



# **COMMONWEALTH OF VIRGINIA**

*Department Of Human Resource Management*

*Office of Employment Dispute Resolution*

## **DECISION OF HEARING OFFICER**

In re:

**Case number: 12057**

**Hearing Date: April 16, 2024**

**Decision Issued: May 14, 2024**

### **PROCEDURAL HISTORY**

On June 21, 2023, Grievant was issued a Group II Written Notice of disciplinary action for failure to follow policy and being inattentive.

On July 19, 2023, Grievant timely filed a grievance to challenge the Agency's action. The outcome of the Third Resolution Step was not satisfactory to the Grievant and the matter advanced to hearing. On January 16, 2024, the Office of Employment Dispute Resolution assigned this matter to the Hearing Officer. On April 16, 2024, a hearing was held at the Facility.

### **APPEARANCES**

Grievant  
Agency Advocate  
Agency Party Designee  
Witnesses

### **ISSUES**

1. Whether Grievant engaged in the behavior described in the Group II Written Notice of disciplinary action?
2. Whether the behavior constituted misconduct?

*An Equal Opportunity Employer*

3. Whether the Agency's discipline was consistent with law (e.g., free of unlawful discrimination) and policy (e.g. properly characterized as a Group I, II or III offense)?
4. Whether there were mitigating circumstances justifying a reduction or removal of the disciplinary action, and if so, whether aggravating circumstances existed that would overcome the mitigating circumstances?

### **BURDEN OF PROOF**

The burden of proof is on the Agency to show by a preponderance of the evidence that its disciplinary action against the Grievant was warranted and appropriate under the circumstances. The employee has the burden of raising and establishing any affirmative defenses to discipline and any evidence of mitigating circumstances related to discipline. Grievance Procedure Manual ("GPM") § 5.8. A preponderance of the evidence is evidence which shows that what is sought to be proved is more probable than not. GPM § 9.

### **FINDINGS OF FACT**

After reviewing the evidence presented and observing the demeanor of each witness, the Hearing Officer makes the following findings of fact:

Grievant is a Corrections Officer at an Agency Facility. Grievant has been employed by the Agency for more than 16 years. Grievant received an annual performance evaluation in December 2022 which indicated that the Agency found Grievant's performance to be satisfactory.<sup>1</sup>

The Facility includes a Restorative Housing Unit (the Housing Unit). Inmates residing in the Housing Unit may be there because the inmate needs confinement for their own protection, when there is a need to prevent imminent threat of physical harm to the inmate or another person, or when the inmate's behavior threatens the orderly operation of the facility. Inmates residing in the Housing Unit do not enjoy the full privileges of inmates in general population and are subject to more stringent security measures. Inmates in the Housing Unit include RHU status inmates who are under the maximum security regulations and procedures at the Facility. The Housing Unit also houses Step-Down status inmates who are in the process of "stepping down" toward the full privileges of general population but are not yet allowed to join inmates in general population and are still subject to the higher security regulations and procedures of the Housing Unit.<sup>2</sup>

On April 27, 2023, Grievant was on post in the Control Room for the Housing Unit.<sup>3</sup> The Housing Unit has two sides, Side 1 and Side 2. Locked doors separate the two sides of the Housing Unit. The Control Room is located in the center of the two sides of the Housing Unit. The Control Room has windows that allow the Control Room officer(s) to observe activities on each side of the Housing Unit. While facing Side 1 of the Housing

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<sup>1</sup> Agency Ex. at 15-18.

<sup>2</sup> Department of Corrections, Operating Procedure 841.1, Restorative Housing Units, see also Hearing Recording at 18:12-19:30.

<sup>3</sup> Agency Ex. at 22-24.

Unit, the Control Room officer is able to view a video monitor in the upper right corner of the Control Room. That monitor shows video of Side 1. In order to observe what is happening on Side 2 of the Housing Unit, however, a Control Room officer facing Side 1, must turn to either look through windows into the Side 2 dayroom area or to look up into a monitor in the upper right corner of the Control Room facing Side 2. A Control Room officer directly facing one side of the Housing Unit will have his back to the windows and monitor that would allow him to observe the other side of the Housing Unit. Assistant Warden testified that a Control Room officer can position himself in the Control Room of the Housing Unit so that he can turn his head to view one side and then the other of the Housing Unit.<sup>4</sup>

