



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 Behavioral Health and Developmental Services  
Ruling Number 2025-5771  
October 11, 2024

On or about October 7, 2024, 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 at the Department of Behavioral Health and Developmental Services (the “agency”). In response, the agency has challenged the grievance on grounds that the grievant lacks access to the state employee grievance procedure because she was in her probationary period at the time of her 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.”<sup>1</sup> The General Assembly has further provided that all *non-probationary* state employees may utilize the grievance process, unless exempted by law.<sup>2</sup> Here, it appears that the agency hired the grievant on November 10, 2023, and separated her from employment on October 5, 2024. Therefore, the grievant would not have concluded her 12-month probationary period at the time of her separation. As such, we conclude that the employee does not have access to the grievance procedure.<sup>3</sup> 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.<sup>4</sup>

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

---

<sup>1</sup> DHRM Policy 1.45, *Probationary Period*, at 1.

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

<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, the merits of her claims or whether other legal or equitable remedies may be available to the grievant in another forum to challenge her separation.

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