

Issue: Compliance – Grievance Procedure (Other Issue); Ruling Date: June 11, 2010;
Ruling #2010-2671; 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 the Department of Motor Vehicles
Ruling Number 2010-2671
June 11, 2010

This ruling addresses the grievant's request to stay the appointment of two of the grievant's grievances filed with Department of Motor Vehicles (the agency). The two grievances at issue are dated September 2, 2009 (Case No. 9273) and December 14, 2009 (Case No. 9347). Case Numbers 9273 and 9347 were consolidated for a single hearing in EDR Ruling Nos. 2010-2645, 2010-2646. However, the grievant had an earlier grievance (Case No. 9194), which is currently on appeal to the Virginia Court of Appeals. Because of stated "substantive interconnection" between the issues in Case No. 9194 and those in Case Nos. 9273 and 9347, the grievant has asked this Department to stay the latter cases until the resolution of the former matter.

After contacting the agency, it appears that there is no objection to the grievant's request.¹ As such, EDR will delay appointment of a hearing officer in Case Nos. 9273 and 9347 until Case No. 9194 is resolved. The parties are directed to keep this Department informed of case developments on appeal in Case No. 9194. If either party objects or seeks to proceed with a hearing on the consolidated grievances (Case Nos. 9273 and 9347) without further delay, notification in writing (e-mail, fax, or mail) should be made to this Department, with a copy to the opposing party, for consideration by the EDR Director.

This Department's rulings on compliance are final and nonappealable.²

Claudia T. Farr
Director

¹ The agency also indicated that this stay does not affect the active status of the Written Notices at issue in Case Numbers 9273 and 9347. As such, the agency may currently consider the Written Notices for purposes of accumulation in taking further disciplinary action against the grievant. The grievant would also have the option of grieving any such additional disciplinary action, if it were to occur.

² See Va. Code §§ 2.2-1001(5), 2.2-3003(G).