

Issue: Compliance/consolidation of grievances for purposes of hearing; Ruling Date: November 14, 2002; Ruling #2002-197; Agency: Mary Washington College; Outcome: consolidation not appropriate.



COMMONWEALTH of VIRGINIA
Department of Employment Dispute Resolution

COMPLIANCE RULING OF DIRECTOR
In the matter of Mary Washington College/ No. 2002-197
November 14, 2002

On behalf of Mary Washington College, the agency has requested a compliance ruling on consolidation and the grievant's alleged noncompliance with the grievance procedure.¹

A review of the facts in this case reflects that on June 24, 2002, the grievant received three Group II Written Notices, each with termination. In response, the grievant initiated a single grievance, which collectively challenged the three disciplinary actions resulting in his termination. The grievance was unresolved during the resolution steps. In forwarding his grievance for the agency head's qualification, the grievant attached a counseling memorandum issued on May 11, 2002 and a Group II Written Notice, which had been decided by hearing on May 16, 2002.

This Department will consolidate *multiple* grievances for hearing when appropriate; however, because the grievant only initiated a *single* grievance challenging his termination, the issue of consolidation is not applicable. Accordingly, this grievance shall proceed to a single hearing on the three June 24, 2002 Group Notices and termination. The hearing officer will decide if each of those disciplinary actions against the grievant was warranted and appropriate under the circumstances and whether the disciplinary record supports termination.

Regarding the Agency's claim that the grievant improperly attempted to add new issues to this grievance, the grievant has clarified that rather than adding new issues, he was merely attempting to provide evidence of his claim of ongoing discrimination and retaliation. Thus, while the May 11 counseling memorandum and May 16 Group II Written Notice are no longer issues for which relief may be provided by a hearing officer, they may be proffered at hearing as background evidence related to the agency's issuance of the June 24, 2002 Group Notices and termination.

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Director

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¹ Specifically, the Agency appears to contend that the grievant attempted to add new issues to an existing grievance, in contravention with § 2.4, page 6, of the Grievance Procedure Manual.