

Issue: Group III Written Notice with Termination (failure to follow policy and computer misuse); Hearing Date: 01/23/18; Decision Issued: 02/12/18; Agency: VCCS; AHO: Ternon Galloway Lee, Esq.; Case No. 11135; Outcome: No Relief – Agency Upheld.

DECISION OF HEARING OFFICER

In the matter of

Case Number: 11135

Hearing Date: January 23, 2018

Decision Issued: February 12, 2018

SUMMARY OF DECISION

The Agency had found Grievant engaged in misconduct by failing to follow instructions and/or policy and by engaging in computer/internet misuse. The Agency then issued Grievant a Group III Written Notice with termination. The Hearing Officer found the Agency met its burden and upheld the discipline.

HISTORY

On October 10, 2017, the Agency issued Grievant a Group III Written Notice with termination for failure to follow policy and computer misuse. Grievant timely filed his grievance to challenge the Agency's action. Thereafter, on December 6, 2017, the Office of Equal Employment and Dispute Resolution ("EEDR") assigned the undersigned as the hearing officer to this appeal. The Hearing Officer then held a pre-hearing conference ("PHC") on December 13, 2017¹ and subsequently issued a scheduling order which, among other particulars, set the hearing for January 23, 2018.²

Prior to commencing the hearing on January 23, 2018, the Hearing Officer provided the parties an opportunity to present matters of concern. At that time, Grievant stated that an emergency situation had arisen which necessitated his leaving the hearing earlier than previously expected. Grievant did not request a continuance. After discussions and as an accommodation to Grievant, the parties concurred that Grievant would present his case first.

Even though Grievant had requested and caused the Hearing Officer to issue nine (9) witness orders for individuals to testify on his behalf, he only presented the testimony of two witnesses during the hearing. Grievant then represented that he had to leave and agreed to the release of any additional witnesses that had been summons on his behalf.³ Before leaving, Grievant was reminded that the Hearing Officer would permit the Agency to present its case in his absence, to which Grievant did not oppose. Further, Grievant was informed that he could submit a written closing argument. Grievant responded that he did not desire to do so. He then left the hearing. At that time, the Agency presented its case and closing argument.

¹ This was the first date that the parties were available.

² The parties agreed to this date.

³ As noted above, the Hearing Officer issued multiple witness orders for Grievant. All the subpoenaed witnesses appeared for the hearing. However, because Grievant elected to leave the hearing early, he only examined one of these witnesses. The remaining witnesses were released with the knowledge and approval of Grievant.

Prior to taking testimony, the Hearing Officer admitted the parties' exhibits without objection. They included the Agency's entire notebook binder containing Agency Exhibits 1 through 12 and Grievant's Exhibit comprising 21 pages.

Further, each party was given the opportunity to make an opening and closing statement and to cross examine any witness presented by the opposing party. Notwithstanding this opportunity, as previously referenced, Grievant elected to leave the hearing early and relinquished his chance to cross-examine the Agency's witnesses. Likewise, Grievant waived presenting a closing argument.

During the proceeding, an advocate represented the Agency. Grievant represented himself.

APPEARANCES

Advocate for Agency
Witnesses for the Agency (7 witnesses)
Grievant
Witnesses for Grievant 2 (joint witness and Grievant)
Joint Witness (1)

ISSUE

Was the written notice warranted and appropriate under the circumstances?

BURDEN OF PROOF

The burden of proof is on the Agency to show by a preponderance of the evidence that its disciplinary action against Grievant was warranted and appropriate under the circumstances. Grievance Procedure Manual ("GPM") §5.8(2). A preponderance of the evidence is evidence which shows that what is sought to be proved is more probable than not. GPM §9.

FINDINGS OF FACT

After reviewing all the evidence presented and observing the demeanor of each witness, the Hearing Officer makes the following findings of fact:

1. The Agency is a community college with several campuses.⁴ Grievant's Employee Work Profile (EWP) effective November 2016, described his job title as housekeeping manager. During the month of September 2017, Grievant was working in that capacity at the Agency's Campus 1. (A Exh. 10/1)

Core responsibilities under the EWP included, but were not limited to following Agency policy and managing time and attendance records. (A Exh. 10/3, §19).

⁴ For purposes of this decision, the Hearing Officer identifies Grievant as working on Campus 1.

