

Issue: Compliance/consolidation of grievances; Ruling Date: January 23, 2003; Ruling #2003-011; Agency: Norfolk State University; Outcome: grievances consolidated for purposes of hearing.



COMMONWEALTH of VIRGINIA

Department of Employment Dispute Resolution **COMPLIANCE RULING OF DIRECTOR**

In the matter of Norfolk State University
Ruling Number 2003-011
January 23, 2003

The grievant has requested a compliance ruling in the three grievances she initiated on September 19, 2002, November 21, 2002, and November 27, 2002. The grievant requests that the three grievances be consolidated for a single hearing, to which the agency agrees. For the reasons discussed below, the three grievances are consolidated and will proceed to hearing together.

FACTS

Until her termination, the grievant was employed as a Laboratory & Research Practitioner II. On September 19, 2002, the grievant initiated a grievance citing harassment and a hostile work environment. On November 21, 2002, the grievant initiated a grievance alleging harassment, hostile work environment, and retaliation. At the time of this grievance, the grievant was on suspension pending possible disciplinary action. On November 27, 2002, the grievant initiated a third grievance challenging the issuance of a Group III Written Notice with termination and also alleging harassment, hostile work environment, retaliation, and discrimination. All were initiated using the expedited process and proceeded to the second resolution step meeting and qualification 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 the three grievances at hearing in this case is appropriate: each of the grievances alleges harassment and hostile work environment, the grievances involve the same parties, the parties agree to consolidation,

¹ *Grievance Procedure Manual* § 8.5, page 22.

and consolidation is not impracticable in this instance. This Department's rulings on compliance are final and nonappealable.²

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² Va. Code § 2.2-1001 (5).