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ACCESS RULING

In the matter of Virginia Commonwealth University
Ruling Number 2020-5055
February 20, 2020

On February 18, 2020, the Office of Employment Dispute Resolution (“EDR”) at the Department of Human Resource Management (“DHRM”)¹ received a Dismissal Grievance Form from the grievant. Because the grievant was separated during his probationary period, Virginia Commonwealth University (the “University”) challenges whether he has access to the grievance procedure.

The University’s human resources policy states that “[a]ll new hires are subject to a one-year probationary period of employment.”² The General Assembly has further provided that all *non-probationary* state employees may utilize the grievance process, unless exempted by law.³ The grievant began working at the University on August 25, 2018, and was terminated from employment on May 17, 2019.⁴ As a result, he had not completed his one-year probationary period at the time of his separation. Employees who have not completed their probationary period do not have access to the grievance procedure.⁵ Accordingly, the grievant does not have access to the grievance procedure to initiate a grievance challenging his termination or the salary issue identified.⁶ As a result, this dismissal grievance will not proceed to a hearing and EDR will close its file.

¹ The Office of Equal Employment and Dispute Resolution has separated into two office areas: the Office of Employment Dispute Resolution and the Office of Equity, Diversity, and Inclusion. While full updates have not yet been made to the *Grievance Procedure Manual* to reflect this change, this Office will be referred to as “EDR” in this ruling. EDR’s role with regard to the grievance procedure remains the same.

² *Working @ VCU: “Great Place” HR Policies* at 10.

³ Va. Code § 2.2-3001(A); *Grievance Procedure Manual* § 2.3.

⁴ Although the question need not be addressed in this ruling, this grievance is also untimely. The grievance procedure requires that a grievance be initiated within 30 calendar days of termination. Va. Code § 2.2-3003(C); *Grievance Procedure Manual* §§ 2.2, 2.4. EDR received this grievance nine months after the grievant’s termination.

⁵ E.g., EDR Ruling No. 2011-2940.

⁶ To the extent the grievant is seeking unemployment compensation, this Department has no authority over such matters. The grievant should contact the Virginia Employment Commission with any questions about his unemployment compensation.

EDR's access rulings are final and nonappealable.⁷



Christopher M. Grab, Director
Office of Employment Dispute Resolution

⁷ Va. Code § 2.2-1202.1(5).