

Issue: Compliance – Grievance Procedure (Other Issue); Ruling Date: May 27, 2011; Ruling No. 2011-2987; Agency: Virginia Employment Commission; Outcome: Grievant In Compliance.



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

**COMPLIANCE RULING OF DIRECTOR**

In the matter of Department of Virginia Employment Commission  
Ruling Number 2011-2987  
May 27, 2011

The grievant has requested a compliance ruling in his May 6, 2011 grievance with the Virginia Employment Commission (VEC or the agency). The agency asserts that the grievance does not pertain directly and personally to the grievant's own employment.

FACTS

The grievant is employed as a Program Manager. The grievant initiated a grievance in which he asserts that a VEC employee admitted to verbally accosting and threatening physical violence against another agency employee, but the employee was not discharged. The grievant asserts that by allowing this employee to remain employed, senior "VEC management knowingly allowed a dangerous work place situation to exist without regard for VEC staff in general," including himself. The agency has administratively closed the May 6<sup>th</sup> grievance, asserting that the grievance did not pertain directly and personally to the grievant's own employment.

DISCUSSION

Under the grievance procedure, an employee's grievance must "[p]ertain directly and personally" to the employee's employment.<sup>1</sup> Based on the facts as alleged by the grievant, we conclude that his grievance does involve his *own* employment "directly and personally."

We note that for purposes of deciding this compliance issue, this Department is not ruling on the merits of the grievance or its allegations. We are simply recognizing that his allegations of an unsafe workplace do relate directly and personally to the grievant's own employment. Accordingly, this grievance may proceed. By allowing this grievance to advance, this Department expresses no opinion as to the ultimate merit of this grievance.

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<sup>1</sup> *Grievance Procedure Manual* § 2.4; see also Va. Code § 2.2-3004 (A).

CONCLUSION

Because this grievance pertains directly and personally to the grievant's employment, the agency is instructed to provide a first step response to the grievance within five workdays of receipt of this ruling. 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), 2.2-3003(G).