



EMILY S. ELLIOTT
DIRECTOR

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

James Monroe Building
101 N. 14th Street, 12th Floor
Richmond, Virginia 23219
Tel: (804) 225-2151
(TTY) 711

ADMINISTRATIVE REVIEW

In the matter of the Division of Capitol Police
Ruling Number 2020-5056
March 23, 2020

The hearing officer issued a decision in Case Number 11378 in two parts, dated November 8, 2019 and February 5, 2020, respectively.¹ The Division of Capitol Police (the “agency”) requested that the Office of Employment Dispute Resolution (“EDR”) at the Virginia Department of Human Resource Management² administratively review the hearing officer’s decision. On March 5, 2020, while this ruling was pending, the hearing officer issued a substituted decision with amendments.³ After reviewing the substituted decision, the agency informed EDR that the issues raised in its appeal were moot and withdrew its request for administrative review.

The *Grievance Procedure Manual* provides that “[r]equests for administrative review must be in writing and **received by** [EDR] within 15 calendar days of the date of the original hearing decision. **Received by** means delivered to, not merely postmarked or placed in the hands of a delivery service.”⁴ A hearing officer’s decision becomes a final hearing decision when the 15-calendar-day period for filing requests for administrative review has expired and neither party has filed such a request, or once all timely requests for review have been decided.⁵

The agency has withdrawn its appeal and the grievant has not requested administrative review from EDR. As a result, the hearing decision in Case Number 11378h became a final hearing decision on **March 20, 2020** (*i.e.*, 15 calendar days after the issuance of the substituted decision). Within 30 days of a final decision, a party may appeal on the grounds that the determination is contradictory to law by filing a notice of appeal with the clerk of the circuit court in the jurisdiction in which the grievance arose.⁶

¹ See Decision of Hearing Officer, Case No. 11378a/b/c/d/e/f/g/i/j/k/l, November 8, 2019, at 1; Decision of Hearing Officer, Case No. 11378h, February 5, 2020, at 1.

² The Office of Equal Employment and Dispute Resolution has separated into two office areas: the Office of Employment Dispute Resolution and the Office of Equity, Diversity, and Inclusion. While full updates have not yet been made to the *Grievance Procedure Manual* to reflect this change, this Office will be referred to as “EDR” in this ruling. EDR’s role with regard to the grievance procedure remains the same.

³ See Substituted Decision of Hearing Officer, Case No. 11378h, March 5, 2020, at 1.

⁴ *Grievance Procedure Manual* § 7.2(a) (emphasis in original).

⁵ See *id.* § 7.2(d).

⁶ Va. Code § 2.2-3006(B); *Grievance Procedure Manual* § 7.3(a).

March 23, 2020
Ruling No. 2020-5056
Page 2



Christopher M. Grab
Director
Office of Employment Dispute Resolution