

Issue: Access/access to the grievance procedure; Ruling Date: May 12, 2005; Ruling #2005-1032; Agency: Department of Health; Outcome: grievant does not have access



COMMONWEALTH of VIRGINIA
Department of Employment Dispute Resolution

ACCESS RULING OF DIRECTOR

In the matter of Department Health

Ruling No. 2005-1032
May 12, 2005

The grievant has requested a ruling on whether she had access to the grievance procedure when she initiated her March 23, 2005 grievance. The Department of Health (DOH or the agency) claims that the grievant does not have access to the grievance procedure because she was a probationary employee on March 23rd when she initiated her grievance. For the reasons set forth below, this Department concludes that the grievant did not have access to the grievance process when she initiated her grievance on March 23rd.

FACTS

The grievant was hired on August 25, 2004, as an Accountant for the agency. On February 22, 2005, the grievant was discharged from employment, prior to her completion of her one year probationary period.

DISCUSSION

The General Assembly has provided that all non-probationary state employees may utilize the grievance process, unless exempted by law.¹ Employees who have not completed their probationary period do not have access to the grievance procedure. In this case, the grievant had not finished her probationary period when she initiated her grievance challenging her termination. Accordingly, she did not have access to the grievance procedure.

APPEAL RIGHTS AND OTHER INFORMATION

For more information regarding actions you may take as a result of this ruling, please refer to the enclosed sheet. If you wish to appeal the determination that you do not

¹ Va. Code § 2.2-3001(A) and *Grievance Procedure Manual* § 2.3.

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have access to the grievance procedure to circuit court, please notify your Human Resources Office, in writing, within five workdays of receipt of this ruling.

Claudia T. Farr
Director

William G. Anderson, Jr.
EDR Consultant, Sr.