

Issue: Compliance – Grievance Procedure (5 Day Rule); Ruling Date: September 15, 2016; Ruling No. 2017-4418; Agency: Virginia Information Technologies Agency; Outcome: Grievant in Compliance.



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

**COMPLIANCE RULING**

In the matter of the Virginia Information Technologies Agency  
Ruling Number 2017-4418  
September 15, 2016

The Virginia Information Technologies Agency (the “agency”) has requested a compliance ruling from the Office of Employment Dispute Resolution (“EDR”) at the Department of Human Resource Management in relation to the grievant’s alleged failure to comply with the time limits set forth in the grievance procedure for advancing or concluding her grievance.

On or about June 1, 2016, the grievant initiated a grievance with the agency. The third step response was issued to her on August 19. On the same day, the grievant sent an email to the third step-respondent indicating that she wished to conclude her grievance. She did not “[i]ndicate on the Grievance Form A [her] intention to conclude the grievance and submit the form to [her] Human Resources Office.”<sup>1</sup> On August 29, the agency sent the grievant a notice of noncompliance by email, requesting that the grievant indicate whether she wished to either advance or conclude the grievance, on the Grievance Form A, within five workdays after her receipt of the notice. Since more than five workdays have elapsed since the agency’s notification to the grievant of her alleged noncompliance, and the grievant has not yet formally advanced or concluded her grievance on the Grievance Form A itself, the agency seeks a compliance ruling allowing it to administratively close the grievance.

While this ruling was pending, the grievant confirmed to EDR that, in sending the August 19, 2016 email, she intended to notify the agency that she wished to conclude her grievance.<sup>2</sup> EDR, therefore, considers this grievance concluded.

EDR’s rulings on matters of compliance are final and nonappealable.<sup>3</sup>

A handwritten signature in black ink, appearing to read "Chris M. Grab", written over a horizontal line.

Christopher M. Grab  
Director  
Office of Employment Dispute Resolution

<sup>1</sup> *Grievance Procedure Manual* § 3.3.

<sup>2</sup> The grievant also forwarded a copy of the email to EDR on August 19 and stated that “[t]he grievance . . . has been concluded . . . .”

<sup>3</sup> See Va. Code §§ 2.2-1202.1(5), 2.2-3003(G).