



JANET L. LAWSON  
DIRECTOR

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

James Monroe Building  
101 N. 14<sup>th</sup> Street, 12<sup>th</sup> Floor  
Richmond, Virginia 23219

Tel: (804) 225-2131  
(TTY) 711

**ACCESS RULING**

In the matter of the Virginia Department of Corrections  
Ruling Number 2025-5844  
March 11, 2025

The Virginia Department of Corrections (the “agency”) has requested an access ruling from the Office of Employment Dispute Resolution (EDR) at the Department of Human Resource Management (DHRM) concerning a dismissal grievance submitted to EDR on March 5, 2025.

**FACTS**

On March 5, 2025, the grievant submitted a grievance to EDR, using a Grievance Form A – Dismissal Grievance. On the form, the grievant lists her employing agency as “VitalCore” and alleges she had been working a “13 weeks night shift contract” at an agency facility. The grievant alleges she was “terminated” and requests “to be reinstated back to continue to work in” the agency. In response, the agency has asserted that the grievant was not an agency employee and, as such, lacks access the state employee grievance procedure.

**DISCUSSION**

If a Grievance Form A does not comply with the requirements for initiating a grievance, the agency may notify the employee, using the Grievance Form A, that the grievance will be administratively closed.<sup>1</sup> Dismissal grievances are initiated directly with EDR, and thus an agency is essentially unable to follow this process as outlined. Accordingly, the agency has requested a ruling to address whether the grievant has access to the grievance procedure.

The General Assembly has provided that all non-probationary state employees may utilize the state employee grievance procedure, unless exempted by law.<sup>2</sup> The information available to EDR confirms that the grievant was not a state employee, even if she may have worked as a contractor at a state facility. Since the grievant is not a state employee, she does not have access to the state employee grievance procedure to challenge the matters identified in the grievance. As such, the grievance is unable to proceed. EDR will close its file and the parties are advised that no

---

<sup>1</sup> *Grievance Procedure Manual* § 6.2.

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

further action is required. To the extent the grievant may have access to another process to address the work-related issues identified in her grievance submission, the grievant should contact human resources staff for her contract employer, to the extent she has not already done so.<sup>3</sup>

EDR's rulings on access are final and nonappealable.<sup>4</sup>

*Christopher M. Grab*  
Director  
Office of Employment Dispute Resolution

---

<sup>3</sup> This ruling determines only that the grievant lacks access to the state employee grievance procedure. It does not address, and has no bearing on, whether other legal or equitable remedies may be available to the grievant in another forum.

<sup>4</sup> Va. Code § 2.2-1202.1(5).