

Issue: Compliance/Documentation; Ruling Date: September 24, 2002; Ruling #2002-162; Agency: Department of Mental Health, Mental Retardation and Substance Abuse Services; Outcome: Agency in compliance.



COMMONWEALTH of VIRGINIA
Department of Employment Dispute Resolution

COMPLIANCE RULING OF DIRECTOR

In the matter of Department of Mental Health, Mental Retardation and
Substance Abuse Services
No. 2002-162
September 24, 2002

By letter dated August 27, 2002, the grievant requests intervention by this Department. She asserts that the Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS or the agency) is out of compliance with the grievance process.

FACTS

On August 19, 2002, this Department instructed DMHMRSAS to conduct a reasonable search to obtain documentation relevant to the grievant's May 6, 2002 grievance and to provide that information in a manner that preserves the privacy of individuals not personally involved in the grievance.¹ The ruling instructed the agency to produce such documentation within five workdays from receipt of the August 19th ruling or provide a specific written explanation as to why any of the requested information would not be provided.

On August 26, 2002, the agency mailed to the grievant documentation that appears responsive to her request. On August 27, 2002, the grievant requested intervention by this Department.

DISCUSSION

This Department does not need to intervene at this juncture. The agency was instructed to provide the grievant with relevant documentation within five workdays of its receipt of the August 19th ruling. While the grievant may not have *received* the requested documentation within five workdays, the agency mailed its response within the five workday timeframe, thus its response was timely.² Moreover, the provided documentation appears to be responsive to the grievant's request. However, if any remaining objections to the agency's document production exist, they should be directed to the hearing officer assigned to the grievant's case, because the grievance has now been

¹ See Department of Employment Dispute Resolution (EDR) Ruling 2002-117.

² On August 28, 2002, this Department received a copy of the agency's response to the grievant, which was postmarked August 27, 2002.

September 24, 2002

Ruling #2002-162

Page 3

qualified for hearing and a hearing officer appointed.³ This Department's rulings on matters of compliance are final and nonappealable.⁴

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Director

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³ See *Grievance Procedure Manual*, § 8.2, page 21.

⁴ Va. Code § 2.2-1001(5).