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COMPLIANCE RULING

In the matter of the Virginia Department of Corrections
Ruling Number 2023-5473
November 18, 2022

The grievant has requested a ruling from the Office of Employment Dispute Resolution (“EDR”) at the Virginia Department of Human Resource Management (“DHRM”) in relation to alleged noncompliance by the Virginia Department of Corrections (the “agency”).

This ruling concerns the grievant’s July 11, 2022 grievance, which challenged a selection process for a Major position for which the grievant was not selected. Pursuant to that grievance, the grievant sought certain records from the agency and eventually made a compliance ruling request to this Office. In EDR Ruling Numbers 2023-5448, 2023-5453, EDR directed that the agency provide the grievant with copies of redacted Selection Panel Referral Forms, which were then produced. In reviewing those forms, the grievant has pointed out discrepancies with the Assistant Warden’s signature on two forms. The grievant alleges that the agency falsified a document. The grievant additionally alleges that this falsification is noncompliance with the grievance procedure, referencing the grievance procedure’s requirement that parties not “engage in conduct that undermines the integrity of the grievance process.”¹

EDR has reviewed the information provided by the grievant and acknowledges differences in the signature of the Assistant Warden on the two forms in question. However, the Assistant Warden has confirmed that both signatures on the forms are hers. The Assistant Warden also confirmed that the information contained on the forms accurately reflects the decisions of the interview panel on which she served. Therefore, EDR has no basis to find that the forms are falsified as to either the signatures or the content on the forms. There is similarly no basis to find that the agency has engaged in noncompliance or “conduct that undermines the integrity of the grievance process” concerning the matter raised in this ruling.

EDR’s rulings on matters of compliance are final and nonappealable.²

Christopher M. Grab
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¹ *Grievance Procedure Manual* § 1.9.

² Va. Code §§ 2.2-1202.1(5), 2.2-3003(G).