2. In his position, Grievant supervised approximately 50 custodians, to include Daytime Lead Custodian 1 (Custodian 1). A particular duty of Grievant included approving time worked by his subordinates through the Human Resource Management System (HRMS).

The HRMS is the Agency's authorized timekeeping system of record for employees to record their hours worked and leave time taken. The HRMS system protocol was designed so that after an employee worked certain hours, the employee would access the computer system by way of his individualized password and input hours. Upon verifying the reported time, the supervisor would then access the system using his secured password and approve the subordinate's time. Under this system, no employee approved his own reported work hours.

By an agreement referenced below, the Agency gave Grievant access to the HRMS and authority to approve work time entered in the system by his subordinates.

(Testimonies of Chief Operating Officer and HRMS Manager).

SURVEILLANCE

3. On or about July 2017, some custodial employees reported to upper management that several employees working at Campus 1 were not working full work days, to include Custodian 1 and Grievant. (Testimonies of Chief Operating Officer and Custodian 2).

Regarding Custodian 1, the Agency had set her work shift as 6:00 a.m. to 2:30 p.m. on Mondays through Fridays. Reports of Custodian 1 mismanaging her time by other employees indicated that she would leave work on Fridays at 10:00 a.m. and return at 2:00 p.m. It had also been reported to upper management that Custodian 1 would get her hair dressed on Fridays during her scheduled work time.

As a result of these reports, the Agency's President approved the company Surveillance LLC to investigate the allegations. Among other employees, the investigation targeted Grievant and Custodian 1. The surveillance showed Grievant leaving work some days during times he was scheduled to be on Campus 1 working. In addition, observations of Custodian 1 revealed that on two consecutive Fridays, September 15 and 22, 2017, during her work shift, this employee failed to remain on campus during her entire work shift. Regarding Friday, September 29, 2017, close surveillance showed Custodian 1 entering a beauty salon at 8:15 a.m. and leaving it two hours later. Further, a component of the surveillance company's investigation on September 29, 2017, entailed an investigator visiting Campus 1 to determine if Custodian 1 reported to duty. The campus surveillance did not reveal that Custodian 1 reported to work on September 29, 2017. Surveillance LLC provided a written investigative report of its observations to the Agency.

(A Exh. 1; Testimonies of Investigator and Chief Operating Officer).

4. Custodian 1 had not been approved for leave time on September 15, 22, and 29, 2017. She reported on her time sheet that she had worked 8 hours on each of the three Fridays

referenced above. Moreover, these hours were approved in the Agency's HRMS. Ostensibly, Grievant approved them. However, it was Custodian 1 who did so by using Grievant's log-in information to access the HRMS. Without authority, Grievant had knowingly supplied this secure information to his subordinate. (Testimonies of Chief Operating Officer, Housekeeping Manager, and Grievant; A Exh. 2).

DISCIPLINE

5. After receiving the surveillance report, upper management met with Custodian 1 on October 3, 2017, regarding the surveillance findings and her contradictory time reporting. In that meeting Custodian 1 admitted that she had not worked on September 29, 2017, and that she had approved her own time in the HRMS system using Grievant's log in information. Custodian 1 also represented that she had obtained Grievant's HRMS log in information from Grievant. Due to her unscrupulous conduct, upper management presented Custodian 1 with the option of resigning or being terminated. Custodian 1 declined to resign. Hence, the Agency terminated her. (Testimonies of Chief Operating Officer and Housekeeping Manager).

6. Grievant knew or should have known Custodian 1 did not work on September 29, 2017, nor had she been approved for leave. (Testimonies of Grievant and Public Safety Director).

7. Next, management met with Grievant. Grievant indicated that his subordinates worked off the clock. After making this admission and upper management finding that Grievant gave his log-in information to his subordinate and permitted her to approve her own time, Grievant was given the option to resign or be terminated. He declined to resign. (Testimonies of Chief Operating Officer and Housekeeping Manager II).