Grievant and Floor Officer testified that on the evening of April 27, 2023, inmates residing on Side 1 of the Housing Unit were RHU status inmates. Inmates residing on Side 2 of the Housing Unit were Step-Down status inmates.<sup>5</sup>

The dayroom area of Side 2 of the Housing Unit has video cameras that record video of various parts of the “dayroom” area. On April 27, 2023, at approximately 22:58:00, Grievant was working alone in the Control Room for the Housing Unit. Video shows approximately seven inmates in the Housing Unit Side 2 dayroom area. Based on testimony during the hearing, Floor Officer, a higher-ranking or superior officer to Grievant, had instructed that those inmates be released from their cells and allowed into the Side 2 dayroom area. The video shows the inmates freely moving around the dayroom area. The inmates are not wearing handcuffs or leg irons. There are no correctional officers or any other Agency staff in the Side 2 dayroom area escorting or monitoring the inmates.

By approximately 22:58:00, Floor Officer was making rounds on Side 1 of the Housing Unit. Floor Officer testified that it took him approximately five minutes to make his rounds on Side 1. While Floor Officer was making rounds on Side 1 of the Housing Unit, he could not observe the inmates in the Side 2 dayroom area.

By approximately 22:58:21, video showed Inmate A and Inmate C both standing and facing each other in the Side 2 dayroom area. Inmate C is holding a white object in his right hand. Inmates continued moving around in the area and by approximately 22:59:58, a fight broke out among three inmates: Inmate A, Inmate B, and Inmate C. Inmate A and Inmate B appeared to be working together against Inmate C. Inmate C is using the white object in his hand as a weapon. Throughout the duration of the fight, the three inmates were moving around the dayroom area. At approximately 23:00:03, a table in the dayroom area was shoved by one of the inmates and then over-turned causing papers from the table to scatter onto the floor. By 23:00:18, Inmate A had returned the table to its upright position. By 23:00:57, the three inmates had moved near the shower area and Inmate B appeared to have taken the white object away from Inmate C. By approximately 23:01:02, the fight had moved to the other side of the dayroom area and Inmate A and Inmate B had Inmate C on the floor and were striking him from above. Inmate A and Inmate B then dragged Inmate C into an open cell. The three inmates

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<sup>4</sup> Hearing Recording at 1:00:02-1:01:04.

<sup>5</sup> Hearing Recording at 2:12:43-2:14:18, 2:29:00-2:31:16, see also, Hearing Recording at 51:12-54:40.

remain in that cell, and off camera, until approximately 23:01:57. At 23:01:19, while the three inmates were in a cell and off-camera, another inmate picked up the papers that had fallen onto the floor and by 23:01:40 he had returned the papers to the table. At approximately 23:01:57, Inmate C exited the cell and reentered the dayroom area. Inmate C quickly moved toward the side of the Control Room farthest away from the cell he had exited and from Inmate A and Inmate B. Having reached the far side of the Control Room near the showers, Inmate C appeared to knock on a control room window at approximately 23:02:06.<sup>6</sup>

At approximately 23:02:12, the video showed Floor Officer on the upper tier of Side 2. Floor Officer testified that Grievant unlocked the door to allow Floor Officer to exit Side 1 and enter Side 2 of the Housing Unit.<sup>7</sup> Both Grievant and Floor Officer testified that Grievant and Floor Officer acknowledged each other when Grievant unlocked the door for Floor Officer.

In the video of the Side 2 dayroom area, Floor Officer was on the upper tier of Side 2 by approximately 23:02:14 at which point the altercation among the inmates appeared to have ended. According to Floor Officer, Inmate C then approached him for assistance. Floor Officer secured Inmate C and then the rest of the inmates. Following the incident, Inmate C needed medical attention.<sup>8</sup>

On June 21, 2023, the Agency issued a Group II Written Notice of disciplinary action to Grievant related to the incident that occurred on April 27, 2023. The Agency described the offense as:

On April 27, 2023 [Grievant] was working the control booth of [the Housing Unit]. He released 8 inmates into the POD resulting in two inmates assaulting another inmate, [video] shows that the inmate who was assaulted approached the booth and banged on the window and also tried to get back into his cell. [Grievant] was unattentive to the inmate and did not respond to him. Therefore, this Group II for Failure to follow policy and being inattentive is being issued.<sup>9</sup>

