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ACCESS RULING

In the matter of the Virginia Department of Health
Ruling Number 2025-5915
July 9, 2025

On or about June 24, 2025, the grievant initiated a grievance with the Virginia Department of Health (the “agency”), who informed the grievant that she does not have access to file a grievance as a probationary employee. The grievant has requested this ruling from the Office of Employment Dispute Resolution (EDR) at the Department of Human Resource Management (DHRM) to challenge whether she has access to the grievance procedure.

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 It appears that the grievant began working in a classified position with the agency on July 25, 2024. Thus, the grievant had not completed her 12-month probationary period at the time of initiating her grievance on June 24, 2025.³

Employees who have not completed their probationary period do not have access to the grievance procedure.⁴ Because the grievant had not completed her probationary period at the time of filing her grievance, she does not have access to the grievance procedure. Therefore, the grievance will remain administratively closed.

This ruling does not make any determinations as to the underlying subject matter of this grievance. This ruling only determines that the grievant is ineligible to pursue her claims through the state employee grievance procedure.⁵

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

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

³ The grievant appears to acknowledge this fact in her appeal to this office in which she states that her “probationary period expires on July 25th, 2025.”

⁴ E.g., EDR Ruling No. 2020-5017; EDR Ruling No. 2019-4920.

⁵ Although the grievant submitted additional information in support of her ruling request, the content of the submission appears to relate to the underlying claims of her grievance and did not present any basis for EDR to determine that the grievant had access to the grievance procedure.

EDR's access rulings are final and nonappealable.⁶

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⁶ Va. Code § 2.2-1202.1(5).