

Issue: Compliance – Grievance Procedure (Documents); Ruling Date: August 3, 2011; Ruling No. 2012-3043; Agency: Department of Corrections; Outcome: No Ruling.



COMMONWEALTH of VIRGINIA
Department of Employment Dispute Resolution

COMPLIANCE RULING OF DIRECTOR

In the matter of the Department of Corrections
EDR Ruling No. 2012-3043
August 3, 2011

On July 20, 2011, this Department (EDR) received the grievant's request for a compliance ruling. He alleges that the agency has failed to comply with the provisions of the *Grievance Procedure Manual* concerning documents requested. On July 5, 2011, the grievance at issue was appointed to be heard by a hearing officer.

Once a grievance has been qualified for a hearing, any claims of noncompliance are to be raised with the hearing officer.¹ If a party disagrees with the manner in which the hearing officer addresses the noncompliance, a ruling request can then be submitted to EDR.² However, the issue must first be raised with the hearing officer.³ Addressing this matter with the hearing officer would be of particular importance here as the grievant appears to be seeking a stay during the hearing process.

Because the grievant did not first raise the noncompliance issue with the hearing officer, the grievant's request for a compliance ruling is premature and will not be addressed in this ruling. This Department's rulings on matters of compliance are final and nonappealable.⁴

Claudia T. Farr
Director

¹ *Grievance Procedure Manual* § 6.3.

² *Id.*

³ *Id.*

⁴ Va. Code §§ 2.2-1001(5); 2.2-3003(G).