COMMONWEALTH OF VIRGINIA
Department of Human Resource Management
Office of Employment Dispute Resolution

DIVISION OF HEARINGS

In the matter of: Case No. 12221

Hearing Officer Appointment: January 13, 2025
Hearing Date: February 25, 2025
Decision Issued: March 3, 2025

PROCEDURAL HISTORY AND ISSUES

The Grievant requested an administrative due process hearing to challenge the issuance of two Written Notices, each issued December 2, 2024, by the Virginia Department of Motor Vehicles ("DMV" or the "Department" or the "Agency"):

1. (Written Notice 1) Group II Written Notice - Violations of Written Notice Offense Codes 1, 11 and 13; and

2. (Written Notice 2) Group III Written Notice - Violation of Code 39.

Pursuant to the Written Notices, the Grievant's employment was terminated December 2, 2024.

The Grievant has raised the issues specified in his Grievance Form A and is seeking the relief requested in his Grievance Form A, including removal of the Written Notices from his record, reinstatement, back pay, and restoration of benefits.

In this proceeding the Agency bears the burden of proof and must show by a preponderance of the evidence that the discipline was warranted and appropriate under the

circumstances. Of course, the Grievant bears the burden of proof concerning any affirmative defenses.

The Grievant, the Agency's attorney and the hearing officer participated in a prehearing conference call at 2:00 pm on January 22, 2025. The parties agreed that communication by email alone is acceptable.

Pursuant to the Scheduling Order entered January 23, 2025 (the "SO"), incorporated herein by this reference, the hearing was held in person at DMV on February 25, 2025.

The hearing officer considered the arguments of the parties and decided that the time of personnel at the Agency in complying with document production should be billed at $20 per hour and not the $29.07 sought by the Agency. This is the rate substantially equivalent to the $19.51 sought by the DMV FOIA Office in its email to the Grievant of December 31, 2024. The Agency had acted reasonably in providing the Grievant the option to narrow the scope of the search (thereby proportionately reducing the actual costs of production) by providing additional keywords. Subsequently, the IHO entered an Amended Scheduling Order on February 9, 2025, which is attached hereto and incorporated herein by this reference.

At the hearing, the Grievant was unrepresented and the Agency was represented by its attorney. Both parties were given the opportunity to make opening and closing statements, to call witnesses and to cross-examine witnesses called by the other party. The hearing officer also received various documentary exhibits of the parties into evidence at the hearing.[1]

[1] References to the agency's exhibits will be designated AE followed by the exhibit number. References to the Grievant's exhibits are designated GE followed by the exhibit number. References to the recorded tape of the February 25, 2025 hearing will be designated Tape 1A.

APPEARANCES

Representative for Agency
Grievant
Legal Counsel
Witnesses

FINDINGS OF FACT

1. During the time relevant to this proceeding (the "Period"), the Grievant was employed by the Agency under the job title of Senior Employee Relations/EEO Specialist, serving in the role of Human Resource ("HR") Analyst III in the Headquarters of DMV. AE 1-1.

2. Based on badge records from August 1, 2024, to October 30, 2024, the Grievant arrived an hour late to work on several days. Additionally, he did not stay past 5:30 pm or 6 pm to make up for the time he was not in the office. A similar trend of tardiness continued into the month of November 2024. AE 14-3 to 14; AE 23; AE 24.

3. The Grievant frequently moved around and spent time with the Talent Acquisition department instead of focusing on his work. AE 14-14; AE 21-9 to 10.

4. Additionally, he repeatedly failed to adhere to the proper timelines for leave applications and teleworking requests, often submitting them at the last minute or neglecting to submit them entirely. In some cases, he only submitted the requests after the leave had been taken or the telework days had already passed. AE 22-1 to 7, 10; AE 26-7.

5. DMV's HR Governance & Compliance Manager ("[redacted]") was the Grievant's supervisor.[2]

6. [redacted] had hired Grievant.

7. [redacted] had planned to put the Grievant on performance evaluation regarding his attendance issues. Tape 1A.

8. The Grievant had scheduled a meeting with [redacted] on November 15, 2024, at 11 am in the HR conference room. [redacted] and DMV's ADA Coordinator ("[redacted]") were invited to participate. The Grievant was to lead the meeting. AE 20-1 to 2.

