

Issue: Compliance – Grievance Procedure (other issue); Ruling Date: November 20, 2013; Ruling No. 2014-3764; Agency: Department of Corrections; Outcome: No Ruling – issue is moot.



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

COMPLIANCE RULING

In the matter of the Department of Corrections
Ruling Number 2014-3764
November 20, 2013

The Department of Corrections (the “agency”) has requested a ruling from the Office of Employment Dispute Resolution (“EDR”) at the Department of Human Resource Management (“DHRM”) permitting it to administratively close the grievant’s April 2, 2013 grievance, which challenges a Group II Written Notice.

During the course of the grievance, the grievant went out of work on short-term disability. She asked that a hold be placed on her grievance until she returned from disability leave, as she was unable to “do anything Job related.” EDR has been holding this grievance based on the grievant’s request pending the appointment of a hearing officer to hear her case. The grievant has been subsequently placed on long-term disability and separated from her employment with the agency. DHRM Policy 1.60, *Standards of Conduct*, provides that a Written Notice becomes inactive upon separation from employment.¹ As the Written Notice being grieved is no longer active, the grievant has advised EDR that she is withdrawing her April 2, 2013 grievance. It is therefore unnecessary for EDR to rule on the agency’s request to administratively close the grievance. Because the grievance has been withdrawn, EDR will close its hearing file.

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 DHRM Policy 1.60, *Standards of Conduct*, § B(2).

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