

Issues: Qualification – Retaliation (grievance activity) and Unpaid Suspension pending court proceedings; Ruling Date: May 22, 2013; Ruling No. 2013-3611; Agency: Department of Juvenile Justice; Outcome: Original ruling confirmed – Not Qualified.



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

RECONSIDERED QUALIFICATION RULING

In the matter of the Department of Juvenile Justice
Ruling Number 2013-3611
May 22, 2013

The grievant previously requested a qualification 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 (“agency”). In EDR Ruling No. 2013-3563, EDR denied the grievant’s request for qualification. The grievant has requested that EDR reconsider that ruling. For the following reasons, EDR will not change its original determination.

The facts underlying in this matter are set forth in EDR Ruling No. 2013-3563 and will not be repeated here. In his request for reconsideration, the grievant argues that EDR erred in predicating its qualification decision on a compliance ruling request pending at the same time.¹ The grievant bases this argument on the two rulings having been sent in a single envelope. Contrary to the grievant’s assertion, each ruling was considered independently, and neither result affected the other. The use of a single envelope was merely an effort to spend state funds as efficiently as possible. Further, we note that a decision by EDR to issue a single ruling on two pending ruling requests by the same grievant would not constitute a basis for reconsideration of a qualification determination.

The grievant has also advised EDR and the agency that he plans to appeal the qualification ruling to circuit court. While any decision regarding jurisdiction lies with the court, the grievant is advised that since July 1, 2012, EDR qualification rulings are final and may no longer be appealed to the circuit court.²

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

¹ See EDR Ruling No. 2013-3594.

² Va. Code § 2.2-1202.1(5). The grievant has asked that the agency forward the qualification record to the circuit court in accordance with Section 4.4 of the *Grievance Procedure Manual*. In accordance with the statutory changes of July 1, 2012, the *Manual* was revised to delete that section in its entirety.