

Issue: Compliance/Consolidation of Grievances; Ruling Date: September 18, 2002;
Ruling #2002-164; Agency: Department of Corrections; Outcome: Consolidation granted.



COMMONWEALTH of VIRGINIA

Department of Employment Dispute Resolution

COMPLIANCE RULING OF DIRECTOR

In the matter of Department of Corrections
Ruling Number 2002-164
September 18, 2002

The Department of Corrections (DOC) has requested a compliance ruling regarding two grievances initiated by a DOC employee. DOC (or the agency) requests that the grievances be consolidated for a single hearing.

FACTS

The grievant was formerly employed as a University Dental Assistant. On February 11, 2002, the grievant allegedly engaged in sexual misconduct/fraternization with inmates. On March 15, 2002, she was issued a Group III Written Notice with termination for fraternizing with inmates. On the same date, the grievant was issued a second Group III Written Notice with termination for the alleged sexual misconduct with offenders. On April 11, 2002, the grievant initiated separate grievances challenging each termination action. The grievances were consolidated by mutual agreement of the parties and moved simultaneously through the resolution steps. The grievant also initially requested consolidation for purposes of the hearing, although she now appears to desire separate hearings. The grievance procedure provides that if more than one grievance is pending involving the same parties, legal issues, policies, and/or factual background, either party may request consolidation for hearing.¹

DISCUSSION

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.

EDR strongly favors consolidation and will grant consolidation unless there is a persuasive reason to process the grievances individually.² In this case, the parties initially agreed to consolidation. Moreover, both grievances arose from the same action—the purported sexual misconduct/fraternization of February 11, 2002. Because consolidation would appear to foster judicial efficiency and not lead to impracticable results, the grievances are consolidated for hearing. This Department’s rulings on matters of compliance are final and nonappealable.³

Claudia T. Farr
Director

June M. Foy
Sr. Employment Relations Consultant

² *Id.*

³ Va. Code § 2.2-1001(5).