

Issue: Reconsidered Qualification – Compensation (In-Band Adjustment); Ruling Date: September 8, 2014; Ruling No. 2015-3990; Agency: Virginia Commonwealth University; Outcome: Original ruling stands – Not Qualified.



COMMONWEALTH of VIRGINIA
Department of Employment Dispute Resolution

RECONSIDERED QUALIFICATION RULING

In the matter of Virginia Commonwealth University
Ruling Number 2015-3990
September 8, 2014

The grievant has requested that the Office of Employment Dispute Resolution (EDR) reconsider its qualification determination in Ruling Number 2014-3967 (the initial qualification ruling), which held that the grievant's June 4, 2014 grievance does not qualify for a hearing.¹ For the reasons discussed below, we find no error with the initial qualification determination.

At issue in the August 20, 2014 initial qualification ruling was whether the grievant's June 4, 2014 grievance challenging the University's denial of an in-band pay adjustment to his salary qualified for a hearing.² The grievant asserts that the University recruited for and hired several new, inexperienced, employees in the same position he presently holds, and the salaries of these individuals surpass his. In that ruling, this Office concluded that the grievance did not qualify for a hearing.³ In his request for reconsideration, the grievant disputes the University's contention that the newly hired employees have more relevant experience than he does, and he requests reconsideration and clarification of this point.

EDR has reviewed the additional information provided by the grievant. Further investigation revealed that the grievant is correct in his assertion that he does in fact have more relevant experience than the four newly hired employees in question. Consequently, this finding will be removed from the initial ruling. However, the analysis of the underlying issue remains unchanged by this fact.

The initial qualification ruling held that the primary policy implicated in this grievance, DHRM Policy 3.05, *Compensation*, does not mandate that new or more junior employees be paid at a rate lower than the rate paid to existing or more senior employees, or that the rate of existing employees be increased to match or exceed that of newer hires.⁴ While failing to provide the grievant with an in-band adjustment to rectify this concern may be unwise for many reasons, we see nothing in policy *requiring* the University to fix an issue of salary compression, such as alleged here. While the policy certainly provides the University the tools to ameliorate the effects of salary compression, the grievant has not identified, nor are we aware of, any specific policy requirement violated by the agency's existing salary structure. As such, EDR concludes that there are no grounds to reconsider or change the analysis of EDR's initial qualification ruling.

¹ See EDR Ruling No. 2014-3967.

² *Id.*

³ *Id.*

⁴ See EDR Ruling No. 2014-3967.

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



Christopher M. Grab
Director
Office of Employment Dispute Resolution

⁵ See Va. Code § 2.2-1202.1(5)..