

CITY OF RICHMOND PERSONNEL BOARD



2022 ANNUAL ACTIVITY REPORT

(Calendar years 2021 through 2019 for comparison purposes)



CITY OF RICHMOND

INTRACITY CORRESPONDENCE

DATE: January 5, 2023

TO: LaForest Williams, Chairperson (Classified Services), Personnel Board
Samuel Towell, Vice-Chairperson, Personnel Board

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

SUBJECT: City of Richmond Personnel Board 2022 Annual Activity Report

I am pleased to present the Personnel Board 2022 Annual Activity Report. This report reflects all activity for the 2022 calendar year and references, for comparison purposes, calendar years 2021 through 2019.

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

CC: Personnel Board Personnel Board Members
Governmental Operations Standing Committee Members
Caryl Johnson, Esquire, Attorney of the Personnel Board, Personnel Board
Jonnell Lilly, Esquire, Attorney of the Personnel Board, Personnel Board
Robin Redmond, Interim HR Director, Department of Human Resources (DHR)
Gerald "Wes" Westry, HR Division Chief, DHR
Candice Reid, City Clerk, Office of the City Clerk (OCC)
Pamela Nichols, Senior Assistant City Clerk, OCC



CITY OF RICHMOND PERSONNEL BOARD 2022 ANNUAL ACTIVITY REPORT

CITY OF RICHMOND'S PERSONNEL BOARD

The City of Richmond's Personnel Board [Board] consists of ten qualified voters whom 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 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 individuals' employment with the City.

PERSONNEL BOARD¹

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

ATTORNEYS OF THE PERSONNEL BOARD

Caryl Johnson, Esquire
Jonnell Lilly, Esquire

DEPARTMENT OF HUMAN RESOURCES

Robin Redmond, Interim HR Director, Department of Human Resources (DHR)
Gerald "Wes" Westry, HR Division Chief, DHR
Adrienne Green, HR Specialist
Veronica E. Kenner, HR Specialist/ Secretary of the 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 (2022)

General Board/ Executive Meetings:

- 8/31/2022, Training
- 12/12/2022, Meeting

Departure:

- Mary Lynn Tischer, 4/10/2022

City Council Appointee:

- Michelle Cutter, 6/13/2022

ATTENDEE COUNT (2022):

Attendees	Count
Lorraine Adeeb	4
Rickie Chavis	5
Michelle Cutter	5
Caryl Johnson	9
Larry Johnson	8
Jannel Lilly	2
Linda Jackson-Shaw	8
Betty Squire	7
Shannon Taylor	5
Nicole Thompson	1
Mary Lynn Tischer	3
Samuel Towell	5
LaForest Williams	10
Carletta Wilson	8

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 2022, 136 grievances were filed, and 46 qualified to be heard before the Board. This represents a 142% increase, equaling 80 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. The respective supervisor, the Appointing Authority, and the Chief Administrative Officer hear Steps One, Two, and Three of the Grievance Process. 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.

As a primary function, the Board is to convene in closed session to hear matters related to the employment of employees. In accordance with the Virginia Freedom of Information Act, § 2.2-3712. Closed meetings procedures; certification of proceedings. The Board can convene in close session to hear matters related to the assignment, appointment, promotion, performance, and discipline of employees.

The Board convened to hear a total of eleven (11) grievances. The Board continues to hear grievances in a panel of five (5) members.

DECISIONS MADE BY THE BOARD

	Convened	Upheld	Modified	Overtured	Department Granted Relief ²	Rescheduled - Provided Good Cause Was Shown ³
2022	10	3	1	4	0	2
2021	6	4	0	1	1	0
2020	6	4	0	2	0	0
2019	4	4	0	0	0	0
TOTAL	26	15	1	7	2	2

COMPLAINTS HEARD BEFORE THE BOARD ³

	2022	2021	2020	2019
Demotion	0	1	0	0
Direct Appeal -Terminations	3	1	5	2
Disciplinary Actions	3	3	0	2
Evidentiary Hearing	0	0	1	0
Methods, Means by which personnel activities are carried on ⁴	0	1	0	0
Misapplication of Policy	2	0	0	0
TOTAL	8	6	6	4

DEPARTMENTS BROUGHT BEFORE THE BOARD

	2022	2021	2020	2019
Fire and Emergency Services	1	0	1	0
Justice Services	1	0	0	0
Police	8	2	0	2
Public Utilities	0	2	4	2
Public Work	0	0	1	0
Social Services	0	2	0	0
TOTAL	10	6	6	4

