

Issue: Compliance – Grievance Procedure (Other Issue); Ruling Date: May 22, 2013; Ruling No. 2013-3612; Agency: Department of Juvenile Justice; Outcome: Original ruling confirmed - Agency in Compliance.



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

RECONSIDERED COMPLIANCE RULING

In the matter of the Department of Juvenile Justice
Ruling Number 2013-3612
May 22, 2013

The grievant previously requested 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 (“agency”). In EDR Ruling No. 2013-3594, EDR denied the grievant’s request for a ruling against the agency. 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. 2013-3594 and will not be repeated here. In his request for reconsideration, the grievant argues that the ruling is “absent a factual basis” and is not consistent with Section 8.2 of the *Grievance Procedure Manual*.

As we noted in Ruling No. 2013-3594, the grievant asserted, in his request for a compliance ruling, that the agency failed to comply with DHRM Policy 1.60 and asked EDR to direct the agency to come into compliance with that policy. Such a claim does not fall within the scope of the grievance procedure’s noncompliance procedure and cannot therefore be addressed through a compliance ruling. We further note that to the extent the grievant now argues in his request for reconsideration that the agency has failed to comply with Section 8.2 of the *Grievance Procedure Manual* in not producing requested documents or information, any such failure is moot, as the underlying grievance was not qualified for hearing and is now concluded.¹

Accordingly, for the reasons set forth above, EDR declines to reconsider its previous ruling in this case. EDR’s compliance rulings are final and nonappealable.²

A handwritten signature in black ink, appearing to read "Chris M. Grab".

Christopher M. Grab
Director
Office of Employment Dispute Resolution

¹ EDR Ruling No. 2013-3563. The grievant argues that EDR predicated the result in the compliance ruling on the related qualification ruling. As explained in EDR Ruling 2013-3611, each ruling was considered independently and neither result affected the other.

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