

Issue: Access to the Grievance Procedure; Ruling Date: August 29, 2018; Ruling No. 2019-4760; Agency: Virginia Commonwealth University; Outcome: Access Denied.



COMMONWEALTH of VIRGINIA
Department of Human Resource Management
Office of Equal Employment and Dispute Resolution

ACCESS RULING

In the matter of Virginia Commonwealth University
Ruling Number 2019-4760
August 29, 2018

On or about June 22, 2018, the Department of Human Resource Management (“DHRM”) received a Dismissal Grievance Form A from the grievant. Upon receiving a copy of the Dismissal Grievance Form A, Virginia Commonwealth University (the “University”) has asserted that the grievant does not have access to the state employee grievance procedure in order to initiate this grievance.

The grievant began employment with the University as a Project Coordinator on November 14, 2016. By letter dated May 25, 2018, the University terminated the grievant’s employment, based upon unsatisfactory work performance, effective that day. The grievant was also provided with a “University and Academic Professionals Progressive Discipline Form” describing the alleged behavior for which the grievant was being terminated in further detail. On or about June 22, 2018, the grievant initiated a dismissal grievance with DHRM, seeking to challenge her termination utilizing the state employee grievance procedure. However, the University contends that the grievant does not have access to the state grievance procedure, as she is “University and Academic Professional” staff, which would be covered by a separate grievance procedure.¹

The University provided the grievant with a copy of the University and Academic Professional grievance form and advised her that she may pursue her grievance under the provisions of that process, which the University confirms that the grievant has elected to do. The issue of the grievant’s access to the state grievance procedure is, therefore, moot and EEDR will take no further action at this time. EEDR’s rulings on access are final and nonappealable.²

A handwritten signature in black ink, appearing to read "Chris M. Grab", written over a horizontal line.

Christopher M. Grab
Director
Office of Equal Employment and Dispute Resolution

¹ Because this grievance is being handled under the University and Academic Professional grievance procedure, EEDR will not address that question in this ruling.

² Va. Code § 2.2-1202.1(5).