9. At 9:18 am, the Grievant emailed [redacted] that he was running late and would arrive by 10 am. At 10:26 am, the Grievant had still not arrived. He gave no further updates about his status despite [redacted] emailing him about his whereabouts. At approximately 10:50 am, the Grievant called into the meeting virtually. The Grievant finally arrived at the meeting in person at 11:12 am. AE 20-2 to 3.

10. After the meeting ended, [redacted] disconnected from the call and [redacted] left the conference room, leaving [redacted] and the Grievant in the room alone. AE 21-3 to 4.

11. [redacted] asked the Grievant, "So, what is going on?" The Grievant started to vent about his job. He then began to raise his voice.

12. [redacted] tried to respond but the Grievant talked over her. He started to blame her for his work troubles.

13. The Grievant then started shouting at [redacted] angrily. AE 21-4.

14. [redacted]'s efforts to de-escalate the situation were unsuccessful.

[2] Initials are used to preserve privacy.

15. [redacted] is a new hire DMV Benefits Consultant who had only been working for one week as of November 15, 2024.

16. Her office is located directly next to the conference room, and she overheard the Grievant's shouting.

17. [redacted] testified that, while she typically only heard muffled voices from the conference room, she could clearly hear the Grievant's raised voice during the incident.

18. Despite being in her office, the Grievant's tone was so aggressive that [redacted] felt "frozen" and "paralyzed," worrying about [redacted]'s and her own safety. Tape 1A.

19. [redacted] felt unsafe as the door was closed. She went to open the door but the Grievant kept yelling at her. AE 21-4.

20. [redacted] went to get DMV's HR Director ([redacted]) to talk to the Grievant, but he was not in his office.

21. [redacted] then tried to get DMV's HR Services Manager ("[redacted]") to help her out. However, as[redacted] had a lunch appointment to attend soon after, [redacted] decided to tell [redacted] that he should leave for that appointment instead. *Id.*

22. [redacted] walked back into the conference room doorway and told the Grievant that he should go home for the day. The Grievant began yelling again. [redacted] started to feel afraid that the Grievant would hit her as he was not in control of his emotions. *Id.*

23. [redacted] asked the Grievant to leave his computer and cell phone. He was angered by this but complied. [redacted] then asked him to leave his badge. He removed it and threw it on the floor. AE 21-5.

24. The Grievant did not immediately leave the building. He went to stand near the accessible entrance in the Front Lobby to text on his phone. [redacted] tried to get a security guard to escort him out of the building, but the guard could not leave her post. *Id.*

25. The Grievant then moved to the front of the security station whilst still texting. [redacted] told the Grievant to leave the building again to which the Grievant replied that he was doing so and sarcastically asked for one of the two security guards near them to escort him to his car.

26. [redacted] explained to the guards the situation and one of the guards walked him to the entrance. *Id.*

27. When [redacted] returned to the HR suite, she went to the office of a DMV Benefit Specialist ("[redacted]"), where [redacted] admitted feeling a little scared.

28. [redacted] then went to check on [redacted] in her office because she was so new to DMV. [redacted] expressed more pronounced fears.

29. [redacted] finally went to the office of a DMV HR Analyst ("[redacted]") and began crying. *Id.*

30. Afterwards, [redacted] went back to her own office.

31. The above three co-workers went to check in on her.

32. TJB then returned to the HR suite and came to her office.[redacted] began crying again. *Id.*

33. [redacted] was a domestic violence survivor, and the experience retriggered her traumatic experiences. AE 21-6.

34. [redacted] had never experienced a situation like this in her 16 years of employee relations work experience. AE 21-12.

35. When asked if [redacted] would describe the Grievant as an "angry, violent person," she replied in the affirmative. Tape 1A.

36. [redacted] needed to see her therapist immediately after the incident. Fearing that the Grievant might attack her, she requested her parking spot be relocated to a brightly lit area and adjusted her work hours to leave with [redacted], ensuring she would not walk to her car alone. *Id.*

37. [redacted] no longer could feel safe managing the Grievant or simply being around him, nor did she feel comfortable having him around her team. [redacted] expressed similar concerns about being uncomfortable around the Grievant after the incident. *Id.*

38. The HR team has previously encountered situations where employees would come to the department to yell at the team, creating an unsafe atmosphere. [redacted] was thus actively trying to make HR a safe working environment. *Id.*

39. The Grievant admitted to [redacted] that he was "upset" and "raised his voice." However, he would not admit that it was to the level of "yelling and screaming" despite other people thinking that it was. *Id.*

40. [redacted] "purposely" kept [redacted] out of the decision-making process regarding the issuance of the Group III Written Notice to the Grievant. *Id.*

41. The Department has fully accounted for all mitigating factors in determining the corrective action taken concerning the Grievant. This finding is discussed in greater detail below.

