

Issue: Compliance/Consolidation; Ruling Date: October 18, 2002; Ruling No: 2002-180; Agency: Department of Environmental Quality; Outcome: Consolidated.



COMMONWEALTH of VIRGINIA

Department of Employment Dispute Resolution

COMPLIANCE RULING OF DIRECTOR

In the matter of Department of Environmental Quality
Ruling Number 2002-180
October 18, 2002

The agency has requested a compliance ruling regarding two grievances initiated by the grievant on May 20, 2002 and July 28, 2002. The agency requests that both grievances be consolidated for a single hearing, to which the grievant agrees. For the reasons discussed below, these two grievances are consolidated and will proceed to hearing together.

FACTS

Until his termination, the grievant was employed as an Environmental Enforcement and Compliance Specialist. On April 22, 2002, he received a Group II Written Notice with 10 days suspension for failure to perform assigned work.¹ He grieved the disciplinary action on May 20, 2002. The grievance has been qualified for hearing.

On July 1, 2002, the grievant received a Group III Written Notice with termination for falsifying state records, misuse of state records, and failure to perform assigned work.² He grieved this disciplinary action on July 28, 2002. This grievance has also been qualified for hearing.

DISCUSSION

Written approval by the Director of this Department in the form of a compliance ruling is required before two or more grievances may be consolidated in a single hearing. EDR strongly favors consolidation and will grant consolidation when grievances involve

¹ Grievant allegedly failed to complete 110 of 116 required inspection reports.

² In part, the grievant allegedly entered dates into the agency database falsifying that inspections had been conducted as required.

the same parties, legal issues, policies, and/or factual background, unless there is a persuasive reason to process the grievances individually.³

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. This Department's rulings on compliance are final and nonappealable.⁴

Claudia T. Farr
Director

June M. Foy
Sr. Employee Relations Consultant

³ Grievance Procedure Manual § 8.5, page 22.

⁴ Va. Code § 2.2-1001 (5).