

Issue: Compliance – Grievance Procedure (5 Day Rule); Ruling Date: August 2, 2013; Ruling No. 2013-3669; Agency: Department of Juvenile Justice; Outcome: Grievant Not 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 2014-3669
August 2, 2013

The Department of Juvenile Justice (the “agency”) has requested a compliance ruling from the Office of Employment Dispute Resolution (“EDR”) at the Department of Human Resource Management in relation to the grievant’s alleged failure to comply with the time limits set forth in the grievance procedure for advance or concluding her grievance.

On or about January 10, 2013, the grievant initiated a grievance with the agency. The third step response was issued to her on January 25, 2013. Having received no response from the grievant, on or about May 6, 2013, the agency mailed a letter of noncompliance to her, requesting a response within five workdays after receipt of the noncompliance letter. Since more than five workdays have elapsed since the agency’s notification to the grievant of her alleged noncompliance, and the grievant has not yet advanced or concluded her grievance, the agency seeks a compliance ruling allowing it to administratively close the grievance.

While this ruling was pending, the grievant submitted a statement that seems to indicate she wishes to conclude her grievance. EDR, therefore, considers this grievance concluded.¹

EDR’s rulings on matters of compliance are final and nonappealable.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 If EDR has misinterpreted the grievant’s intent to conclude her grievance, she must notify this Office in writing of that fact **within five work days of her receipt of this ruling** or her desire to advance her grievance.

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