42. The Department's actions concerning the issues grieved in this proceeding were warranted and appropriate under the circumstances.

43. The Department's actions concerning this grievance were reasonable and consistent with law and policy.

44. To the extent the Findings of Fact contain conclusions of law, or the Conclusions of Law contain findings of fact, they should be considered without regard to their given labels.

45. The testimony of the witnesses called by the Agency was both credible and consistent on the material issues before the hearing officer. The demeanor of such Agency witnesses at the hearing was candid and forthright.

APPLICABLE LAW, ANALYSIS AND DECISION

The General Assembly enacted the *Virginia Personnel Act, Va. Code* § 2.2-2900 et seq., establishing the procedures and policies applicable to employment within the Commonwealth. This comprehensive legislation includes procedures for hiring, promoting, compensating, discharging and training state employees. It also provides for a grievance procedure. The Act balances the need for orderly administration of state employment and personnel practices with the preservation of the employee's ability to protect his rights and to pursue legitimate grievances. These dual goals reflect a valid governmental interest in and responsibility to its employees and workplace. *Murray v. Stokes*, 237 Va. 653, 656 (1989).

Va. Code § 2.2-3000(A) sets forth the Commonwealth's grievance procedure and provides, in pertinent part:

It shall be the policy of the Commonwealth, as an employer, to encourage the resolution of employee problems and complaints . . . To the extent that such concerns cannot be resolved

informally, the grievance procedure shall afford an immediate and fair method for the resolution of employment disputes which may arise between state agencies and those employees who have access to the procedure under § 2.2-3001.

In disciplinary actions, the Agency must show by a preponderance of evidence that the disciplinary action was warranted and appropriate under the circumstances. *Grievance Procedure Manual*, § 5.8.

To establish procedures on Standards of Conduct and Performances for employees of the Commonwealth of Virginia and pursuant to § 2.2-1201 of the *Code of Virginia*, the Department of Human Resource Management promulgated Standards of Conduct Policy No. 1.60 (the "SOC"). AE 4. The SOC provide a set of rules governing the professional and personal conduct and acceptable standards for work performance of employees. The SOC serve to establish a fair and objective process for correcting or treating unacceptable conduct or work performance, to distinguish between less serious and more serious actions of misconduct and to provide appropriate corrective action.

EDR Case Number 9240 states, "The Agency may consider any unique impact that a particular offense has on the department, and the fact that the potential consequences of the performance or misconduct substantially exceeds agency norms." Respect for both people and their time are important policy considerations for an Agency like the DMV.

The Grievant's disciplinary infractions were reasonably classified by management as one Group II offense and one Group III offense.

The Standards of Conduct DHRM 1.60 require that employees,

- Report to work as scheduled and seek approval from the supervisor in advance for any changes to the established work schedule, including the use of leave and late or early arrivals and departures.

- Use state equipment, time, and resources judiciously and as authorized.
- Meet or exceed established job performance expectations.
- Comply with the letter and spirit of all state and agency policies and procedures, the Conflict of Interest Act, and Commonwealth laws and regulations.

AE 4-4 to 5.

DHRM Policy 1.25, Hours of Work also requires that employees,

- Adhere to their assigned work schedules.
- Take breaks and lunch periods as authorized.
- Notify management as soon as possible if they are unable to adhere to their schedules, such as late arrivals or early departures
- Charge appropriate leave time to hours scheduled but not worked, requesting leave approval in advance, if possible.

AE 3-2.

Additionally, DMV Alternate Work Schedule Policy requires that,

- The employee must obtain approval for the selected alternate work schedule from his immediate supervisor/manager. Once the Agreement is approved, the employee is asked to commit to stay on the alternate schedule for 90 days to provide accurate evaluation information on the schedule.

Id.

The Grievant engaged in a Group II level offense by consistently failing to turn up to work and badge in on time. Moreover, the Grievant did not go through the proper procedure when obtaining leave or telework approval. Furthermore, the Grievant frequently left his desk to engage in conversations with other department members. In short, the Grievant demonstrated a lack of accountability for his actions and was not taking his work seriously.

