, OCC



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CITY OF RICHMOND'S PERSONNEL BOARD

The City of Richmond's Personnel Board [Board] consists of ten qualified voters who City Council appoints. The Board has two tenured employees of the classified service. The Board's General powers and duties according to Richmond City Code, Section 2-937 is to:

- Serve as a hearing panel and hear appeals of grievances filed by any employee in the classified service under procedures established by the City in compliance with Code of Virginia, § 15.2-1507.
- Review and hold public hearings on any proposed personnel rules and forward to the City Council and the Mayor its comments and recommendations relating to any such proposed personnel rule.
- Investigate any or all matters relating to conditions of employment in the service of the City.
- Receive and investigate complaints regarding alleged discrimination based on race, color, religion, national origin, sex, age, and disability from individual employees relating to such individual's employment with the City.

PERSONNEL BOARD¹

Shannon Taylor, Chairperson
LaForest Williams, Vice-Chairperson (Classified Services)
Lorraine Adeeb, Member
Rickie Chavis, Member (Classified Services)
Linda Jackson Shaw, Member
Larry Johnson, Sr., Member
Betty Squire, Member
Mary Lynn Tischer, Member
Samuel Towell, Member
Carletta Wilson, Member

ATTORNEYS OF THE PERSONNEL BOARD

Caryl Johnson, Esquire
Jonnell Lilly, Esquire

DEPARTMENT OF HUMAN RESOURCES

Mona L. Easley-Adkins, Director
Gayle O'Neal, Deputy Director
Nicole M. Carter, HR Manager
Adrienne Green, HR Specialist
Veronica E. Kenner, HR Specialist/ Secretary of the Board

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**CITY OF RICHMOND PERSONNEL BOARD
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GENERAL POWERS AND DUTIES

The Board operates under the description of powers and duties outlined in the City Code and the Personnel Rules. All hearings and meetings are conducted according to relevant provisions of the Code and state statutes. The Board seeks to hear and act on all matters coming before its attention in a prompt and responsible matter. The hearing decision of the Board shall be in writing and contain findings of fact as to the material issues in each case and the basis of the Board's conclusion.

MEETINGS/TRAININGS/DEPARTURES/APPOINTMENTS (2021)

General Board/ Executive Meetings:

- 3/29/2021
- 10/27/2021

Training:

- None

Departures:

- None

City Council Appointee:

- None

ATTENDEE COUNT (2021)

Attendees	Count
Shannon Taylor	6
LaForest Williams	8
Lorraine Adeeb	5
Rickie Chavis	3
Linda Jackson Shaw	6
Larry Johnson	4
Betty Squire	6
Mary Lynn Tischer	5
Samuel Towell	7
Carletta Wilson	6

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GRIEVANCE HEARINGS

This report only reflects grievances submitted to the Department of Human Resources for a grievability determination per Personnel Rule 7.6 Determination of Grievability. “Grievability” ruling shall mean whether or not the grievance qualifies for a hearing. In 2021, fifty-six (56) grievances were filed, and forty-five (45) qualified to be heard before the Board. This represents a 41% increase, equaling fifteen (15) more grievances filed from the previous calendar year.

According to Personnel Rule 7.12 Steps of the Grievance Process, all grievances (excluding dismissals) are heard in a four-step process. Steps One, Two, and Three are heard by the respective supervisor, the Appointing Authority, and the Chief Administrative Officer. An eligible employee who is dismissed shall have the right to appeal directly to the board according to Personnel Rule 7.13 Direct Appeals to the Personnel Board.

The Board convened to hear a total of six (6) grievances. ² The Board continues to hear grievances in a panel of five (5) members.

DECISIONS MADE BY THE BOARD

	Heard	Upheld	Modified	Overtured	Department Granted Relief ⁴
2021 ²	6	4	0	1	1
2020	6	4	-	2	-
2019	4	4	-	-	-
2018	4	2	1	1	-
TOTAL	20	14	1	4	1

COMPLAINTS HEARD BEFORE THE BOARD

	2021	2020	2019	2018
Demotion	1	-	-	-
Direct Appeal -Terminations	1	5	2	1
Disciplinary Actions	3	-	2	3
Evidentiary Hearing	-	1	-	-
Methods, Means by which personnel activities are carried on. ³	1	-	-	-
Misapplication of Policy	-	-	-	-
TOTAL	6	6	4	4

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DEPARTMENTS BROUGHT BEFORE THE BOARD

	2021	2020	2019	2018
Emergency Communication (E911)	-	-	-	-
Fire and Emergency Services	-	1	-	-
Justice Services	-	-	-	-
Police	2	-	2	3
Public Utilities	2	4	2	1
Public Work	-	1	-	-
Social Services	2	-	-	-
TOTAL	6	6	4	4

NUMBER OF GRIEVANCES FILED AND RULINGS

	Grievances Filed	Grievable Rulings	Non-Grievable Rulings
2021	56	45	11
2020	41	30	11
2019	24	16	8
2018	42	30	12
TOTAL	163	121	42

