

Issue: Access to the Grievance Procedure; Ruling Date: February 6, 2019; Ruling No. 2019-4848; Agency: Department of Corrections; Outcome: Access Denied.



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

**ACCESS RULING**

In the matter of the Department of Corrections  
Ruling Number 2019-4848  
February 6, 2019

On January 17, 2019, the Office of Equal Employment and Dispute Resolution (“EEDR”) at the Department of Human Resource Management received a dismissal grievance initiated by the grievant to challenge her separation from employment. The Department of Corrections (the “agency”) challenges whether the grievant has access to the state employee grievance procedure to initiate this grievance.

The grievant worked as a contract employee at one of the agency’s facilities. On or about December 17, 2018, her security clearance to work at the facility was revoked and she was terminated from employment with her contract employer. On January 16, 2019, the grievant mailed a dismissal grievance to EEDR challenging her termination. The agency asserts that the grievant was not an agency employee, but instead worked for a contractor that provides services at its facilities.

The General Assembly has provided that all non-probationary state employees may utilize the state employee grievance process, unless exempted by law.<sup>1</sup> In this case, the grievant was not a state employee, but rather a contract employee working for an agency contractor, and thus she does not have access to the state grievance procedure. As such, the dismissal grievance filed by the grievant with EEDR is unable to proceed and the file will be closed.

EEDR’s rulings on access are final and nonappealable.<sup>2</sup>

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

<sup>1</sup> Va. Code § 2.2-3001(A); *Grievance Procedure Manual* § 2.3.

<sup>2</sup> Va. Code § 2.2-1202.1(5).