

Issue: Compliance/Consolidate grievance for purposes of hearing; Ruling Date: November 8, 2002; Ruling #2002-207; 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 2002-207

November 8, 2002

The agency has requested a compliance ruling regarding two grievances initiated by the grievant on August 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 a Geologist Senior. On July 31, 2002, he received a Group II Written Notice with termination for alleged failure to follow a supervisor's instructions. On the same date, he was also issued a Group III Written Notice with termination for alleged threatening and slandering of DEQ staff and consultants. He grieved both disciplinary actions on August 28, 2002 and the grievances proceeded through the resolution steps together.

DISCUSSION

Written approval by the Director of this Department in the form of a 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.¹

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.²

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Director

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¹ Grievance Procedure Manual § 8.5, page 22.

² Va. Code § 2.2-1001 (5).