

Summary of Changes – July 1, 2017

The following is a brief description of the changes in the updated *Grievance Procedure Manual* (GPM) and *Rules for Conducting Grievance Hearings* (Rules), which are effective July 1, 2017. The primary purpose of these updates is to provide clarifications regarding the merger of the Offices of Employment Dispute Resolution (EDR) and Equal Employment Services (OEES) within the Department of Human Resource Management. Additional changes have been included at this time, as well.

Global – Name Change

Following the merger of EDR and OEES, the new office name is the Office of Equal Employment and Dispute Resolution (EEDR). Former references to EDR have been updated throughout the GPM and Rules to EEDR.

GPM § 1.6 – Equal Employment Services

The section was updated to clarify when an employee can switch between a grievance and a formal complaint of discrimination filed with EEDR. The GPM previously referred to a Memorandum of Understanding between EDR and OEES. This update incorporates the language from the Memorandum into the GPM itself and clarifies the requirements for a switch between the processes.

GPM § 2.2 – Timeline for Filing Grievances Related to Written Notices

A footnote was added in this section to state that a grievance that challenges a formal disciplinary action (i.e., a Written Notice) must be initiated within 30 calendar days of when the employee *receives* the Written Notice, which is also stated on the Written Notice form itself. New language has also been added to provide for a presumed receipt date for management actions sent by regular mail.

GPM § 2.4 – Step-Respondents for Grievances about Selections (Hiring)

EEDR has received numerous questions over the years about the proper step-respondents for a grievance challenging a selection process. Accordingly, changes have been made here to direct a grievance for response by those who actually made the selection decision, rather than the supervisor who may have had little connection with the decision.

GPM § 2.5 – Dismissal Grievances

This section has been clarified that parties may request rulings on issues of access and compliance in a dismissal grievance.

GPM §§ 7.2, 7.2(a), 7.2(c), 7.2(d) – Administrative Review of Hearing Decisions

In the past, there have been two separate administrative reviews: one by OEES on compliance with state and agency policy; and one by EDR on compliance with the grievance procedure. Given the

merger of these two units, the two reviews will be consolidated into one to streamline the process and reduce confusion. Parties still have the same opportunity to request administrative review of hearing decisions, which will be addressed in a single review by EEDR.

GPM § 7.2(b) – Transcripts of the Hearing

This section previously provided for the ability of EEDR to order either party to produce a hearing transcript. EEDR has removed language about potential orders for transcripts.

GPM § 7.2(e) – Attorneys’ Fees

EEDR copied language to this section from the Rules regarding the existing cap on awardable attorneys’ fees. The timeframe for a hearing officer to issue an Attorney Fees Addendum has also been lowered from 30 days to 15 days. The updates to this section also include a footnote on the possibility of attorneys’ fees being awarded in a layoff case, even when the grievant is not returned to work consistent with EDR Ruling 2016-4325.

GPM § 8.10 – Facilitations

This section has been updated to provide that if both sides agree, EEDR may facilitate discussions to resolve a grievance.

Rules § III(E) – Documents

In order to stay current with definitional language in the Rules of the Supreme Court of Virginia, EEDR will simply cite to the pertinent rule in footnote 2.

Rules §§ VII(A), (B) – Administrative Review of Hearing Decisions

This section has been updated to reflect changes made in the GPM regarding administrative reviews. To eliminate confusion, the specifics of requesting administrative review will be listed in the GPM only.