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QUALIFICATION and COMPLIANCE RULING

In the matter of Richard Bland College
Ruling Number 2026-5958
September 26, 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 grievance dated September 4, 2025 with Richard Bland College (the “College” or “agency”) qualifies for a hearing.

The grievant’s September 4, 2025 grievance raises issues of hostile work environment and retaliation that appear to have begun upon the grievant’s return to work on August 19, 2025, following a period of leave. It appears that the most recent occurrence that prompted the grievant to file the grievance was her receipt of notice of intended disciplinary action from the College on August 29, 2025. It appears that the College indicated that it would be issuing the grievant five separate Written Notices presumably leading to termination of employment. The five separate Written Notices were eventually formally issued on September 17, 2025, with termination of employment effective on September 18, 2025. The grievant submitted a dismissal grievance to EDR on September 17, 2025, which is currently pending as Case Number 12361 awaiting appointment of a hearing officer.

Pursuant to the grievance procedure, a grievance may “not challeng[e] the same management action or omission challenged by another grievance.”¹ The grievant’s September 4, 2025 grievance and dismissal grievance appear to raise very similar issues of hostile work environment and retaliation, as well as challenging the proposed and eventually issued five separate Written Notices and the termination of the grievant’s employment. Therefore, in many ways, the grievances are duplicative of each other and, accordingly, not fully in compliance with the grievance procedure. Typically, only one grievance can proceed as to a particular grieved matter.²

EDR observes that the grievant’s dismissal grievance qualifies for a hearing and will be appointed to a hearing officer soon. Given that all of the issues the grievant raises in her September

¹ *Grievance Procedure Manual* § 2.4.

² See, e.g., EDR Ruling No. 2022-5297; EDR Ruling No. 2021-5241.

4, 2025 grievance are also effectively raised or could be raised in the dismissal grievance, we deem the dismissal grievance to include all of the issues raised in the September 4, 2025 grievance as well as any matters specifically identified in the dismissal grievance itself. As such, even though EDR determines in this ruling that the September 4, 2025 grievance does not qualify for hearing on its own, the paperwork related to that grievance will be included with the appointment packet for the dismissal grievance. The grievant will be able to raise all the issues identified in both grievances at the hearing, including her claims of hostile work environment and retaliation generally, assuming the matters are determined to be relevant by the appointed hearing officer.

At the hearing, the agency will have the burden to prove by a preponderance of the evidence that its disciplinary actions were warranted and appropriate under the circumstances,³ and the grievant will have the burden to prove any affirmative defenses, including retaliation.⁴ If the grievant prevails, the hearing officer will have authority to order appropriate remedies, potentially including reinstatement, back pay and back benefits, rescission of any formal disciplinary actions not proven by the agency, and “order[s] . . . to create an environment free from discrimination and/or retaliation” or “to take appropriate corrective actions necessary to cure [a sustained policy] violation and/or minimize its recurrence.”⁵

Because the agency has already submitted its Form B for Case Number 12361, a hearing officer will be appointed in the coming days. This ruling is not intended to prevent or discourage the parties from resolving the underlying issues outside the context of a hearing. Should the parties wish to pursue resolution of the issues herein prior to a hearing date, EDR is available to assist in such any efforts as desired and appropriate.

EDR’s qualification and compliance rulings are final and nonappealable.⁶

Christopher M. Grab
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³ *Rules for Conducting Grievance Hearings* § VI(B)(1).

⁴ *Id.*

⁵ *Id.* § VI(C)(1), (3).

⁶ See Va. Code § 2.2-1202.1(5).