

Issue: Request to reconsider Ruling No. 2016-4358 issued on June 10, 2016; Ruling
Date: June 15, 2016; Ruling No. 2016-4371; Agency: Virginia Commonwealth
University; Outcome: Request denied.



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

RECONSIDERED ACCESS RULING

In the matter of Virginia Commonwealth University
Ruling Number 2016-4371
June 15, 2016

The grievant has requested that the Office of Employment Dispute Resolution (“EDR”) at the Department of Human Resource Management reconsider its access determination in Ruling Number 2016-4358, which held that the grievant did not have access to the grievance procedure to initiate his April 29, 2016 grievance with Virginia Commonwealth University (the “University”).¹ For the reasons discussed below, EDR finds no error with its initial access determination.

In EDR Ruling Number 2016-4358, EDR considered whether the grievant had access to initiate a grievance challenging a Group II Written Notice after he had submitted his resignation in lieu of termination to the University.² In the ruling, EDR concluded that the grievant did not have access to the grievance procedure because he had voluntarily concluded his employment with the Commonwealth prior to initiating the grievance.³ The ruling further stated that, “[u]pon receiving the grievance, the University informed the grievant that he did not have access to the grievance procedure”⁴ In his request for reconsideration, the grievant alleges that EDR Ruling Number 2016-4358 contains “false information” because “the grievance was accepted by the University” and a meeting was scheduled before the grievant was informed that he did not have access to the grievance procedure.

EDR does not disagree that the University appears to have accepted the grievance and scheduled a meeting with the grievant before notifying him that the grievance had been administratively closed. These facts were not discussed in EDR Ruling Number 2016-4358 because they had no impact on EDR’s decision. The *Grievance Procedure Manual* provides that “[a]gency management may deny an employee access to the grievance procedure . . . at any point following receipt of a written grievance.”⁵ The University did not waive its right to deny the grievant access to the grievance procedure by not informing him of that issue immediately after receiving the grievance. As a result, EDR’s analysis of that issue as set forth in EDR Ruling Number 2016-4358 remains unchanged, and there is no basis for EDR to reconsider its decision.

¹ See EDR Ruling No. 2016-4358.

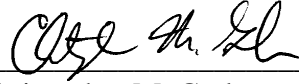
² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Grievance Procedure Manual* § 2.3 (emphasis added).

The grievant's request for reconsideration is denied and the grievance remains closed. EDR's rulings on matters of access are final and nonappealable.⁶



Christopher M. Grab
Director
Office of Employment Dispute Resolution

⁶ See Va. Code § 2.2-1202.1(5).