Although there was no evidence of prior active disciplinary actions, Grievant had received a Notice of Improvement Needed/Substandard Performance related to his compliance with Agency operating procedures for inmates in the Housing Unit. The Notice of Improvement Needed/Substandard Performance set forth the specific performance deficiencies and improvements needed as:

On 04.22.2022 at approximately 1900-2100 hours [Grievant's] duties for that evening was [Housing Unit] floor officer. Within that time period showers were being conducted in [Side 1] pod by [Grievant] by himself. [A Facility sergeant] appeared on the floor during that time period to escort the

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<sup>6</sup> Agency Exs., Tabs 19 (Video-Left Stairs of N2), 20 (Video-Rear Door of N2), 21 (Video-PTZ of N2), 22 (Video-Right Stairs of N2).

<sup>7</sup> Agency Ex., Tabs 22 (Video-Right Stairs of N2) and Hearing Recording at 2:15:04-2:15:56.

<sup>8</sup> Agency Ex. at 7, 20, and 160; also see 2:09:140-2:10:52.

<sup>9</sup> Agency Ex. at 1-2.

pill call nurse throughout [Side 1] pod. [A Facility officer] duty for that evening was the control room officer of [Side 1 and Side 2] pods. Your performance of your duties as the floor officer did not meet the standards according to OP 841.4 Restorative Housing Units. Each inmate on General Detention, RHU or IVS statuses will be restrained with handcuffs and leg irons and escorted by two certified Corrections Officers whenever outside a secure area, such as a cell, shower or exercise module. Restraints and escort requirements for inmate movement are based on security level and status; OP 425.4, Management of Bed and Cell Assignments only one inmate at a time may be out of a secure area in the Restorative Housing Unit unless both inmates are restrained and with separate security escorts. Inmates that are on SD-1 [Step-down] status will be escorted by two certified officers from their cell to their destination and back to their cell. Inmates that are on SD-2 [Step-down] status will be escorted by one certified officer from their cell to their final destination and back to their cell. As the floor officer you should never allow an inmate to come out a cell and you're not at the cell door ready to escort that inmate or restrain that inmate with restraints according to that inmate's status. Plus you are putting your own safety in jeopardy when you operate outside the policy and procedure practices.<sup>10</sup>

The Notice of Improvement Needed/Substandard Performance set forth the following improvement plan:

It is a must that you [Grievant] comprehend the importance and the reasoning behind all the inmates in [Side 1] pod are given certain statuses along with different privileges that come with those statuses. Read your post orders and your Operating Procedures for a better understanding on how the Restorative Housing Unit operates. Operating Procedures, 841.4 Restorative Housing Units; 420.2 Use of Restraints and Management of Inmate Behavior; 425.4 Management of Bed and Cell Assignments; 730.5 Mental Health and Wellness Services: Behavior Management. You will be observed and evaluated for one month on the performance of your duties as the floor officer in [Side 1] pod. This will be done by [Unit Manager, CHAP, Watch Commander] and the usage of the [camera] devices to observe your performance. This observation and evaluation will start on 05.03.2022 and last up until 06.03.2022. Before the one month period is up you and I will schedule a day to see how things are going and get any feedback that you may have to share with us.<sup>11</sup>

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<sup>10</sup> Agency Ex. at 26-27.

<sup>11</sup> *Id.*

## CONCLUSIONS OF POLICY

Unacceptable behavior is divided into three types of offenses, according to their severity. Group I offenses "include acts of minor misconduct that require formal disciplinary action." Group II offenses "include acts of misconduct of a more serious and/or repeat nature that require formal disciplinary action." Group III offenses "include acts of misconduct of such a severe nature that a first occurrence normally should warrant termination."<sup>12</sup>

The Security Post Order for the Control Room Officer provides the following job summary of the post:

[r]esponsible for observing all activity on the pod floors and report any unusual activities to the floor officer/building supervisor. Maintain control of all access doors. Coordinate all floor movement to and from the pod floors and record all schedules, normal and unusual activities in the appropriate logbook. To know, understand and follow the procedures set forth in the OP's related to Inmate movement (410.3), Emergency procedures (075.1), Inmate Orientation book, and Inmate pod behavior.<sup>13</sup>

