

Issue: Access to the Grievance Procedure: Ruling Date: January 17, 2013;  
Ruling No. 2013-3510; Agency: Virginia Commonwealth University; Outcome:  
Access Denied.



**COMMONWEALTH of VIRGINIA**  
**Department of Human Resource Management**  
**Office of Employment Dispute Resolution**

**ACCESS RULING**

In the matter of Virginia Commonwealth University  
Ruling Number 2013-3510  
January 17, 2013

The grievant filed a dismissal grievance to challenge her termination from her position with the School of Medicine, Infectious Disease department (“School of Medicine”) at Virginia Commonwealth University (“the University”).<sup>1</sup> The University asserts that the grievant does not have access to the grievance procedure to challenge this termination because she was a wage employee for the School of Medicine. For the reasons set forth below, EDR concludes that the grievant does not have access to the grievance process for this grievance.

The General Assembly has provided that all non-probationary state employees may utilize the grievance process, unless exempted by law.<sup>2</sup> Pursuant to Virginia Code § 2.2-2905, “employees compensated on an hourly or daily basis” are exempted from the Virginia Personnel Act (VPA). Under Virginia Code § 2.2-3002, employees “in positions designated in § 2.2-2905 as exempt from the Virginia Personnel Act (§ 2.2-2900 et seq.)” do not have access to the grievance procedure. Because the grievant was employed as a wage (hourly) employee for the School of Medicine, she was exempt from the VPA and did not have access to the grievance procedure to challenge her termination from the School of Medicine on December 14, 2012.

For the reasons discussed above, EDR has determined that the grievant does not have access to the grievance procedure as to this grievance. EDR’s rulings on access are final and nonappealable.<sup>3</sup>

A handwritten signature in black ink, appearing to read "Chris Grab".

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Christopher Grab  
Director  
Office of Employment Dispute Resolution

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<sup>1</sup> The grievant also submitted a dismissal grievance to challenge her termination from the School of Nursing. Because the grievant held a full-time, classified position with the School of Nursing, her grievance challenging that dismissal will proceed. A hearing officer will be appointed through separate correspondence.

<sup>2</sup> Va. Code § 2.2-3001(A); *Grievance Procedure Manual* § 2.3.

<sup>3</sup> Va. Code § 2.2-1202.1(5).