

Summary: Compliance-Compensation/Leave-Salary Disputes; Ruling Date: May 17, 2002; Ruling #2002-020; Agency: Department of Motor Vehicles; Outcome: Grievant out of compliance.



COMMONWEALTH of VIRGINIA
Department of Employment Dispute Resolution

COMPLIANCE RULING OF DIRECTOR

In the matter of Department of Motor Vehicles (DMV)
Ruling Number 2002-020
May 17, 2002

ISSUES:

Did the grievance arise in the agency in which the employee works?

RULING:

No. The parties are advised that DMV may administratively close the grievance due to noncompliance. This Department's rulings on matters of compliance are final and nonappealable.¹

EXPLANATION:

The grievant worked for DMV from February 2000 through December 7, 2001 as a Financial Analyst Senior. On November 26, 2001, the grievant accepted an employment offer with the Department of Juvenile Justice (DJJ). She voluntarily resigned from her position at DMV effective Friday, December 7, 2001, and began employment at DJJ on Monday, December 10. On December 28, 2001, the grievant attempted to file a grievance against DMV to address a salary dispute that arose there on Monday, December 3, 2001, prior to her last day of work at that agency.

The grievance procedure provides that an employee's grievance must arise in the agency in which the employee works.² Consistent with existing precedent, that requirement was not met in this case because the grievance arose at DMV, but on the date it was filed, the grievant was no longer a DMV employee, having voluntarily resigned. Moreover, the grievant was aware of the dispute prior to her resignation from DMV, but failed to file her grievance with that agency while still employed there.

Claudia T. Farr

¹ Va. Code § 2.2-3003(G).

² *Grievance Procedure Manual*, § 2.4(2), page 6.

Director