

Issue: Compliance-30-day rule; Ruling Date: March 26, 2002; Ruling #2002-057;
Agency: Department of Corrections; Outcome: grievant out of compliance



COMMONWEALTH of VIRGINIA
Department of Employment Dispute Resolution

COMPLIANCE RULING OF DIRECTOR

In the matter of Department of Corrections
Ruling Number 2002-057
March 26, 2002

ISSUE:

Did the grievant initiate the grievance in a timely manner?

RULING:

No. The grievance was filed beyond the 30 calendar day period without just cause and is therefore untimely. The parties are advised that the grievance should be marked as concluded due to noncompliance and no further action is required. This Department's rulings on matters of compliance are final and nonappealable.¹

EXPLANATION:

The grievance procedure provides that an employee must initiate a written grievance within 30 calendar days of the event or action that is the basis of the grievance, unless there is just cause for the delay.²

On November 26, 2001, the grievant received a docked timesheet that he asserted was not worded correctly. The grievant attempted to address this issue through the chain of command, and when this was unsuccessful, filed his grievance on February 1, 2002, well over the 30 calendar period.

The grievant contends that the grievance was not timely filed because he was trying to address it through his chain of command and that he lacked knowledge about the grievance process. However, this Department has long held that it is incumbent upon each employee to know his or her responsibilities under the grievance procedure. A grievant's lack of knowledge about the grievance procedure and its requirements does not constitute just cause for failure to initiate a grievance in a timely manner. Nevertheless,

¹ See Va. Code § 2.2-1001(5).

² See Va. Code § 2.2-3003(C); *Grievance Procedure Manual* § 2.4(1), page 6.

in light of the grievant's assertion the agency is encouraged to review its procedures to ensure that employees receive adequate notice and training on the grievance procedure.

Neil A.G. McPhie, Esquire
Director

Deborah M. Amatulli
Employment Relations Consultant