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COMPLIANCE RULING

In the matter of the Department of Motor Vehicles
Ruling Number 2025-5817
January 27, 2025

The grievant has requested a ruling from the Office of Employment Dispute Resolution (“EDR”) at the Department of Human Resource Management in relation to alleged noncompliance with the grievance procedure by the Department of Motor Vehicles (the “agency”).

FACTS

On or about January 8, 2025, the grievant submitted a grievance (“current grievance”) alleging that the agency “misapplied and unfairly applied the 8% [Northern Virginia] differential to other positions located in [Northern Virginia]” to the exclusion of the grievant’s workgroup. The agency administratively closed the grievance based on the assertion that the grievant had “previously grieved the same issue.” In 2024, the grievant had filed a grievance (“prior grievance”) to seek retroactive application of an alleged Northern Virginia pay differential. Indeed, in the current grievance, the grievant describes the prior grievance as filed because his workgroup was not included in an 8% Northern Virginia differential that other agency employees allegedly received. The grievant has requested this ruling to appeal the agency’s administrative closure of his grievance.

DISCUSSION

Section 2.4 of the *Grievance Procedure Manual* states that a grievance may not “challeng[e] the same management action or omission challenged by another grievance.” Based on EDR’s review of the documentation, both the current and prior grievances challenge the agency’s alleged failure to apply a Northern Virginia pay differential to the grievant and his workgroup. The matter challenged in the current grievance involves the same management actions or omissions that were challenged in the prior grievance. This matter was addressed in the prior grievance and resolved in EDR Ruling Number 2025-5734.¹ Therefore, EDR agrees with the agency’s determination and the current grievance will remain administratively closed.

¹ While the grievant asserts that he has included new evidence in the current grievance to support his claim, that which appears new is not persuasive and does not otherwise alter the compliance determination in this ruling.

CONCLUSION

For the reasons set forth above, the grievant's January 8, 2025 grievance will remain closed. The parties are advised that the grievance should be marked as concluded due to initiation noncompliance and no further action is required. EDR's rulings on matters of compliance are final and nonappealable.²

Christopher M. Grab
Director
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² See Va. Code §§ 2.2-1202.1(5), 2.2-3003(G).