8. The Agency then issued Grievant a Group III Written Notice with termination. The Group Notice specifically described the offenses as follows:

According to HRMS, [Grievant] approved [Custodian 1] timesheet showing she worked 8 hours for three consecutive Fridays (9/15, 9/22, and 9/29). Surveillance evidence shows [Custodian] was at a hair salon getting her hair done on 9/22 and 9/29 during her normal work hours (6AM to 2:30 PM) and that she did not work a full 8 hours on 9/15. [Custodian 1] admitted that she has [Grievant's] log in information to HRMS and approved her own work hours on occasion and specifically for 9/29. [Grievant] admitted that [Custodian 1] used his HRMS log in when he had been in the hospital. Furthermore, [Grievant] indicated that he and [Custodian 1] share office space and share a work computer and that he may not have logged off prior to her using it on occasion. [Grievant] violated the [Agency's] Employee Information Technology Acceptable Use Agreement by knowingly sharing and permitting use of his password and HRMS log in. Additionally, [Grievant] stated that his non-exempt employees work off the clock. He has knowingly violated the Fair Labor Standards Act (FLSA), failed to enforce that all of the custodial staff at his campus utilize the time clock consistently, and failed to require that his employees complete timesheets in HRMS in accordance with Fair Labor Standards Act guidelines.

(A Exh. 11).

POLICIES

Agency Employee Information Technology Acceptable Use Agreement

9. Grievant agreed to abide by the provisions of the Agency's Employee Information Technology Acceptable Use Agreement (AUA). (A Exh. 5/4).

10. Provisions of the AUA that Grievant agreed to abide by include, among others, the following:

I will not knowingly share or permit use of my password, key, or other access control mechanism for any purpose. I will not disclose information concerning any access control mechanism unless properly authorized to do so in writing by the college's information concerning any access control mechanism unless properly authorized to do so in writing by the college's information Security Officer....

I agree to abide by all applicable Commonwealth of Virginia (COV), Federal, Virginia Community College System (VCCS), and college policies, procedures and standards that relate to the security of information technology resources. I will follow all of the security procedures for VCCS computer systems and protect the data contained therein.

(A Exh. 5/1).

Virginia's Community Colleges Information Security Standard Policy 9.3

11. Under Virginia's Community Colleges Information Security Standard (VCCISS) policy 9.3.1 it is obligatory that users of HRMS keep passwords confidential and change passwords every 180 days, and 30 days for privileged accounts. Moreover, sharing individual user passwords is prohibited. (A Exh. 6/1-2).

Federal Fair Labor Standards Act Requirements

12. Custodian 1 was considered a non-exempt worker. Under the Fair Labor Standards Act Requirements (FLSA) every covered employer must keep certain records for each non-exempt worker. Further, the FLSA requires that, among other things, accurate information about the hours worked by a non-exempt worker be maintained. (A Exh. 9).

Commonwealth Accounting Policies and Procedures

13. Under the Commonwealth Accounting Policies and Procedures (CAPP) regarding payroll accounting, supervisors must ensure that employees comply with established work schedules and

authorize and report absences and overtime. Further, supervisors and managers must work with subordinates to ensure that pay is timely and accurate. (A Exh. 7/2).

Agency Policy 4102

14. Under Agency Policy 4102 employees are required to “exercise judgment and act to protect the [Agency] and its resources from loss, waste, or damage as well as ensure the accuracy and reliability of financial and other key data. (A Exh. 8/1).

15. Also under Policy 4102 “employees are expected to exhibit ethical values and integrity in their daily activities, seeking areas for improvement and acting in the best interests and protection of the [Agency]. (A Exh. 8/1).

OTHER

Simulated Situated employees

16. Agency treated Grievant similar to other employees who engaged in conduct comparable to Grievant’s conduct in this case. (Testimony of Human Resource Manager). For example:

AUA Violation

i) On or about February, 2017 a male faculty employee violated the AUA. The Agency presented this employee with documentation of the misconduct. The Agency gave the employee an opportunity to resign rather than being terminated, and the employee resigned.

Time Reporting Violations

ii) During 2017, a classified employee was leaving work early and permitted part-time workers to leave early multiple times. The misconduct had been documented by video-recording. The Agency presented its proof of the misconduct to the employee. The employee elected to resignation rather than termination.

iii) During 2017 also, a faculty member was not at work on certain portions of days she was scheduled to work because she would leave work early. The faculty member failed to report the time she took off as leave time. The Agency presented the employee with documentation of the misconduct and the faculty member resigned in lieu of being terminated.

iv) Also during 2017, a full-time faculty administrator alleged she was disabled and commenced receiving disability pay from the Agency. However, at the same time the administrator was receiving disability pay, she was working for a government contractor. The Agency determined the employee’s action was in effect “double dipping.” When the Agency presented the employee with its supporting documentation of the alleged misconduct, the administrator resigned in lieu of being terminated.