The Security Post Order for the Control Room Officer includes among the General Duties for the post the requirement to: "Enforce Rules – Interpret and enforce institutional rules, regulations for staff, Inmates and others" and "Observe/Stay Alert – Be vigilant, and especially alert to prevent escape, bodily injury, and unlawful intrusion, taking of a hostage, abduction, theft of state goods and property, and any other breach of security."<sup>14</sup>

The Security Post Order for the Control Room Officer also includes among the General duties for the post the requirement to "Use Good Judgement – Post orders cannot cover every incident or eventuality. Because of the complexity of this post's responsibility, various issues may arise requiring you to take a course of action that this post order does not address, in such a case it is essential that common sense and good judgment be exercised and that you confer with your supervisor for guidance. . . ."<sup>15</sup>

Agency Operating Procedure 425.4 provides specific instructions regarding requirements for the minimum restraint and required escort of inmates in the Restorative Housing Unit depending on a particular inmate's status, whether RHU status or Step-Down status.<sup>16</sup> The Operating Procedure requires that Step-Down status inmates have a minimum of one correctional officer escort.

Agency Operating Procedure 841.4 sets forth the standards for the operation of Restorative Housing Units and provides that "[C]orrections Officers will only remove one

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<sup>12</sup> See Department of Corrections Operating Procedure 135.1.

<sup>13</sup> Agency Ex. at 135.

<sup>14</sup> Agency Ex. at 137.

<sup>15</sup> *Id.*

<sup>16</sup> Agency Ex. at 127.

inmate out of a secure area at a time unless each inmate is restrained with separate security escorts.”<sup>17</sup>

Agency Operating Procedure 135.2 sets forth the expectation that:

[a]ll persons who are paid by the [Agency] on an hourly, salaried, or contractual basis, or who are paid by another state agency for working in a position within a [Agency] unit, and volunteers who provide services to inmates and probationers/parolees are expected to provide a positive role model for inmates and probationers/parolees, and a safe, secure, healing environment for employees, inmates and probationers/parolees by acting in accordance with this operating procedure.<sup>18</sup>

Agency Operating Procedure 135.2 also sets forth the expectation that “[e]mployees are expected to be alert to detect and prevent escapes from custody or supervision, or violations of [Agency] operating procedures.”<sup>19</sup>

Whether Grievant engaged in the behavior and whether the behavior constituted misconduct

On April 27, 2023, the security post that Grievant was working made him “[r]esponsible for observing all activity on the pod floors” of the Housing Unit, including both Side 1 and Side 2. Grievant was required to enforce the institutional rules and to be vigilant, and especially alert to prevent bodily injury and any other breach of security.”<sup>20</sup>

Grievant argued that when he released the inmates from their cells into the Side 2 dayroom area, he was following the instructions of his superior officers. Grievant asserted that he followed the instructions he was given by Floor Officer when he allowed the inmates out of their cells and into the Side 2 dayroom area without cuffs, leg irons or escorts. Floor Officer testified that he, Floor Officer, accepted full responsibility for allowing the inmates into the dayroom in a manner that was inconsistent with Agency security procedures. Assistant Warden admitted that, although Grievant could have challenged the instruction and documented that he was acting under instruction, Grievant would have been expected to follow the instructions from Floor Officer.<sup>21</sup> Although Grievant was following an instruction from Floor Officer, based on the counseling Grievant had received on May 3, 2022, he should have known that the order to release inmates from their cells and allow them to move freely in the Side 2 dayroom area was a violation of policy. And, although Grievant was required to follow the instructions he was given, Grievant should have been on heightened vigilance in his observation of the inmates in the Side 2 dayroom area given their Step-Down status and their release into the dayroom area in violation of security procedures. Grievant’s misconduct in this case was his failure to be vigilant and attentive to the inmates in the Side 2 dayroom area which allowed the fight that occurred to continue for more than two minutes, including almost one minute

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<sup>17</sup> Department of Corrections, Operating Procedure 841.4, Restorative Housing Units, Procedure VIII.A.5.

<sup>18</sup> Agency Ex. at 58.

<sup>19</sup> Agency Ex. at 58.

<sup>20</sup> Agency Ex. at 137.

<sup>21</sup> See Hearing Recording at 55:10-57:51.

during which time Inmate A and Inmate B dragged Inmate C into a cell and out of view of any cameras or other observation.