NUMBER OF GRIEVANCES FILED AND RULINGS

	Grievances Filed	Grievable Rulings	Non-Grievable Rulings
2022	136	46	90
2021	56	45	11
2020	41	30	11
2019	24	16	8
TOTAL	257	137	120

GRIEVANCES BY DEPARTMENT

	2022	2021	2020	2019
Economic Development	0	1	0	0
Emergency Communication (E911)	2	0	0	0
Finance	0	0	3	0
Fire and Emergency Services	21	10	2	5
Housing and Development	1	0	0	0
Human Resources	2	0	0	0
Information Technology	0	0	1	2
Justice Services	3	5	4	0
Parks, Recreation and Community Facilities	1	1	0	0
Planning and Development Review	2	1	1	1
Police	96	31	11	10
Press Secretary	0	0	1	0
Public Utilities	4	3	9	1
Public Work	3	3	6	2
Social Services	1	1	3	3
TOTAL	136	56	41	24

GRIEVANCES BY COMPLAINT ⁵

	2022	2021	2020	2019
Acts of Retaliation for utilizing the grievance process	1	1	0	0
Anti-Harassment/Discrimination	1	1	0	0
Assignment Demotions/Hiring Practices/Promotions	2	3	9	5
Benefits/Compensation/Classification	91	6	1	2
Disciplinary Actions	25	24	20	10
Direct Appeal - Terminations	1	5	7	3
Methods, Means by which personnel activities are carried on	5	1	0	0
Misapplication of Policy	14	18	4	4
Parking	0	0	1	0
Performance Evaluations	0	0	0	1
Transfer	0	1	0	0
Verbal Counseling	1	0	0	1
TOTAL	141	60	42	26

Additional Statistical Information and Responses

In mid-2022, the Board resumed in-person Personnel Board Grievance Hearings and other activities. The Board continued to maintain the following SAFETY MEASURES:

- All entering participants were strongly encouraged to wear face coverings.
- Participants appearing in-person were assigned to a designated space in City Hall where they complied with the social distancing requirements and provided the use of an electronic device.
- Common areas and hearing materials were disinfected.

On December 12, 2022, the Board unanimously voted to allow in-person and electronic communication participation (as indicated by VFOIA) and to permit the Attorney of the Personnel Board to draft a policy to support the Board's position. In accordance with The Virginia Freedom of Information Act § 2.2-3708.3. (Effective September 1, 2022) - Meetings held through electronic communication means; situations other than declared states of emergency.

What are the Decrease/Increase Comparisons for Subsequent Years?

- 2022 to 2021 – 142% Increase
- 2021 to 2020 – 36.59% Increase
- 2019 to 2020 – 70.8% Increase

In 2022, the increase in grievances filed was due to disputes related to the revised pay ordinance (Ordinance 2022-069). Per Personnel Rule 7.5 – Rights Reserved – “*Nothing in these grievance and appeal procedures is intended to circumscribe or modify the exclusive right of the City to manage the affairs and operation of the City government. Accordingly, the following complaints are non-grievable (i) establishment and revision of wages or salaries, position classifications or general benefits...*”; therefore, the grievances were ruled non-grievable and did not qualify for a hearing before the Personnel Board.

In accordance with Personnel Rule 7.7 – Appeals of Grievability Decision, the grievant, could appeal the non-grievable decision to the Richmond Circuit Court, for a hearing on the issue of whether the complaint qualified as a grievance.

2022 INITIATIVES

- 2nd Annual Personnel Board Training, 8/31/2022
- Election of City Personnel Board Classified Service member, Election Day, December 20, 2022

2023 INITIATIVES

- Revision of the *Personnel Rules of the Classified Service* (effective May 28, 2013)
- 3rd Annual Personnel Board Training

- 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 The Board convened to hear two Personnel Board Grievance Hearings where the Board could not proceed due to (1) counsel requesting a continuance during opening statements and (2) counsel failure to attend. Therefore, the Hearings were rescheduled under Personnel Rule 8.3 Hearing by the Board; the Chairperson of the Board may grant continuances, provided good cause is shown.
- ⁴ 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.
- ⁵ The grievance count includes multiple complaints filed on a single grievance form.

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