(Testimony of Human Resource Manager)

17. Another employee in a comparable position as Grievant had approved time on a particular workday for one of her subordinates. The hours had been worked, but not on the day reported. Moreover, the employee in the comparable position as Grievant had not supplied her HRMS log-in information to that subordinate. Grievant's co-worker was suspended. Grievant's situation that led to the Agency disciplining him was therefore dissimilar in those respects. (Testimonies of Housekeeping Manager and Human Resource Manager).

18. Time reporting violations by employees prior to 2014, where addressed by the current Human Resource Director's predecessor. In some of those cases the employees were not terminated. The Director of Human Resource's predecessor employed a more lenient approach to violations involving timekeeping. (Testimony of Human Resource Manager).

19. The evidence was not sufficient to determine whether the circumstances in cases referenced here that occurred prior to 2014 were similarly situated to Grievant's. (Testimony of Human Resource Manager).

20. Grievant had received annual security awareness training. This included AUA training. His last training occurred on April 28, 2017. (Testimonies of Human Resource Manager and Grievant; G Exh. p. 5; A Exh. 5).

21. At times, Grievant presented Human Resource with allegations of misconduct of subordinates. He was unable to corroborate the allegations made. (Testimony of Human Resource Manager).

22. Grievant was unable to verify if Custodian 1 had worked her 8 hour shifts on September 15, September 22, and September 29, 2017. (Testimony of Grievant).

DETERMINATIONS AND OPINION

The General Assembly enacted the *Virginia Personnel Act*, VA. Code §2.2-2900 et seq., establishing the procedures and policies applicable to employment within the Commonwealth. This comprehensive legislation includes procedures for hiring, promoting, compensating, discharging and training state employees. It also provides for a grievance procedure. The Act balances the need for orderly administration of state employment and personnel practices with the preservation of the employee's ability to protect his/her rights and to pursue legitimate grievances. These dual goals reflect a valid governmental interest in, and responsibility to, its employees and workplace. *Murray v. Stokes*, 237 VA. 653, 656 (1989).

Va. Code § 2.2-3000 (A) sets forth the Commonwealth's grievance procedure and provides, in pertinent part:

It shall be the policy of the Commonwealth, as an employer, to encourage the resolution of employee problems and complaints... To the extent that such concerns cannot be resolved informally, the grievance procedure shall afford an immediate and fair method for resolution of employment disputes which may arise between state agencies and those employees who have

access to the procedure under § 2.2-3001.

To establish procedures on Standards of Conduct and Performances for employees of the Commonwealth of Virginia and pursuant to § 2.2-1201 of the *Code of Virginia*, the Department of Human Resource Management promulgated Standards of Conduct Policy No. 1.60 (Policy 1.60). The Standards of Conduct provide a set of rules governing the professional and personal conduct and acceptable standards for work performance of employees. The Standards serve to establish a fair and objective process for correcting or treating unacceptable conduct or work performance, to distinguish between less serious and more serious actions of misconduct and to provide appropriate corrective action.

Under the Standards of Conduct, Group I offenses are categorized as those that are less severe in nature, but warrant formal discipline; Group II offenses are more than minor in nature or repeat offenses. Also, generally, the misbehaviors significantly impact agency operations. Further, Group III offenses are the most severe and normally a first occurrence warrants termination unless there are sufficient circumstances to mitigate the discipline. If management deems mitigation is appropriate for a Group III offense, the employee may be suspended without pay for up to 30 days and/or demoted. *See* Standards of Conduct Policy 1.60.

As noted in the previous section, on October 10, 2017, management issued Grievant a Group III Written Notice with termination. Grievant challenges this discipline contending the discipline is too harsh. The Hearing Officer examines the evidence to determine if the Agency has met its burden.

I. Analysis of Issue before the Hearing Officer

Issue: Whether the discipline was warranted and appropriate under the circumstances?

A. Did the employee engage in the behavior described in the Group III Written Notice and did that behavior constitute misconduct?

The Agency contends that Grievant violated the federal Fair Labor Standards Act (FLSA) and the Agency Employee Information Technology Acceptable Use Agreement (AUA). Here the Hearing Officer examines the evidence to determine if the Agency has corroborated its allegations and met its burden.

