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**COMPLIANCE RULING**

In the matter of the Department of Social Services  
Ruling Number 2024-5650  
January 19, 2024

The grievant seeks a compliance ruling from the Office of Employment Dispute Resolution (EDR) at the Department of Human Resource Management (DHRM) on whether her November 27, 2023 grievance with the Department of Social Services (the “agency”) is in compliance with the grievance procedure. The agency has asserted that the grievance does not challenge issues that can be grieved. For the reasons set forth below, EDR determines that the grievance shall be permitted to proceed.

FACTS

On September 27, 2023, the grievant was involved in calls with a co-worker during which the co-worker engaged in behaviors that led the grievant to submit a complaint to the agency’s human resources department. An investigation was conducted by human resources, resulting in a report that appears to find that all participants, including the grievant, engaged in some behaviors that could or did violate DHRM Policy 2.35, *Civility in the Workplace*. While it does not appear that the grievant was issued anything in writing about her behavior, a manager met with her reportedly to describe the outcome and concerns. The grievant submitted her grievance principally to challenge the outcome of the investigation. The grievance appears to express the grievant’s confusion with the situation. As such, she seeks an understanding as to how she was found in violation of the policy and what evidence supported that finding, as well as the outcome of the complaint she submitted. The agency’s human resources office declined to process the grievance, essentially indicating that it was not compliant with Section 2.4 of the *Grievance Procedure Manual*. The agency states that “Human Resources is not a management function and cannot take any management actions or require management inaction for other areas of the agency.” Thus, the agency asserts that the grievant’s challenge to the outcome of the investigation does not challenge a management action and, therefore, the grievance is not eligible to proceed through the grievance process. The grievant appeals this determination to EDR.

*An Equal Opportunity Employer*

### DISCUSSION

The *Grievance Procedure Manual* provides that, with certain exceptions, “any management actions or omissions may be grieved . . . .”<sup>1</sup> While it is unclear what action has been taken against the grievant as a result of the agency’s investigation, we do not agree with the narrow definition of “management action” utilized by the agency. Actions by human resources that relate to an employee’s employment may properly be the subject of a grievance, as in this case. Here, the agency’s human resources department undertook an investigation about the grievant’s behavior in the workplace and documented conclusions about the same. We cannot find that such matters are outside the proper scope of the grievance procedure simply because human resources was the entity conducting the investigation.

Based on the foregoing, the grievance is re-opened and shall be permitted to proceed in full. The agency is directed to return the grievance to an appropriate step respondent, who must address the issues and relief requested. EDR’s rulings on matters of compliance are final and nonappealable.<sup>2</sup>

*Christopher M. Grab*  
Director  
Office of Employment Dispute Resolution

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<sup>1</sup> *Grievance Procedure Manual* § 2.4.

<sup>2</sup> See Va. Code §§ 2.2-1202.1(5), 2.2-3003(G).