

Issue: Compliance/Actions Occurring to others; Ruling Date: January 7, 2003; Ruling #2002-216; Agency: Department of Corrections; Outcome: agency in compliance.



COMMONWEALTH of VIRGINIA
Department of Employment Dispute Resolution

COMPLIANCE RULING OF DIRECTOR

In the matter of Department of Corrections
Ruling Number 2002-216
January 7, 2003

ISSUE:

May the agency administratively close the grievant's November 1, 2002 grievance as out of compliance with the grievance procedure?

RULING:

Yes, because the November 1, 2002 grievance does not pertain directly and personally to the grievant's own employment. The parties are advised that the agency may mark the grievance 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:

An employee's grievance must "[p]ertain directly and personally to the employee's own employment."² This grievance challenges a supervisor's alleged falsification of the duty roster. Although the grievant, a Correctional Officer, asserts that the falsification should be dealt with as a Group III Written Notice under the Standards of Conduct, the incident does not involve the grievant "directly and personally." Should the grievant be confronted with an employment issue in the future that relates directly and personally to *his* employment, he may initiate a grievance at that time. Meanwhile, he may "freely, and without retaliation, discuss [his] concerns" regarding the issue of alleged falsification

¹ See Va. Code § 2.2-1001(5).

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

December 2, 2002

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of documents with management on an informal basis, and management may respond as it deems appropriate, exercising its judgement concerning the matter.³

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³ See Va. Code § 2.2-3000(A).