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**COMPLIANCE RULING**

In the matter of George Mason University  
Ruling Number 2025-5752  
August 29, 2024

The grievant seeks a compliance ruling from the Office of Employment Dispute Resolution (EDR) at the Department of Human Resource Management (DHRM) concerning his grievance with George Mason University (the “university” or “agency”), submitted July 25, 2024. The university administratively closed the grievance on grounds that it was not timely initiated. The grievant asks EDR to permit his grievance to proceed.

**FACTS**

The grievant worked at the university as an HVAC Tech I. He received a journeyman license in November of 2022 and an associate degree in December of 2023. He understood that those who obtained said license and degree would receive an increase in compensation. He also understood that those with said license and degree would receive a promotion without the need to transfer. The grievant had a meeting with the university on April 12, 2024 to express his concerns of how he has yet to receive any increased compensation for this license and degree, and the university told him that he could be compensated for a new position on the condition that he transfer to a different zone. On May 31, the grievant was offered a Level II HVAC position but with the condition of transferring to a different zone. Because of his understanding that several of his colleagues have been offered the promotion without the condition of transferring, he declined the offer. Finally, on June 11, the grievant met again with the university to discuss his confusion surrounding the transfer condition, and he was told that they would investigate the matter and get back to him.

Since the June 11 meeting, the grievant has not received any correspondence from the university, despite multiple attempts to reach out via email as recently as July 11. The primary reason the grievant wanted to continue discussions after June 11 was to contest the fact that he still has not received proper compensation for his license and degree. Having still received no university response, the grievant filed a grievance on or about July 25, 2024, primarily contesting the lack of compensation he should have been receiving since he received his journeyman license in 2022, specifically referring to the Level II HVAC position requiring the condition of a transfer. The university administratively closed the grievance on grounds that it was not timely initiated. The grievant now appeals the university’s administrative closure to EDR.

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## DISCUSSION

The grievance procedure provides that an employee must initiate a written grievance within 30 calendar days of the date they knew or should have known of the event or action that is the basis of the grievance.<sup>1</sup> When an employee initiates a grievance beyond the 30-calendar-day period, the grievance is not in compliance with the grievance procedure and may be administratively closed. Failure to initiate a grievance timely “will be excused only in extraordinary cases where just cause is found.”<sup>2</sup> The grievance procedure defines just cause as “[a] reason sufficiently compelling to excuse not taking a required action in the grievance process.”<sup>3</sup> In this case, there are two university actions or omissions relevant: the conditions attached to the Level II HVAC position, and the general lack of appropriate compensation that the grievant alleges he should have been receiving since November of 2022. Because the grievant turned down the position offered on May 31 and did not file a grievance until July 25, 2024, the grievance is not timely with respect to this particular issue and may only be accepted for just cause.

While the grievant does not point to any particular just cause for delay in the filing of the grievance, the record does suggest that the grievant was proactive in attempting to resolve the matter with the university by continuing to meet with the university to discuss his issues with the conditional offer. However, the grievant’s proactive steps toward attempted resolution are not sufficient to establish a claim of just cause under these facts. Instead, the grievant has the burden to demonstrate, with some specificity, circumstances that would have reasonably presented an obstacle to timely filing. Here, the grievant has not provided such information to EDR. For these reasons, EDR concludes that the grievant has not demonstrated just cause for the delay in initiating his grievance with respect to the offered position.

However, with respect to the overall contested issue of compensation, the grievance is considered timely. The grievant is asserting that he should have received an increase in compensation since he received his journeyman license in November of 2022. While he turned down the offer for a position with increased compensation, he is continuing to assert that regardless of the offered position, he should still be receiving increased compensation. Without addressing the substantive merit of the grievant’s claims, an issue of contested compensation such as addressed in this grievance is an ongoing matter. Further, the grievant has shown that he has continued to attempt to reach out and meet with the university to discuss the logistics of his compensation. Based on the foregoing, with respect to the overall dispute of compensation for the grievant’s license and degree, EDR considers the grievance timely, and it must be permitted to proceed. However, to reiterate, the grievance cannot contest the Level II HVAC position that was offered with a transfer.

For the reasons set forth above, EDR concludes that the grievance is timely initiated and must be allowed to proceed to the extent described above. This ruling does not address the merits of the claims presented in the grievance and only decides that the grievance was timely filed with respect to the claims identified above. The university is directed to return the grievance form and any attachments to the appropriate step respondent for a substantive response. The step respondent must respond to the grievance within five workdays of receipt.

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<sup>1</sup> Va. Code § 2.2-3003(C); *Grievance Procedure Manual* §§ 2.2, 2.4.

<sup>2</sup> *Grievance Procedure Manual* § 2.2.

<sup>3</sup> *Id.* § 9.

EDR's rulings on matters of compliance are final and nonappealable.<sup>4</sup>

*Christopher M. Grab*  
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<sup>4</sup> See Va. Code §§ 2.2-1202.1(5), 2.2-3003(G).