Meanwhile, the Standards of Conduct DHRM 1.60 require that employees,

- Demonstrate respect for the agency and toward agency coworkers, supervisors, managers, subordinates, residential clients, students, and customers.
- Resolve work-related issues and disputes in a professional manner and through established business processes.
- Meet or exceed established job performance expectations.
- Make work-related decisions and/or take actions that are in the best interest of the agency.
- Comply with the letter and spirit of all state and agency policies and procedures, the Conflict of Interest Act, and Commonwealth laws and regulations.

- Conduct themselves at all times in a manner that supports the mission of their agency and the performance of their duties.

AE 4-4 to 5.

DHRM Policy 2.35, Civility in the Workplace, ensures that agencies provide a welcoming, safe, and civil workplace for their employees, customers, clients, contract workers, volunteers, and other third parties and increase awareness of all employees' responsibility to conduct themselves in a manner that cultivates mutual respect, inclusion, and a healthy work environment. AE 5-1.

Specifically, the policy prohibits employees from,

- Engaging in behavior that creates a reasonable fear of injury to another person.
- Demonstrating behavior that is rude, inappropriate, discourteous, unprofessional, unethical, or dishonest.
- Behaving in a manner that displays a lack of regard for others and significantly distresses, disturbs, and/or offends others.

AE 5-9.

The Grievant engaged in a Group III level offense when he committed the offense of verbally harassing [redacted]. Matters are made worse by the fact that [redacted] is a domestic violence survivor. The Grievant's actions retriggered her traumatic experiences such that she no longer could feel safe around the Grievant. Furthermore, [redacted] was not the only one fearful of her safety. Her colleagues, including [redacted] and [redacted], also expressed similar concerns after witnessing the incident. [redacted] had been on the job for only a week before being subjected to such a traumatic experience. It is unlikely that the Grievant's colleagues will ever be able to work with him on the same team without fearing potential outbursts from the Grievant.

The hearing officer agrees with the Agency that the Grievant's actions, recklessness, failure to accept any measure of accountability in this case and to recognize responsibility for his

shortcomings have essentially undermined his position, DMV's core values, and the trust and respect that DMV has a right to expect from every employee.

The Grievant argues that the Agency has not carried its burden of proof, has misapplied policy and acted unjustly in issuing the discipline. However, the hearing officer agrees with the Agency's attorney that the Written Notices are appropriately classified at the respective Group II and Group III level with the Agency appropriately exercising the discipline and ending the Grievant's employment.

The Agency has met its evidentiary burden of proving upon a preponderance of the evidence that the Grievant violated numerous policies, including Policy No. 1.60 and that the violations rose to the level of one Group II offense and one Group III offenses.

The task of managing the affairs and operations of state government, including supervising and managing the Commonwealth's employees, belongs to agency management which has been charged by the legislature with that critical task. *See, e.g., Rules for Conducting Grievance Hearings*, § VI; *DeJarnette v. Corning*, 133 F.3d 293, 299 (4th Cir. 1988).

The Grievant asserts that the discipline is too harsh. The Agency did consider mitigating factors, including the Grievant's past service to the Agency.

DHRM's *Rules for Conducting Grievance Hearings* provide in part:

> DHRM's *Standards of Conduct* allows agencies to reduce the disciplinary action if there are "mitigating circumstances" such as "conditions that would compel a reduction in the disciplinary action to promote the interests of fairness and objectivity; or . . . an employee's long service, or otherwise satisfactory work performance." *Rules* § VI(B).

If the Department does not consider mitigating factors, the hearing officer should not show any deference to the Department in his mitigation analysis. In this proceeding, the Department did consider mitigating factors in disciplining the Grievant.

Regarding the Group II Written Notice, as argued by counsel, [redacted] could have issued separate Group I Written Notices for each of the fourteen instances of failure to report to work without proper notice. However, he chose to mitigate the severity by lumping them altogether into a single Group II Written Notice instead. Tape 1A. Accordingly, the Grievant also failed to "[r]eport to work as scheduled and seek approval from the supervisor in advance for any changes to the established work schedule, including the use of leave and late or early arrivals and departures." AE 4 at 4.

