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ACCESS RULING

In the matter of James Madison University
Ruling Number 2025-5834
February 26, 2025

On February 17, 2025, the Office of Employment Dispute Resolution (EDR) at the Department of Human Resource Management (DHRM) received a dismissal grievance initiated by the grievant to challenge his separation from employment at James Madison University (the “university” or “agency”). In response, the university has challenged the grievance on grounds that the grievant lacks access to the state employee grievance procedure because he was in his probationary period at the time of his separation.

DHRM Policy 1.45, *Probationary Period*, states that employees “who begin either original employment or re-employment in classified positions must serve 12-month probationary periods effective from the dates of their employment.”¹ The General Assembly has further provided that all *non-probationary* state employees may utilize the grievance process, unless exempted by law.² Here, it appears that the agency hired the grievant on February 5, 2024, and terminated his employment effective January 21, 2025. Therefore, the grievant would not have concluded his 12-month probationary period at the time of his separation. As such, we conclude that the employee does not have access to the grievance procedure.³ Accordingly, the dismissal grievance filed with EDR is unable to proceed and the file will be closed.

EDR’s rulings on access are final and non-appealable.⁴

Christopher M. Grab
Director
Office of Employment Dispute Resolution

¹ DHRM Policy 1.45, *Probationary Period*, at 1.

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

³ This ruling determines only that the grievant lacks access to the state employee grievance procedure. It does not address, and has no bearing on, the merits of his claims or whether other legal or equitable remedies may be available to the grievant in another forum to challenge his separation.

⁴ Va. Code § 2.2-1202.1(5).