



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 Department of Social Services  
Ruling Number 2025-5848  
March 18, 2025

On or about March 12, 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 her separation from employment. The grievant filed this grievance under the state employee grievance procedure and argues that she was employed by the state Department of Social Services (“the agency”). In response, the agency challenges whether the grievant has access to the state employee grievance procedure to initiate this grievance.

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> Generally speaking, employees who are employed in positions designated as exempt from the Virginia Personnel Act (“VPA”) do not have access to the state employee grievance procedure.<sup>2</sup> Pursuant to Virginia Code § 2.2-2905, employees of localities (counties, cities, and towns) are exempt from the Act and, accordingly, also do not have access to the state employee grievance procedure.<sup>3</sup>

EDR is the finder of fact on questions of access.<sup>4</sup> In this case, based on the information provided by the parties, EDR finds that, prior to her separation, the grievant was employed by a local entity, not by the Commonwealth of Virginia. In her grievance filing, the grievant identified her employer as “[locality] DSS,” and the agency asserts that it has no record of the grievant as a state employee.

Accordingly, the grievant lacks access to the grievance procedure. The dismissal grievance filed by the grievant with EDR is unable to proceed and the file will be closed.<sup>5</sup>

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

<sup>2</sup> Va. Code §§ 2.2-2905, 2.2-3002.

<sup>3</sup> Va. Code § 2.2-2905(12).

<sup>4</sup> See Va. Code § 2.2-1202.1(5); see also *Grievance Procedure Manual* § 2.3.

<sup>5</sup> This ruling only determines 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.

EDR's access rulings are final and nonappealable.<sup>6</sup>

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

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<sup>6</sup> Va. Code § 2.2-1202.1(5).