The evidence shows that Grievant needed access to the Agency's computer system to perform certain job duties as supervisor and manager of the custodians on Campus 1. This included accurately approving in the system the hours worked by his subordinates. Hence, Grievant entered an agreement with the Agency identified as the AUA. This agreement granted Grievant permission to use the Agency's computer system under certain conditions. A review of the AUA indicates that, among other matters, Grievant agreed to not knowingly share or permit use of his password to the computer system. Further, he agreed to abide by applicable federal law and the policies and procedures of the Commonwealth of Virginia; the Virginia Community College System (VCCS); and the Agency regarding the security of information technology

resources. Moreover, Grievant acquiesced to follow all the security procedures for the VCCS computer systems and protect the data contained in it. Each year, Grievant had taken each of the Agency's annual security awareness trainings. On April 28, 2017, Grievant completed the most recent annual training offered by the Agency.

As referenced, the FLSA is federal law applicable to the case before this Hearing Officer. The evidence demonstrates that the FLSA makes it obligatory for the Agency to maintain accurate records of the hours that a non-exempt employee works.

The evidence demonstrates that Custodian 1 was a subordinate of Grievant and a non-exempt employee under the FLSA. Accordingly, Grievant was responsible for complying with the FLSA's directive to keep accurate records of Custodian 1's work hours. Of note also, Grievant's EWP reiterated his responsibility in this regard. And as mentioned previously, this is at least one reason Grievant agreed to abide by the AUA and was permitted to access the Agency's time reporting computer system to approve hours actually worked by his subordinates.

A review of the evidence unequivocally demonstrates that on September 29, 2017, Custodian 1 failed to work. Yet, Custodian 1 reported that she had performed her job on September 29, 2017. In addition, Custodian 1 approved for compensation the 8 hours of work she unscrupulously reported. The evidence demonstrates that Custodian 1 was able to access the timekeeping system to approve her own time because Grievant had supplied her with his password. Grievant admitted he knowingly provided his log in information to Custodian 1, in part, because it was an arduous task for him to verify and approve the time of all his subordinates.

The evidence discussed here demonstrates that Grievant violated the FLSA. This is so because he failed to keep accurate information on the hours Custodian 1 worked. Moreover, Grievant did not follow security procedure for the VCCS computer system and protect data contained therein. He shared his password in violation of Agency policy. Consequently, the Agency was exposed to monetary loss. Accordingly, the Hearing Officer finds that the Agency has met its burden and demonstrated that Grievant violated the FLSA and AUA.

B. Was the discipline consistent with policy and law?

The Hearing Officer now turns to the issue of whether the Agency disciplined Grievant in a manner consistent with policy and law. Grievant alleges that his counterpart had a "time-keeping" issue. Yet, Grievant retorts, the Agency disciplined this co-worker in a more lenient fashion because she was not terminated.

A review of the evidence shows that the two situations were not analogous. Human Resource Director and Grievant's immediate supervisor credibly testified about the two cases. That evidence revealed that in Grievant's situation, he knowingly supplied his log-in information to a subordinate. Further, he failed to keep accurate information of the time worked by his employees. In addition, because he shared his password, time was falsely reported and approved. The evidence shows that Grievant's conduct was the direct cause of a security breach as well as enabling employee dishonesty. What is more, Grievant's actions violated the mandate

under the FLSA pertaining to accurately maintaining documentation on the work hours of employees.

Of particular note, the evidence demonstrates that in Grievant's counterpart's case, no password was shared. In addition, the co-worker's subordinate had in fact worked the hours reported and approved by the co-worker. However, the co-worker's subordinate had worked the hours on a different day than they were recorded. Hence, compensation paid to the subordinate by the Agency was wages earned. In Grievant's case, if Custodian 1 had been compensated for the falsely reported hours, she would have received unearned wages. Accordingly, the Hearing Officer finds Grievant's co-worker's case and the matter before this Hearing Officer are not similarly situated.

Further, the evidence demonstrates that since at least 2014, in other misconduct cases involving employees who violated the AUA similar to Grievant, the employees were separated from the Agency. During the same time period, the evidence shows that when the Agency determined that an employee had reported working but had not actually worked, the employees were separated from the Agency. Of note, the evidence shows that in all these cases, the evidence shows that the employees were given the choice of resigning or being terminated. All, except Grievant resigned. Because Grievant did not resign, the Agency terminated his employment.

Moreover, Policy 1.60 provides that Group III Offenses comprise conduct that neglects duty, constitute illegal or unethical conduct, or constitute serious violations of policies. The Hearing Officer finds the evidence demonstrates Grievant neglected his duty. This constituted a security breach. Moreover, by his conduct serious violations of policy took place such that those violations enabled Custodian 1 to not work and then falsely report she worked hours and approve them.

