

Issue: Compliance; Consolidation for purposes of hearing; Ruling Date: September 19, 2002; Ruling #2002-137; Agency: George Mason University; Outcome: Consolidated.



COMMONWEALTH of VIRGINIA
Department of Employment Dispute Resolution

COMPLIANCE RULING OF DIRECTOR

In the matter of George Mason University
Ruling Number 2002-137
September 19, 2002

George Mason University (GMU), has requested a compliance ruling regarding two grievances initiated against the agency on April 5, 2002. GMU and the grievant request that both grievances be consolidated for a single hearing.

FACTS

The grievant was formerly employed as a General Services Supervisor. On April 5, 2002, the grievant was issued a Group II Written Notice for (1) failure to follow supervisor's instructions and perform assigned work and (2) leaving the work site during work hours without permission. On the same date, the grievant was also issued a Group II Written Notice with termination for (1) repeatedly making false statements; (2) undermining the authority of management; (3) disruptive behavior; and (4) abusive language.

On April 5, 2002, the grievant initiated separate grievances challenging each of the Written Notices. By mutual agreement, the two grievances were consolidated for the second-step meeting and response. The parties also mutually agree to consolidation for purposes of the hearing.

DISCUSSION

The grievance procedure provides that if more than one grievance is pending involving the same parties, legal issue, policies, and/or factual background, either party may request qualification for hearing.¹ EDR strongly favors consolidation and will grant

¹ Grievance Procedure Manual § 8.5, page 22. While the parties to a grievance may elect to treat multiple grievances as one through the management resolution steps, only the Director of this Department has the authority to consolidate multiple grievances for hearing.

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consolidation unless there is a persuasive reason to process the grievances individually.² In this case, the parties agree to consolidation and the events giving rise to the grievances appear to be related. Furthermore, it appears that consolidation would not lead to impracticable results. Accordingly, the grievances are consolidated for hearing. This Department's rulings on matters of compliance are final and nonappealable.³

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Director

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² *Id.*

³ Va. Code § 2.2-1001(5).