

Issue: Request to Reconsider Qualification Ruling No. 2016-4243; Ruling Date: November 12, 2015; Ruling No. 2016-4266; Agency: Department of Corrections; Outcome: No change in outcome. Grievance is qualified in full.



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 2016-4266
November 12, 2015

The Department of Corrections (“agency”) has requested that the Office of Employment Dispute Resolution (“EDR”) at the Department of Human Resources Management reconsider its qualification determination in Ruling Number 2016-4243. For the reasons discussed below, we find no error with the initial determination.

At issue in the initial November 3, 2015 qualification ruling was whether the grievant’s separation from employment with the agency qualified for hearing.¹ In its request for reconsideration, the agency provided additional information regarding the grievant’s use of sick leave and its efforts to communicate with the grievant.

EDR has reviewed the additional information provided by the agency. However, even in light of this new information, sufficient questions remain regarding the grievant’s separation from employment such that qualification is warranted. Therefore, EDR concludes that there are no grounds to reconsider or change the analysis of EDR’s initial qualification ruling.

EDR’s determination that qualification is warranted in this case is in no way meant to indicate that the agency has acted wrongfully or improperly. Rather, this decision merely reflects that the grievance raises at least a sufficient question that the grievant was terminated for a basis in which factual questions exist for review at hearing. Grievances raising such issues about terminations qualify for hearing under the parameters of the Virginia Code and *Grievance Procedure Manual*.²

EDR’s qualification rulings are final and nonappealable.³

A handwritten signature in black ink, appearing to read "Chris M. Grab".

Christopher M. Grab
Director
Office of Employment Dispute Resolution

¹ EDR Ruling No. 2016-4243.

² See Va. Code §§ 2.2-3003(A), 2.2-3004(A); *Grievance Procedure Manual* §§ 4.1(a), (b).

³ See Va. Code §§ 2.2-1202.1(5).