

Issue: Qualification – Work Conditions (Supervisor/Employee Conflict); Ruling Date: July 22, 2014; Ruling No. 2015-3932; Agency: Department of Corrections; Outcome: Not Qualified.



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

RECONSIDERED QUALIFICATION RULING

In the matter of the Department of Corrections
Ruling Number 2015-3932
July 22, 2014

The grievant has requested that the Office of Employment Dispute Resolution (EDR) reconsider its qualification determination in Ruling Number 2014-3907 (the initial qualification ruling), which held that the grievant's December 10, 2013 grievance does not qualify for a hearing.¹ For the reasons discussed below, we find no error with the initial determination.

At issue in the June 19, 2014 initial qualification ruling was whether the grievant's December 10, 2013 grievance challenging the behavior of an agency manager as harassing and in violation of the agency head's Code of Ethics/Equal Employment Opportunity Statement qualified for a hearing.² In that ruling, this Office concluded that the grievance did not qualify for a hearing.³ In his request for reconsideration, the grievant disagrees with the conclusion and asserts that the manager had engaged in harassing behavior toward him several times in the past, as well as against another agency employee.

EDR has reviewed the additional information provided by the grievant. To the extent that the grievant argues in his request for reconsideration that his manager may have engaged in a pattern of behavior that could constitute workplace harassment, we cannot find that the grieved issues rose to a "sufficiently severe or pervasive" level such that an unlawfully abusive or hostile work environment was created.⁴ The grievant has presented no further evidence in his request for reconsideration that may indicate that his grievance should qualify for a hearing. Therefore, EDR concludes that there are no grounds to reconsider or change the analysis of EDR's initial qualification ruling.

The grievant's request for reconsideration is denied and the grievance remains closed. EDR's rulings on matters of qualification and compliance are final and nonappealable.⁵

A handwritten signature in cursive script, appearing to read "Chris M. Grab".

Christopher M. Grab
Director
Office of Employment Dispute Resolution

¹ See EDR Ruling No. 2014-3907.

² *Id.*

³ *Id.*

⁴ See generally *Gilliam v. S.C. Dep't of Juvenile Justice*, 474 F.3d 134, 142 (4th Cir. 2007).

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