Accordingly, the Hearing Officer finds the Agency's discipline was consistent with law and policy.

II. Mitigation.

Under statute, hearing officers have the power and duty to “[r]eceive and consider evidence in mitigation or aggravation of any offense charged by an agency in accordance with the rules established by the Office of Equal Employment Dispute Resolution [“EEDR”].”⁵ EEDR's *Rules for Conducting Grievance Hearings* provides that “a hearing officer is not a super-personnel officer” therefore, “in providing any remedy, the hearing officer should give the appropriate level of deference to actions by agency management that are found to be consistent with law and policy.”⁶ More specifically, the *Rules* provide that in disciplinary, grievances, if the hearing officer finds that;

- (i) the employee engaged in the behavior described in the Written Notice.

⁵ Va. Code § 2.2-3005 and (c)(6)

⁶ *Rules for Conducting Grievance Hearings* VI(A)

- (ii) the behavior constituted misconduct, and
- (iii) the agency's discipline was consistent with law and policy, the agency's discipline must be upheld and may not be mitigated, unless, under the record evidence, the discipline exceeds the limits of reasonableness.⁷

Thus, the issue of mitigation is only reached by a hearing officer if he or she first makes the three findings listed above. Further, if those findings are made, a hearing officer must uphold the discipline if it is within the limits of reasonableness.

The Hearing Officer has found that Grievant engaged in the conduct described in the Group III Written Notice and the behavior was misconduct. Moreover as discussed above, the Agency's discipline was consistent with policy and law.

Next, the Hearing Officer considers whether the discipline was unreasonable.

In his plea for mitigation Grievant makes, among other assertions, a claim that he is being disciplined too harshly. He implies some form of disparate treatment. For the reasons already discussed in the previous section, the Hearing Officer finds no incongruent treatment.

Moreover, the Hearing Officer finds aggravating factors in Grievant's misconduct. For one, the Agency's President directed those in management and supervisory positions to frugally use resources. Grievant's EWP reiterated the same. Yet Grievant permitted workers to "work off the clock." He failed to verify the whereabouts of Custodian 1 during the time she was supposed to be working. Because of Grievant's behavior, Agency resources were squandered.

The Hearing Officer has considered Grievant's request for mitigation and the reasons he provide in support of that request whether specifically mentioned here or not. Having carefully deliberated Grievant's arguments and all evidence, the Hearing Officer finds the Agency's discipline is reasonable.

DECISION

Hence for the reasons stated here, the Hearing Officer upholds the Agency's issuance of the Group III Written Notice with termination.

APPEAL RIGHTS

You may request an administrative review by EEDR within **15 calendar** days from the date the decision was issued. Your request must be in writing and must be **received** by EEDR within 15 calendar days of the date the decision was issued.

Please address your request to:

⁷ *Rules for Conducting Grievance Hearings VI(B)*

Office of Equal Employment and Dispute Resolution
Department of Human Resource Management
101 North 14th St., 12th Floor
Richmond, VA 23219

or, send by e-mail to EDR@dhrm.virginia.gov, or by fax to (804) 786-1606.

You must also provide a copy of your appeal to the other party and the hearing officer. The hearing officer's **decision becomes final** when the 15-calendar day period has expired, or when requests for administrative review have been decided.

A challenge that the hearing decision is inconsistent with state or agency policy must refer to a particular mandate in state or agency policy with which the hearing decision is not in compliance. A challenge that the hearing decision is not in compliance with the grievance procedure, or a request to present newly discovered evidence, must refer to a specific requirement of the grievance procedure with which the hearing decision is not in compliance.

You may request a judicial review if you believe the decision is contradictory to law. You must file a notice of appeal with the clerk of the circuit court in the jurisdiction in which the grievance arose within **30 days** of the date when the decision becomes final.⁸

[See Sections 7.1 through 7.3 of the Grievance Procedure Manual for a more detailed explanation, or call EEDR's toll-free Advice Line at 888-232-3842 to learn more about appeal rights from an EEDR Consultant].

Entered this 12th day of February, 2018.

Ternon Galloway Lee, Hearing Officer
cc: Agency Advocate
Agency Representative
Grievant
EEDR's Director of Hearings

⁸ Agencies must request and receive prior approval from EEDR before filing a notice of appeal.