

Issue: Compliance-consolidation of grievances; Ruling Date: August 29, 2002; Ruling #2002-163; Agency: University of Virginia; Outcome: Grievances consolidated.



**COMMONWEALTH of VIRGINIA**  
**Department of Employment Dispute Resolution**

**COMPLIANCE RULING OF DIRECTOR**

In the matter of the University of Virginia  
Ruling Number 2002-163  
August 29, 2002

By counsel, the grievant has requested a compliance ruling regarding the grievances she initiated with the University of Virginia (UVA) on January 14, 2002 and May 21, 2002. The grievant requests that both grievances be consolidated for a single hearing, to which the agency agrees. For the reasons discussed below, these two grievances are consolidated and will proceed to hearing together. This Department's rulings on compliance are final and nonappealable.<sup>1</sup>

FACTS

The grievant is employed as Administrative Program Specialist III. On December 14, 2001, she received a Group I Written Notice for rude, disruptive, and insubordinate behavior. She grieved the discipline on January 14, 2002. That grievance has been assigned to a hearing officer and a hearing has been scheduled.

On May 16, 2002, the grievant received a Group II Written Notice for failure to comply with her supervisor's instructions. According to her Form A, she grieved this discipline on May 21, 2002. This grievance has concluded the third resolution step.

DISCUSSION

Written approval by the Director of this Department in the form of compliance ruling is required before two or more grievances are permitted to be consolidated in a single hearing. EDR strongly favors consolidation and will grant consolidation when grievances involve the same parties, legal issues, policies, and/or factual background, unless there is a persuasive reason to process the grievances individually.<sup>2</sup>

This Department finds that consolidation of both grievances at hearing in this case is appropriate: the grievances involve the same parties, the parties agree to consolidation and consolidation is not impracticable in this instance. We note that as a general rule, this

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<sup>1</sup> Va. Code § 2.2-1001(5).

<sup>2</sup> *Grievance Procedure Manual* § 8.5, page 22.

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Department does not consolidate grievances unless all grievances have completed the resolution steps and have been qualified for hearing. As stated above, however, the January 14<sup>th</sup> grievance has completed the resolution steps, and has been qualified and scheduled for hearing. The May 21<sup>st</sup> grievance has completed the resolution steps and will automatically qualify for a hearing in its entirety.<sup>3</sup>

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Claudia T. Farr  
Director

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William G. Anderson, Jr.  
Employee Relations Consultant Senior

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<sup>3</sup> Formal disciplinary actions (Written Group Notices) automatically qualify for hearing. Va. Code § 2.2-3004(A); Grievance Procedure Manual § 4.1(a), page 10. Presumably the grievant will seek qualification, given that she has requested consolidation of her grievances.