



**COMMONWEALTH OF VIRGINIA**  
***Department Of Human Resource Management***  
***Office of Employment Dispute Resolution***

James Monroe Building  
101 N. 14<sup>th</sup> Street, 12<sup>th</sup> Floor  
Richmond, Virginia 23219

Tel: (804) 225-2131  
(TTY) 711

## **COMPLIANCE RULING**

In the matter of the Central Virginia Community College  
Ruling Number 2022-5415  
June 2, 2022

The grievant has requested a ruling from the Office of Employment Dispute Resolution (“EDR”) at the Department of Human Resource Management on whether her May 11, 2022 grievance with Central Virginia Community College (the “agency”) complies with the grievance procedure.

### FACTS

On or about May 11, 2022, the grievant initiated a grievance with the agency, which appears to challenge unfair treatment by her supervisor, as described in the memo accompanying her grievance form. The agency notified the grievant on May 18 that her grievance was being administratively closed due to noncompliance for the following reasons: 1) “Incomplete form submitted (initial submission had no relief requested)”, 2) “Document submitted to Second Step Respondent without expedited process approval”, 3) “Management action being grieved is unclear.” The grievant has now appealed to EDR for a ruling on whether the grievance may proceed.

### DISCUSSION

Section 2.4 of the *Grievance Procedure Manual* addresses initiation requirements of a grievance. “If any of these requirements are not met, management may notify the employee, using the Grievance Form A, that the grievance will be administratively closed due to noncompliance.”<sup>1</sup> As the agency has unilaterally closed the grievance as a matter of noncompliance apparently under this section, we will address each issue in turn.

First, the agency asserts that the grievance initially filed on May 11, 2022 did not include a request for relief. Section 2.4 states that “[t]he ‘Grievance Form A’ must state the management action(s) or omission(s) being grieved, the facts in support of the grievance, and the relief requested.”<sup>2</sup> EDR is unable to find a previous ruling addressing whether a failure to include a request for relief would be noncompliance sufficient to invalidate a grievance. In some cases, it

---

<sup>1</sup> *Grievance Procedure Manual* § 2.4; see also *id.* § 6.2.

<sup>2</sup> *Id.* § 2.4.

may be unclear to a grievant what relief they can seek or what relief would address the issues they are attempting to raise.<sup>3</sup> Thus, in most situations, when requested relief is not specifically identified, it would generally be a best practice for agencies to inquire of the grievant what they are seeking. That may have occurred in this case, though the records submitted do not demonstrate the timing of such an inquiry if it occurred. The record does include a memo from the grievant, dated May 17, 2022, in which the grievant describes specific requests for relief. Therefore, the grievant appears to have corrected any noncompliance in failing to include a request for relief in her May 11 grievance submission. Accordingly, the agency's first assertion would no longer be a basis for this grievance to remain administratively closed.

Second, the agency asserts that the grievant turned in the grievance to the Second Step Respondent "without expedited process approval." This assertion is somewhat unclear because records appear to reflect that the grievant addressed her grievance and submitted it directly to human resources.<sup>4</sup> Nevertheless, EDR has long held that initiating a grievance with the wrong management representative will not bar the grievance for noncompliance.<sup>5</sup> If the agency does not agree that the appropriate step respondent is the individual with whom the grievance was initiated,<sup>6</sup> then the grievant should be contacted and the grievance paperwork directed to the member of management who would be the proper step respondent.

Lastly, the agency asserts that the management action being grieved is unclear. Based on a review of the memo and attachments the grievant submitted with her grievance, the grievant appears to be challenging what she describes as unfair treatment by her supervisor, making reference to certain incidents and communications as well as issues with her performance evaluations and Employee Work Profiles. With certain exceptions, "any management actions or omissions may be grieved . . . ."<sup>7</sup> The issues the grievant has addressed in her documents satisfactorily describe, for purposes of grievance initiation, matters that pertain directly and personally to her employment and are thus properly the subject of a grievance.<sup>8</sup> Accordingly, the grievance meets the initiation requirements of the grievance procedure.

### CONCLUSION

Based on the foregoing, the grievance is re-opened and shall be permitted to proceed. The agency is directed to return the grievance to an appropriate step respondent, who must address the merits of its claims. EDR's rulings on matters of compliance are final and nonappealable.<sup>9</sup>

*Christopher M. Grab*  
Director  
Office of Employment Dispute Resolution

---

<sup>3</sup> In some cases, the relief requested might implicitly be that the treatment being challenged cease. Claims of unfair treatment, like that raised in this case, might be susceptible to such an interpretation.

<sup>4</sup> The human resources office would not necessarily be a proper step respondent in this grievance.

<sup>5</sup> *E.g.*, EDR Ruling No. 2007-1512; EDR Ruling No. 2006-1114.

<sup>6</sup> The parties to a grievance can always agree to substitute step respondents or modify the default management resolution steps of a grievance. *See Grievance Procedure Manual* § 8.4.

<sup>7</sup> *Grievance Procedure Manual* § 2.4.

<sup>8</sup> *See id.*

<sup>9</sup> *See* Va. Code §§ 2.2-1202.1(5), 2.2-3003(G).