

Issue: Compliance – Grievance Procedure (Other Issue); Ruling Date: May 7, 2013; Ruling No. 2013-3594; Agency: Department of Juvenile Justice; Outcome: Agency in Compliance.



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

COMPLIANCE RULING

In the matter of the Department of Juvenile Justice
Ruling Number 2013-3594
May 7, 2013

The grievant has asked for a compliance ruling from the Office of Employment Dispute Resolution (“EDR”) at the Department of Human Resource Management (“DHRM”) regarding his grievance with the Department of Juvenile Justice (“the agency”).

FACTS

On or about November 29, 2012, the grievant initiated a grievance challenging his suspension without pay pending the outcome of criminal charges, which he asserts is part of a larger pattern of adverse employment actions taken against him by the agency. By letter dated March 14, 2013, the grievant advised the agency head that he considered the agency’s actions to be out of compliance with DHRM Policy 1.60 (“Standards of Conduct”) and asked the agency to comply with that policy. The agency apparently failed to comply with the grievant’s request, and he now seeks a compliance ruling from EDR.

DISCUSSION

The grievance procedure provides a process through which parties can address procedural noncompliance.¹ That process assures that the parties first communicate with each other about the noncompliance, and resolve any compliance problems voluntarily without EDR’s involvement. Specifically, the party claiming noncompliance must first notify the other party in writing and allow five workdays for the opposing party to correct any noncompliance.² If the party fails to correct the alleged noncompliance, the complaining party may request a ruling from EDR.³

In this case, the grievant does not allege noncompliance with the grievance procedure. Rather, he asserts that the agency’s actions failed to comply with DHRM Policy 1.60 and asks EDR to direct the agency to come into compliance with that policy. Such a claim does not fall

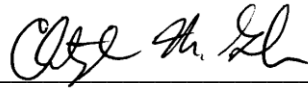
¹ *Grievance Procedure Manual* § 6.

² *Grievance Procedure Manual* § 6.3.

³ *Id.*

within the scope of the grievance procedure's noncompliance process. Accordingly, the grievant's ruling request is denied.

EDR's rulings on matters of compliance are final and nonappealable.⁴



Christopher M. Grab
Director
Office of Employment Dispute Resolution

⁴ Va. Code §§ 2.2-1202.1(5), 2.2-3003(G).