Regarding the Group III Written Notice, [redacted] emphasized that HR personnel, especially those in employee relations, are expected to be held to a higher standard, as they are responsible for helping managers enforce the workplace standard. The Grievant's actions did not live up to that standard. The Department's credibility would be at risk if it did not apply the same disciplinary action to the Grievant, a senior ranked employee, that it would impose on others for similar conduct. Additionally, it is clear that his actions severely affected other employees who said that they were afraid of the Grievant because of his actions. *Id.*

The Grievant has asserted that the discipline was unwarranted. While the Grievant might not have specified for the hearing officer's mitigation analysis all of the mitigating factors below, the hearing officer considered a number of factors including those specifically referenced in the Written Notices, the Form A, the hearing, those referenced herein and all of those listed below in this analysis:

1. the demands of the Grievant's job and work environment;

2. the Grievant's care of any family;
3. the Grievant's satisfactory job performance leading up to the discipline and similarly satisfactory evaluations; and
4. the length of the Grievant's service to the Agency.

EDR has previously ruled that it will be an extraordinary case in which an employee's length of service and/or past work experience could adequately support a finding by a hearing officer that a disciplinary action exceeded the limits of reasonableness. EDR Ruling No. 2008-1903; EDR Ruling No. 2007-1518; and EDR Ruling 2010-2368. The weight of an employee's length of service and past work performance will depend largely on the facts of each case, and will be influenced greatly by the extent, nature, and quality of the employee's service, and how it relates and compares to the seriousness of the conduct charged. The more serious the charges, the less significant length of service and otherwise satisfactory work performance become. *Id.*

Here the policy is important to the proper functioning, appearance and reputation of the Agency, and the Grievant held a position of trust where management of necessity relied on him to perform his duties in strict conformity with Agency policies, as he had been trained and undertaken to do. The hearing officer would not be acting responsibly or appropriately if he were to reduce the discipline under the circumstances of this proceeding.

The task of managing the affairs and operations of state government, including supervising and managing the Commonwealth's employees, belongs to agency management which has been charged by the legislature with that critical task. *See, e.g., Rules for Conducting Grievance Hearings*, § VI; *DeJarnette v. Corning*, 133 F.3d 293, 299 (4th Cir. 1988).

Pursuant to DHRM Policy 1.60, Standards of Conduct, and the SOC, management is given the specific power to take corrective action ranging from informal action such as counseling to formal disciplinary action to address employment problems such as unacceptable

behavior. Accordingly, as long as representatives of agency management act in accordance with law and policy, they deserve latitude in managing the affairs and operations of state government and have a right to apply their professional judgment without being easily second-guessed by a hearing officer. In short, a hearing officer is not a "super-personnel officer" and must be careful not to succumb to the temptation to substitute his judgment for that of an agency's management concerning personnel matters absent some statutory, policy or other infraction by management. *Id.*

In EDR Case No. 8975 involving the University of Virginia ("UVA"), a grievant received a Group III Written Notice with removal for falsifying records on five (5) separate dates. Although the evidence supported only one of those instances, the hearing officer upheld the disciplinary action. The grievant appealed to EDR asserting that the disciplinary action was inappropriate in that the grievant did not engage in as much misconduct as alleged by UVA. The Director upheld the hearing officer's decision:

> The grievant's arguments essentially contest the hearing officer's determinations of fact as they relate to the proper sanction for the misconduct. Such determinations are within the hearing officer's authority as the hearing officer considers the facts *de novo* to determine whether the disciplinary action was appropriate. In this case, while it appears that the hearing officer did find that the grievant did not engage in as much misconduct as alleged by the University, it was still determined that the grievant had falsified a state record with the requisite intent, generally a Group III offense under the Standards of Conduct. [footnote omitted] Upon review of the record, there is no indication that the hearing officer abused his discretion in making these findings or that the facts were not supported by the hearing record. Consequently, this Department has no basis to disturb the hearing decision.
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> EDR Ruling Number 2009-2192; February 6, 2009.

Accordingly, if only the Group III offense is warranted, termination by the Agency was still appropriate. As the Grievant has received not only a Group III Written Notice, but also a Group II Written Notice, his termination from the Agency is clearly warranted.

In this proceeding, the Agency's actions were consistent with law and policy and, accordingly, the exercise of such professional judgment and expertise warrants appropriate deference from the hearing officer.

The hearing officer decides for the offenses specified in the Written Notices (i) the Grievant engaged in the behavior described in the Written Notices; (ii) the behavior constituted misconduct; (iii) the Department's discipline was consistent with law and policy and that there are no mitigating circumstances justifying a further reduction or removal of the disciplinary action.