Grievant credibly testified that he would never intentionally allow an inmate to be assaulted, or a fight to continue, but that he was unaware of the fight while it was taking place on Side 2 because he was performing his duty to observe Floor Officer making rounds on Side 1 and then observing Floor Officer's progress so that he could unlock the door for Floor Officer to return to Side 2. Grievant argued that he was concerned about Floor Officer's safety while making his rounds because the inmates locked in their cells on Side 1 of the Housing Unit were RHU status inmates subject to fewer privileges and higher security regulations than the Step-Down status inmates on Side 2. Grievant asserted that although the inmates on Side 1 were all locked in their cells when Floor Officer was making his rounds, the inmates on Side 1 were making a lot of noise and throwing things, like feces and urine, at Floor Officer during his rounds.<sup>22</sup> Grievant argued that although a table was overturned and Inmate C knocked on the Control Room window, Grievant did not hear anything that alerted him to the fight that was taking place on Side 2 because of the noise being made by the inmates on Side 1 and also because the air conditioning unit for the Control Room is very noisy and can make it hard to hear.<sup>23</sup> Although Grievant's concern for Floor Officer's safety is understandable, Grievant's job duties required him to observe the activities on both Side 1 and Side 2 and to be vigilant to prevent bodily injury, not just to Floor Officer, but to the inmates as well. If the noise in the Control Room was such that Grievant could not hear or distinguish sounds on either side of the Housing Unit, Grievant could have utilized the monitors and windows to visually observe the activities on the Housing Unit which would have allowed him to see the fight taking place or, at moments, that certain inmates were no longer in the dayroom area.

Grievant argued that there should have been two officers working in the Control Room of the Housing Unit, but Grievant was the only officer on the Control Room security post at that time. Floor Officer also stated that the Control Room was designed for two officers. Based on the testimony of Grievant and Floor Officer, there was a third officer working in the Housing Unit that evening, but he was on break at the time of this incident. The management of operations at the Facility is appropriately left to Facility and Agency management. However, to the extent that Grievant believed that there should have been another officer working in the Control Room, it should have served to heighten, not reduce, his level of vigilance over both sides of the Housing Unit when inmates were freely moving and unescorted in the Side 2 dayroom area.

The Agency has met its burden of proving that Grievant engaged in misconduct when he failed to be vigilant and attentive to the activities taking place on Side 2 of the Housing Unit while he was on post as the Control Room Officer for the Housing Unit.

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<sup>22</sup> Hearing Recording at 2:29:00-2:31:16.

<sup>23</sup> Hearing Recording at 2:34:35-2:45:34.



Whether the Agency's discipline was consistent with law and policy

Group II offenses include acts and behaviors that are of a more serious or repetitive nature. This level is appropriate for offenses that seriously impact business operations and/or constitute a neglect of duty involving major consequences, insubordinate behaviors and abuse of State resources, etc. Failure to comply with policy or procedure is a Group II offense. Violating safety rules where there is no threat of physical harm is a Group II offense. Violating safety rules where there is a threat of physical harm is a Group III offense.<sup>24</sup>

In this case, Grievant violated Agency procedures when he failed to be vigilant in his duty to observe the activities on Side 2 of the Housing Unit. Because of Grievant's inattentiveness to what was happening on Side 2 of the Housing Unit, a fight was able to continue for more than two minutes with at least one inmate needing medical attention following the fight.

The Agency's discipline is consistent with law and policy.

Grievant testified that he has taken steps to have his vision and hearing checked following this incident. It is not clear that Grievant provided the information as part of an assertion that he had a disability that impacted his job performance. Any assertion regarding a claim of disability impacting Grievant's job performance would necessarily be fact- and-case specific. The Americans with Disabilities Act requires employers to provide reasonable accommodations for an employee's disability, but it does not broadly shield employees from disciplinary action for their own misconduct. In this case, Grievant had not made the Agency aware of any mental or physical conditions that might prevent him from being alert or affect his ability to perform his job responsibilities.<sup>25</sup>

Grievant argued that the Agency failed to engage in progressive discipline. Grievant argued that the issuance of a Group II Written Notice was too harsh because he was a good employee with a record of good work performance. Although agencies are encouraged to engage in progressive discipline, the Standards of Conduct do not require agencies to do so. The Agency elected to issue Grievant a Group II Written Notice and has presented sufficient evidence to support its decision.

