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QUALIFICATION RULING

In the matter of the Department of Juvenile Justice
Ruling Number 2025-5885
June 20, 2025

The grievant has requested a ruling from the Office of Employment Dispute Resolution (EDR) at the Department of Human Resource Management (DHRM) on whether her January 22, 2025 grievance with the Department of Juvenile Justice (the “agency”) qualifies for a hearing. For the reasons discussed below, this grievance is not qualified for a hearing.

FACTS

The grievant was a Human Resources Project Coordinator with the Virginia Department of Juvenile Justice until her retirement on March 1, 2025. Prior to her retirement, the grievant filed a grievance due to several alleged leave calculation issues. Specifically, she states that on March 30, 2024, she advised the agency of her intent to retire and inquired about how to submit a request to take an extended leave of absence beginning October 1, 2024, to run until her retirement on March 1, 2025. On June 3, 2024, she submitted her request. On September 16, 2024, the grievant was told that she was approved for leave from January 15 through February 28, 2025. On January 13, she alerted the agency that she would be using sick leave for three health appointments scheduled during the January 15 – February 28 extended leave timeframe, but she was informed that she could only use vacation leave during this time. After some back-and-forth with the agency, the grievant was ultimately allowed to use sick leave for the mentioned three appointments. Finally, the grievant noted that she subsequently became aware of additional upcoming health appointments and jury service that would both take place during her extended leave, though she was unsure of the leave types she could utilize for each. As relief, the grievant requested she be allowed to utilize the various types of leave given to her, such as using sick leave for all health appointments and civil leave for jury duty.

Since the filing of this grievance, the grievant experienced additional issues relating to her retirement. First, it was found that she was owed three hours of annual leave compensation. The payment was allegedly agreed to be made on May 1, but on May 2, the grievant had still not received the payment. According to the agency, the payment was made on May 5, but the grievant asserted that there was no paystub showing proof of this payment on her Cardinal profile. EDR has since corresponded with both parties and was able to confirm that a paystub on Cardinal has

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been made available, and this information has been relayed to the grievant who confirmed that the amount in the Cardinal paystub is accurate.

The grievant also asserted that the agency did not process her March 1 retirement until May 6, causing “substantial hardships.” These hardships include “denial/cancellation of much needed prescriptions for [her] husband, unable to schedule . . . doctor appointments . . . for [her and her] husband . . . and lab work.” The grievant adds that the coordination of benefits of her insurance carrier and Medicare is inaccurate, stating that her insurance carrier is continuing to be treated as her primary coverage when it should be her secondary coverage. The agency has since asserted that the grievant’s retirement was processed in a timely manner, but due to the need to pay out the three outstanding hours of leave, the agency had to temporarily remove the separation in Cardinal and reprocess following the three-hour payment. The grievant argues that this reasoning is inaccurate, claiming that having to temporarily alter her retirement status was unnecessary in order to pay out the three hours of leave.

DISCUSSION

Although state employees with access to the grievance procedure may generally grieve anything related to their employment, only certain grievances qualify for a hearing.¹ Additionally, the grievance statutes and procedure reserve to management the exclusive right to manage the affairs and operations of state government.² Thus, claims relating solely to the establishment and revision of salaries, wages, and general benefits generally do not qualify for a hearing, unless the grievant presents evidence raising a sufficient question as to whether discrimination, retaliation, or discipline may have improperly influenced management’s decision, or whether state or agency policy may have been misapplied or unfairly applied.³

Further, the grievance procedure generally limits grievances that qualify for a hearing to those that involve “adverse employment actions.”⁴ Thus, typically, the threshold question is whether the grievant has suffered an adverse employment action that could be remedied by a hearing officer. An adverse employment action involves an act or omission by the employer that results in “harm” or “injury” to an “identifiable term or condition of employment.”⁵

Finally, qualification may not be appropriate even if a grievance challenges a management action that might ordinarily qualify for a hearing. For example, an issue may have become moot during the management resolution steps, either because the agency granted the specific relief requested by the grievant or an interim event prevents a hearing officer from being able to grant any meaningful relief. Additionally, qualification may be inappropriate when the hearing officer does not have the authority to grant the relief requested by the grievant and no other effectual relief is available.⁶

¹ See *Grievance Procedure Manual* §§ 4.1 (a), (b).

² See Va. Code § 2.2-3004(B).

³ *Id.* § 2.2-3004(A); *Grievance Procedure Manual* §§ 4.1(b), (c).

⁴ See *Grievance Procedure Manual* § 4.1(b); Va. Code § 2.2-3004(A).

⁵ See *Muldrow v. City of St. Louis*, 144 S. Ct. 967, 974 (2024) (addressing a required element of a Title VII discrimination claim); see, e.g., *Burlington Indus. v. Ellerth*, 524 U.S. 742, 761 (1998) (defining adverse employment actions under Title VII to include “tangible” acts “such as hiring, firing, failing to promote, reassignment with significantly different responsibilities, or a decision causing a significant change in benefits”).

