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ACCESS RULING

In the matter of the Department of Corrections
Ruling Number 2026-5959
September 26, 2025

On or about September 18, 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."¹ The General Assembly has further provided that all *non-probationary* state employees may utilize the grievance process, unless exempted by law.² Here, it appears that the agency hired the grievant into a classified position on December 10, 2024. Therefore, the grievant would not have concluded the 12-month probationary period as of September 17, 2025, the date of the termination of employment. As such, we conclude that the employee does not have access to the grievance procedure.³ 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.⁴

Christopher M. Grab
Director
Office of Employment Dispute Resolution

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

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

³ 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 the claims addressed in the grievance or whether other legal or equitable remedies may be available to the grievant in another forum to challenge the termination of employment.

⁴ Va. Code § 2.2-1202.1(5).