

Issue: Compliance – Grievance Procedure (Other Issue); Ruling Date: November 8, 2013; Ruling No. 2014-3760; Agency: Virginia Department of Health; 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 Virginia Department of Health
Ruling Number 2014-3760
November 8, 2013

The Virginia Department of Health (the agency) seeks a compliance ruling concerning the grievant's filing of purportedly duplicate dismissal grievances.

FACTS

On or about September 28, 2013, the grievant initiated two grievances directly with the Office of Employment Dispute Resolution (EDR), to challenge her separation from employment. The agency argues that the two grievances are duplicative of each other, and, accordingly, seeks a compliance ruling allowing it to administratively close one of the September 28, 2013 grievances.

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.¹ Here, because dismissal grievances are initiated directly with EDR,² the agency is essentially unable to follow this process as outlined. Thus, the agency requests a ruling from this Office regarding the issue of alleged noncompliance.

The *Grievance Procedure Manual* states that a grievance may not "challeng[e] the same management action or omission challenged by another grievance."³ In this instance, it appears that the two September 28, 2013 grievances both challenge the same action (the grievant's termination). Thus, there exists a basis to close one of the September 28 grievances as the two grievances are duplicative of each other.


Accordingly, the grievance dated "September 28, 2013" will be considered closed and the grievance dated "09/28/13" will proceed forward as the dismissal grievance challenging the

¹ *Grievance Procedure Manual* § 2.4.

² *Grievance Procedure Manual* § 2.5.

³ *Grievance Procedure Manual* § 2.4.

grievant's termination.⁴ This ruling does not foreclose the grievant's ability to raise any arguments regarding her dismissal that were set forth in the grievance dated September 28, 2013. EDR's rulings on matters of compliance are final and nonappealable.⁵



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⁴ While these two grievances contain a great deal of identical information, the grievance dated 09/28/13 appears to be more detailed.

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