

Issue: Compliance – Grievance Procedure (Other Issue); Ruling Date: June 19, 2015; Ruling No. 2015-4173; Agency: George Mason University; Outcome: Grievant Not in Compliance.



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

**COMPLIANCE RULING**

In the matter of George Mason University  
Ruling Number 2015-4173  
June 19, 2015

George Mason University (the University) seeks a compliance ruling concerning the grievant's June 8, 2015 grievance.<sup>1</sup> The agency alleges that the grievant has failed to comply with certain requirements of the grievance procedure.

FACTS

On June 8, 2015, the grievant mailed a grievance directly to the Office of Employment Dispute Resolution (EDR), utilizing the Dismissal Grievance Form A to challenge his separation from employment. In its response, the agency asserts that the grievant's separation from employment does not constitute a "dismissal" under the provisions of the *Grievance Procedure Manual* and accordingly, the grievant is out of compliance with the grievance procedure.

DISCUSSION

If a Grievance Form A does not comply with the requirements for initiating a grievance, the agency may notify the employee, using the Grievance Form A, that the grievance will be administratively closed.<sup>2</sup> Here, because dismissal grievances are initiated directly with EDR, the agency is unable to follow this process as outlined. Accordingly, the agency requests a ruling from this Office regarding the issue of alleged noncompliance.

The *Grievance Procedure Manual* defines "dismissals" as terminations due to formal discipline or unsatisfactory job performance.<sup>3</sup> In this instance, the grievant was removed due to neither of these circumstances, but rather for reasons arising from a work-related injury and an inability to return to work full-time, full-duty. We agree with the agency that the grievant's separation from employment does not constitute a "dismissal" as defined by the *Grievance Procedure Manual*, and accordingly, this grievance is not eligible for the dismissal grievance process. The grievant may, however, challenge his separation through the expedited grievance process.<sup>4</sup>

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<sup>1</sup> Although the grievance is dated April 1, 2015, the grievance was mailed to EDR on June 8, 2015

<sup>2</sup> *Grievance Procedure Manual* § 6.2.

<sup>3</sup> Va. Code § 2.2-3003(A); *Grievance Procedure Manual* § 2.5.

<sup>4</sup> *Grievance Procedure Manual* § 3.4.

If the grievant wishes to challenge his termination, he is directed to resubmit a grievance on a Grievance Form A – Expedited Process to the University’s human resources office **within five workdays of receipt of this ruling.**<sup>5</sup> Once received, the agency must proceed with the applicable management steps of the grievance procedure.

EDR’s rulings on matters of compliance are final and nonappealable.<sup>6</sup>



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Christopher M. Grab  
Director  
Office of Employment Dispute Resolution

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<sup>5</sup> If the grievant has any questions about his grievance, this ruling, or the grievance process in general, he can contact EDR’s AdviceLine at 1-888-232-3842.

<sup>6</sup> See Va. Code §§ 2.2-1202.1(5), 2.2-3003(G).