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SENATE JOINT RESOLUTION NO. 98

Offered January 11, 2006

Prefiled January 11, 2006

Establishing a joint subcommittee to study the state employee grievance procedure. Report.

Patron—Lucas

Referred to Committee on Rules

WHEREAS, there are approximately 100,000 employees in the executive branch of state government; and

WHEREAS, most of these employees are subject to the provisions of the State Grievance Procedure (§ 2.2-3000 et seq. of the Code of Virginia); and

WHEREAS, the stated policy of the State Grievance Procedure is to (i) encourage the resolution of employee problems and complaints through free discussion between the employee and management without fear of retaliation, and (ii) afford an immediate and fair method for the resolution of employment disputes that may arise between state agencies and those employees; and

WHEREAS, the Department of Employment Dispute Resolution (DEDR) administers a comprehensive statewide program of employee relations management including alternative processes for resolving employment disputes; and

WHEREAS, under the process administered by DEDR, a grievance can have up to four phases: (i) management resolution steps; (ii) qualification for hearing; (iii) hearing; and (iv) review of the hearing decision; and

WHEREAS, an effective and viable employee resolution and grievance process is important for maintaining work morale and productivity; and

WHEREAS, there is a need to conduct a thorough review of the grievance procedure to ensure that the stated policy goals are being realized to the fullest extent; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That a joint subcommittee be established to study the state employee grievance procedure. The joint subcommittee shall have a total membership of nine legislative members appointed as follows: three members of the Senate to be appointed by the Senate Committee on Rules; and six members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates. The joint subcommittee shall elect a chairman and vice chairman from among its membership, who shall be members of the General Assembly.

In conducting its study, the joint subcommittee shall review thoroughly the phases of the grievance procedure to determine whether the policy objectives of the State Grievance Procedure are being achieved.

Administrative staff support shall be provided by the Office of the Clerk of the Senate. Legal, research, policy analysis, and other services as requested by the joint subcommittee shall be provided by the Division of Legislative Services. Technical assistance shall be provided by the Department of Employment Dispute Resolution and the Department of Human Resource Management. All agencies of the Commonwealth shall provide assistance to the joint subcommittee for this study, upon request.

The joint subcommittee shall be limited to four meetings for the 2006 interim, and the direct costs of this study shall not exceed \$9,000 without approval as set out in this resolution.

No recommendation of the joint subcommittee shall be adopted if a majority of the Senate members or a majority of the House members appointed to the joint subcommittee (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the joint subcommittee.

The joint subcommittee shall complete its meetings by November 30, 2006, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the 2007 Regular Session of the General Assembly. The executive summary shall state whether the joint subcommittee intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may approve or disapprove expenditures for this study, extend or

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59 delay the period for the conduct of the study, or authorize additional meetings during the 2006 interim.
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