GRIEVANCES BY DEPARTMENT

	2021	2020	2019	2018
Community Wealth Building	-	-	-	-
Economic Development	1	-	-	-
Emergency Communication (E911)	-	-	-	1
Finance	-	3	-	5
Fire and Emergency Services	10	2	5	6
Human Resources	-	-	-	-
Information Technology	-	1	2	-
Justice Services	5	4	-	3
Library	-	-	-	-
Parks, Recreation and Community Facilities	1	-	-	-
Planning and Development Review	1	1	1	-
Police	31	11	10	17
Press Secretary	-	1	-	-
Procurement Services	-	-	-	1
Public Utilities	3	9	1	4
Public Work	3	6	2	3
Social Services	1	3	3	2
TOTAL	56	41	24	42

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GRIEVANCES BY COMPLAINT

	2021 ⁴	2020	2019	2018
Acts of Retaliation for utilizing the grievance process	1	-	-	-
Anti-Harassment/Discrimination	1	-	-	2
Assignment Demotions/Hiring Practices/Promotions	3	9	5	7
Benefits/Compensation/Classification	6	1	2	5
Disciplinary Actions	24	20	10	22
Direct Appeal - Terminations	5	7	3	4
Methods, Means by which personnel activities are carried on	1	-	-	-
Misapplication of Policy	18	4	4	1
Parking	-	1	-	-
Performance Evaluations	-	-	1	-
Transfer	1	-	-	-
Verbal Counseling	-	-	1	1
TOTAL	60	42	26	42

Additional Statistical Information and Responses

During the Coronavirus (COVID-19) pandemic, what safety measures have the Personnel Board implemented?⁵

To comply with Governor Ralph Northam’s social distancing requirement during the pandemic, all Personnel Board activities (Personnel Board Grievance Hearing and Personnel Board Executive Session/ General Board Meetings) were held through electronic communication means under and in compliance with Ordinance No. 2021-181, introduced June 14, 2021. Personnel Board Grievance Hearings were opened to participation through electronic communication means by participants (i.e., grievant and department’s representative to include their representation) and opened to in-person participation by participants (i.e., witnesses) in the Department of Human Resources located at City Hall, 900 East Broad Street, Suite 905, Richmond, Virginia 23219, and participated by teleconference/videoconference via Microsoft Teams meeting.

Less than a quorum of Personnel Board assembled for activities in the Department of Human Resources located at City Hall, 900 East Broad Street, Suite 905, Richmond, Virginia 23219, and participated by teleconference/videoconference via Microsoft Teams meeting.

The Microsoft Teams teleconference/videoconference numbers/hyperlinks were provided via email.

This Personnel Board Grievance activities were not live-streamed.

There were no opportunities for General Public to attend or comment at this hearing.

It should be noted that the above-listed ordinance expired on December 31, 2021.

SAFETY MEASURES

- All entering City Hall are required to wear face coverings.
- Participants appearing in-person will be assigned to a designated space in City Hall where they will comply with the social distancing requirements and provide the use of an electronic device.
- Common areas and hearing materials will be disinfected between witnesses.

What are the Decrease/Increase Comparisons for Subsequent Years?

- 2021 to 2020 – **36.59% Increase**
- 2019 to 2020 – 70.8% Increase
- 2019 to 2018 – 42.9% Decrease

The increase in the 2021 misapplication of policy grievances was due to employees filing grievances for their department's alleged violations of their internal processes. Those grievances were ruled as misapplication of policy; therefore, eligible to be heard before the Personnel Board.

2022 INITIATIVES

- Revision of the *Personnel Rules of the Classified Service* (effective May 28, 2013)
- Tentative, 2nd Annual Personnel Board Training
- Tentative, General Board Meeting

¹ The Code of Richmond, Section 2-936, there shall be a Personnel Board consisting of ten persons appointed by City Council who reside within the city, except that the two Board members who are members of the classified system of the city shall not be subject to this subsection's residency requirement.

² At the scheduled Personnel Board Grievance Hearing, the department granted the employee the requested relief. As a result, the Personnel Board did not render a decision.

³ Methods, means by which personnel activities are carried on are generally non-grievable. The employee appealed DHR's non-grievable determination ruling to Circuit Court. The Circuit Court overturned the non-grievable ruling; therefore, a Personnel Board Grievance Hearing was scheduled.

⁴ The grievance count includes multiple complaints filed on a single grievance form.

⁵ Executive Order Seventy-Two issued by Governor Ralph Northam on December 10th, indicates "All Public and Private In-Person Gatherings All public and private in-person gatherings of more than 10 individuals who do not live in the same residence are prohibited. A "gathering" includes, but is not limited to, parties, celebrations, or other social events, whether they occur indoors or outdoors. **The presence of more than 10 individuals performing functions of their employment or assembled in an educational instructional setting is not a "gathering."** The presence of more than 10 individuals in a particular location, such as a park or retail business is not a "gathering" as long as individuals do not congregate. This restriction does not apply to the gathering of family members, as defined in section II, subsection D, paragraph 2 living in the same residence."