

Issue: Compliance – Grievance Procedure (documents); Ruling Date: October 29, 2013; Ruling No. 2014-3750; Agency: Old Dominion University; Outcome: Agency in Compliance.



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

**RECONSIDERED COMPLIANCE RULING**

In the matter of Old Dominion University  
Ruling Number 2014-3750  
October 29, 2013

The grievant previously requested a compliance ruling from the Office of Employment Dispute Resolution (“EDR”) at the Department of Human Resource Management in relation to the alleged failure of Old Dominion University (the “University”) to produce requested documents. EDR addressed the grievant’s request in EDR Ruling Number 2014-3728, in which it was determined that the requested documents could be withheld. The grievant has modified his original document request and seeks reconsideration of that ruling. For the following reasons, EDR declines to alter its original determination.

DISCUSSION

In his grievance, the grievant challenges his supervisor’s decision to require submission of daily work reports and notification of the grievant’s arrival and departure from work each day. The grievant has requested documents relating to arrival and/or departure notifications and daily work reports prepared by other employees. The grievant asserts that he seeks these documents to show that his supervisor has not required other employees to submit the same reports. As stated in EDR Ruling Number 2014-3728, the University explained that the grievant’s supervisor has directed the two employees he supervises providing IT support, the grievant and another employee, to provide these reports. Thus, EDR found that the University had already conclusively answered the question raised by the grievance, whether other employees were required to submit the reports, rendering moot any material need for the documentation requested.<sup>1</sup>

The grievant has since modified his document request in an attempt to obtain the documents by reducing the time period for which he seeks documents to a six-month period. However, this modification does not change the result here. The grievant states that his purpose for making the document request is not for the content of the documents themselves, but to establish that they do not exist. Because the University has asserted objections to producing the records, responsive documents exist. Otherwise, the University would simply state that it has no documents responsive to the grievant’s request. Further, EDR has inquired of the University and confirmed that the grievant’s supervisor does indeed receive the reports in question from the

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<sup>1</sup> EDR Ruling No. 2014-3728.

other employee. Therefore, the point the grievant is attempting to make with his document request is not accurate.

Based on what the grievant has asserted in his grievance and his explanation for making the document request, there is little to no material information contained in the requested documents. Production of these documents will only be unduly burdensome, intrusive, and cause delays in the resolution of this grievance and the work of the University. As such, the University has just cause to continue to withhold them.

#### CONCLUSION

Based on the foregoing, EDR declines to reconsider or alter the original determinations set forth in EDR Ruling Number 2014-3728. The University is not required to produce the documents requested by the grievant in this case. The grievant is, therefore, directed to advance to the second step or conclude his grievance **within five workdays of receipt of this ruling.**

EDR's rulings on matters of compliance are final and nonappealable.<sup>2</sup>



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Director  
Office of Employment Dispute Resolution

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<sup>2</sup> See Va. Code §§ 2.2-1202.1(5), 2.2-3003(G).