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## ACCESS RULING

In the matter of the Department of Corrections  
Ruling Number 2026-5921  
July 29, 2025

On or about July 16, 2025, the Office of Employment Dispute Resolution (EDR) at the Department of Human Resource Management (DHRM) received a dismissal grievance that challenged the grievant's separation from employment at the Department of Corrections (the "agency"). The agency subsequently requested a ruling from EDR on whether the grievant 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."<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 July 10, 2025. Therefore, the grievant would not have concluded her 12-month probationary period as of July 15, 2025, the date 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*  
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<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).