⁶ See, e.g., EDR Ruling No. 2017-4477; EDR Ruling No. 2017-4509.

Moot Grievance Issues

The original grievance issue of being allowed to use certain types of leave is now moot as the grievant is retired from the agency and has affirmed that she has been paid out all outstanding leave compensation. While the grievant has submitted several documents indicating potential mistakes by the agency of properly keying in leave amounts,⁷ the information available to EDR is that the agency has corrected these errors and the grievant received all payouts due to her. Nevertheless, the grievant seeks to hold the agency accountable for these past errors. This is not a form of relief that can be effectively granted by a hearing officer.⁸ For example, a hearing officer does not have authority to award monetary damages or issue disciplinary action against another employee.⁹ While EDR understands the grievant's frustration, there is no relief here regarding this issue that is available by hearing.

Similarly, the issue of being paid out the three outstanding leave hours and providing the grievant proper documentation has since been resolved and is now moot. While the grievant continues to assert that the agency should be held accountable for having to issue the three hours of leave in the first place, and for apparently not notifying the grievant that the recent paystub was made available on Cardinal, as expressed earlier, such requests for relief are outside the scope of authority of a hearing officer. Therefore, after much correspondence with the grievant, EDR understands that the one potentially active issue involved in this grievance process is that of the retirement processing and how that might have affected the grievant's health insurance claims.

Health Benefits Issues

The grievant argues, in effect, that the agency misapplied or unfairly applied state policy and/or law by altering the grievant's retirement processing. Essentially, the grievant's retirement was initially processed in a timely manner, with an effective retirement date of March 1 being processed as late as March 3. However, on or around April 30, due to the agency asserting that the three outstanding hours of leave could not be paid out while the grievant's employment was inactive, they began the process of temporarily activating the grievant's employment status to resolve the matter. After the matter was apparently resolved, the agency reprocessed the grievant's retirement date as late as May 6, 2025. The agency asserts that this did not cause any interruption in the grievant's retirement status.¹⁰ The agency has provided EDR with screenshots documenting the agency's process of resolving the issue, including several screenshots of correspondence with the state IT agency. Conversely, the grievant argues that temporarily reactivating the grievant's retirement status was not necessary in order to administer the three hours of leave, and that her retirement was in fact interrupted as evidenced by her significant issues pertaining to health

⁷ The grievant has provided several documents of Cardinal leave reports suggesting that leave amounts were improperly calculated. For example, she notes a two-week period where 80 hours total were tallied for personal and vacation leave, essentially charging her twice for such amounts. She also notes a day on which eight hours of vacation and 3 hours of sick leave were keyed in. Finally, she notes another week where 80 hours of vacation time and 40 hours of personal leave were concurrently processed.

⁸ See *Grievance Procedure Manual* § 5.9(b).

⁹ *Id.*

¹⁰ According to the agency, they spoke with the Virginia Retirement System (VRS) employer representative who confirmed that the grievant's VRS healthcare plan was not interrupted and indicated an effective retirement date of March 1, 2025.

insurance claims. As relief, the grievant requests that the agency be held accountable for their alleged retirement processing errors and that steps are taken to resolve the grievant's issues surrounding her health insurance claims.

EDR has also corresponded with DHRM's Policy Administration team ("Policy") regarding this matter who confirmed that it is the responsibility of the agency, DHRM's Office of Health Benefits (OHB), and the grievant's insurance carrier to resolve the issues the grievant has experienced. It appears that the problem originated as a coordination of benefits issue, which has now been resolved to our understanding. The grievant has confirmed that, while the coordination of benefits issue appears to be resolved, she is nonetheless tasked with having to resubmit all of her insurance claims – some of which require a delay before she can resubmit the claims. EDR has confirmed with Policy that there is effectively nothing more that the agency can do to further remedy the situation. For these reasons, there is effectively no available relief that could be granted by a hearing officer.¹¹

CONCLUSION

For the reasons described above, the January 22, 2025 grievance does not contain claims for which relief could be granted by a hearing officer. As such, the grievance does not qualify for a hearing under the grievance procedure.¹² This ruling only determines that the grievance does not qualify for a hearing and does not determine that any of the claims asserted were invalid. As discussed previously, if the grievant experiences a continued occurrence of issues relating to health insurance claims or health benefits in general, this ruling does not prevent her from raising that issue to OHB, along with correspondence with her agency and her insurance carrier(s), as necessary.

EDR's qualification rulings are final and nonappealable.¹³

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¹¹ It should also be noted that the issues relating to the grievant's retirement processing were not addressed until after the grievant initiated her January 22 grievance, and would thus, typically, be outside the scope of relief as being considered untimely.

¹² See *Grievance Procedure Manual* § 4.1.

¹³ See Va. Code § 2.2-1202.1(5).