

Issue: Compliance – Grievance Procedure (30-Day Rule); Ruling Date: December 18, 2009; Ruling #2010-2471; Agency: Department of Motor Vehicles; Outcome: Grievant In Compliance.



*COMMONWEALTH of VIRGINIA*  
*Department of Employment Dispute Resolution*

**COMPLIANCE RULING OF DIRECTOR**

In the matter of Department of Motor Vehicles  
Ruling Number 2010-2471  
December 18, 2009

The grievant has requested a ruling on whether her October 29, 2009 grievance with the Department of Motor Vehicles (the agency) is in compliance with the grievance procedure. The agency had asserted that the grievance did not comply with the grievance procedure because it was not timely initiated. For the reasons set forth below, this Department determines that the grievance shall proceed.

FACTS

In her grievance, the grievant has challenged her removal from the agency. The agency originally asserted that the grievant had not timely initiated her grievance. Following the grievant's request for a compliance ruling, the agency withdrew its objection as to the timeliness of the grievance.

DISCUSSION

The grievance procedure provides that an employee must initiate a written grievance within 30 calendar days of the date he or she knew or should have known of the event or action that is the basis of the grievance.<sup>1</sup> When an employee initiates a grievance beyond the 30 calendar-day period without just cause, the grievance is not in compliance with the grievance procedure and may be administratively closed.

In this case, the event that forms the basis of the grievance is the agency's issuance of a Written Notice, which the grievant asserted she had never received. Since the grievant requested this compliance ruling, the agency has withdrawn its objection to the timeliness of the grievance and has provided the grievant with a copy of the Written Notice. Because it appears that the grievance was likely timely initiated and the agency has no further objections on the basis of timeliness, the grievance shall proceed.

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<sup>1</sup> Va. Code § 2.2-3003(C); *Grievance Procedure Manual* § 2.4.

CONCLUSION

By copy of this ruling, the parties are advised that within five workdays of receipt of this ruling, the agency is directed, if it has not already done so, to arrange a second step meeting with the grievant. This Department's rulings on matters of compliance are final and nonappealable.<sup>2</sup>

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Claudia T. Farr  
Director

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<sup>2</sup> See Va. Code § 2.2-1001(5); Va. Code § 2.2-3003(G).