The Grievant alleged retaliation by [redacted] and discrimination based on his disability and race, but did not begin to bear his burden of proving these claims.

In order to succeed with his retaliation affirmative defense, the Grievant must show that (1) he engaged in a protected activity; (2) he experienced an adverse employment action; and (3) a causal link exists between the protected activity and the adverse action. See *Netter v. Barnes*, 908 F.3d 932, 938 (4th Cir. 2018) (citing *Univ. of Tex. S.W. Med. Ctr. v. Nassar*, 570 U.S. 338, 360 (2013)); *Villa v. CavaMezze Grill, LLC*, 858 F.3d 896, 900-901 (4th Cir. 2017).

If the Agency presents a nonretaliatory business reason for the adverse employment action, then Grievant must present sufficient evidence that the Agency's stated reason was a mere pretext or excuse for retaliation. See, e.g., Felt v. MEI Techs., Inc., 584 Fed. App'x 139, 140 (4th Cir. 2014).

The Grievant experienced an adverse employment action when he received the two Written Notices. The Grievant did not establish either the protected activity or the required causal link. Further, even assuming the Grievant did engage in a protected activity and the requisite causal link, it is clear that the Agency had nonretaliatory business reasons for the

disciplinary action taken against Grievant. The Agency has demonstrated that Grievant violated state and Agency policies. Because the Agency had non-retaliatory reasons for its disciplinary actions and Grievant has offered no evidence to suggest that those reasons are mere pretext, Grievant has not met his burden to prove the Agency's disciplinary action was retaliation.

To prevail at a hearing on a claim that the employer's disciplinary action was motivated by prohibited discrimination, a grievant must ultimately prove by a preponderance of the evidence that any nondiscriminatory business reason the employer proffers for its disciplinary action is a pretext for discrimination. See *Strothers v. City of Laurel*, 895 F.3d 317, 327-28 (4th Cir. 2018).

The Grievant argued that, regarding the Group II Written Notice, he was being discriminated against due to the Agency's failure to accommodate his disability. Tape 1A.

The Grievant offered no evidence, however, to support any assertion that the Agency's disciplinary action was intended to punish him for having a medical condition or was otherwise discriminatory or retaliatory in nature.

Indeed, the Agency was not even aware that the Grievant had a disability as the Grievant personally failed to submit any formal documentation of his disability requirements to the Agency upon starting work, assuming the Agency already had his records. Tape 1A.

In any case, the Agency had business reasons for the disciplinary action taken against the Grievant. The Agency should be able to expect, and the Standards of Conduct require, employees to report to work as scheduled and provide notice and necessary documentation when reasonably practicable if they are unable to do so. In the absence of such support, the Agency demonstrated that the Grievant engaged in the misconduct.

The Grievant also argued that, regarding the Group III Written Notice, his investigation was significantly shorter and less comprehensive than that of another employee of a different race. Tape 1A.

The Grievant, however, did not provide sufficient details regarding the identity of the employee and/or how the employee was treated by the Agency for the hearing officer to conclude the Grievant was discriminated against because of his race. In any case, it has been shown that the Agency conducted a thorough and impartial investigation. The Agency had business reasons for the disciplinary action taken against the Grievant and accordingly imposed appropriate disciplinary action based on the Grievant's behavior. Grievant has thus also failed to meet his burden to prove the Agency's disciplinary action was discriminatory.

DECISION

The Agency has sustained its burden of proof in this proceeding and the action of the Agency in issuing the Written Notices and concerning all issues grieved in this proceeding is affirmed as warranted and appropriate under the circumstances. Accordingly, the Agency's action concerning the Grievant is hereby upheld, having been shown by the Agency, by a preponderance of the evidence, to be warranted by the facts and consistent with law and policy.

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 and Dispute Resolution
Department of Human Resource Management
101 North 14th St., 12th Floor
Richmond, VA 23219

or, send by e-mail to 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.[1]

ENTER 3/3 / 2025

John Robinson

John V. Robinson, Hearing Officer

[1] Agencies must request and receive prior approval from EDR before filing a notice of appeal.

cc: Each of the persons on the Attached Distribution List (by e-mail transmission as appropriate, pursuant to *Grievance Procedure Manual*, § 5.9).