Mitigation

Grievant asserted that he believed that the Warden had reduced the disciplinary action from a Group II offense to a Group I offense through the grievance process. In this case, the Warden was the Second Step respondent in the Grievance Procedure. Grievant, however, advanced his grievance to the third step. The Third Step respondent made clear that reduction of the offense was contingent on Grievant accepting the Group I and concluding his grievance. The Third Respondent stated in her response to Grievant: "your grievance is determined to be unfounded and the relief you have requested is partially granted Group II will be reduced to a Group I with the understanding if you decide

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<sup>24</sup> See Department of Corrections Operating Procedure 135.1.

<sup>25</sup> Agency Ex. at 136.

to advance your grievance Group II will remain, and the next step will render a decision regarding your requested relief.”<sup>26</sup> The Agency may have offered to reduce the discipline through the grievance process; however, such offers of resolution or settlement are not before this Hearing Officer.

The Standards of Conduct provide that an Agency may reduce the level of a disciplinary action if there are mitigating circumstances, such as conditions that compel a reduction to promote the interests of consistency, equity and objectivity, or based on an employee's otherwise satisfactory work performance.

In this case, the Agency considered Grievant's good work performance and disciplinary record in determining the appropriate level of discipline. Grievant appeared to argue that the discipline should be mitigated because Grievant has taken measures to “better himself” following this incident, including having his vision and hearing checked. The Agency could have considered such efforts by Grievant to mitigate the discipline. That the Agency chose not to do so, however, is not a reason for the Hearing Officer to conclude that the Agency's discipline in this case exceeds the limits of reasonableness.

Virginia Code § 2.2-3005.1 authorizes hearing officers to order appropriate remedies including “mitigation or reduction of the agency disciplinary action.” Mitigation must be “in accordance with rules established by the Department of Human Resource Management....”<sup>27</sup> Under the Rules for Conducting Grievance Hearings, “[a] hearing officer must give deference to the agency's consideration and assessment of any mitigating and aggravating circumstances. Thus, a hearing officer may mitigate the agency's discipline only if, under the record evidence, the agency's discipline exceeds the limits of reasonableness. If the hearing officer mitigates the agency's discipline, the hearing officer shall state in the hearing decision the basis for mitigation.” A non-exclusive list of examples includes whether (1) the employee received adequate notice of the existence of the rule that the employee is accused of violating, (2) the agency has consistently applied disciplinary action among similarly situated employees, and (3) the disciplinary action was free of improper motive. In light of this standard, the Hearing Officer finds no mitigating circumstances exist to reduce the disciplinary action.

## DECISION

For the reasons stated herein, the Agency's issuance to Grievant of Group II Written Notice of disciplinary action is **upheld**.

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<sup>26</sup> Agency Ex. at 10.

<sup>27</sup> Va. Code § 2.2-3005.

## APPEAL RIGHTS

You may request an administrative review by EDR within **15 calendar** days from the date the decision was issued. Your request must be in writing and must be **received** by EDR within 15 calendar days of the date the decision was issued.

Please address your request to:

Office of Employment Dispute Resolution  
Department of Human Resource Management  
101 North 14<sup>th</sup> St., 12<sup>th</sup> Floor  
Richmond, VA 23219

or, send by e-mail to [EDR@dhrm.virginia.gov](mailto:EDR@dhrm.virginia.gov), or by fax to (804) 786-1606.

You must also provide a copy of your appeal to the other party and the hearing officer. The hearing officer's **decision becomes final** when the 15-calendar-day period has expired, or when requests for administrative review have been decided.

A challenge that the hearing decision is inconsistent with state or agency policy must refer to a particular mandate in state or agency policy with which the hearing decision is not in compliance. A challenge that the hearing decision is not in compliance with the grievance procedure, or a request to present newly discovered evidence, must refer to a specific requirement of the grievance procedure with which the hearing decision is not in compliance.

You may request a judicial review if you believe the decision is contradictory to law. You must file a notice of appeal with the clerk of the circuit court in the jurisdiction in which the grievance arose within **30 days** of the date when the decision becomes final.<sup>28</sup>

*Angela Jenkins*

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Angela L. Jenkins, Esq.  
Hearing Officer

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<sup>28</sup> See Sections 7.1 through 7.3 of the Grievance Procedure Manual for a more detailed explanation, or call EDR's toll-free Advice Line at 888-232-3842 to learn more about appeal rights from an EDR Consultant.