

Issue: Compliance/Consolidation of grievances for purposes of management steps;
Ruling Date: February 25, 2003; Ruling #2003-025; Agency: Norfolk State University;
Outcome: grievances consolidated for management steps.



COMMONWEALTH of VIRGINIA

Department of Employment Dispute Resolution

COMPLIANCE RULING OF DIRECTOR

In the matter of Norfolk State University
Ruling Number 2003-025
February 25, 2003

The grievant has requested a compliance ruling regarding her January 9, 2003 and January 22, 2003 grievances with Norfolk State University (NSU), both of which challenge NSU's grounds for her termination. The grievant requests that her two grievances be consolidated for the second-step meeting to which the agency agrees. For the reasons stated below, these two grievances are consolidated for the second-step meeting and the remainder of the grievance process including, but not limited to, hearing, should the grievances advance to that stage.

FACTS

Until her termination, the grievant was employed as an Education Specialist III. On January 9, 2001, she was issued a letter by her supervisor stating that her involvement in an altercation in the vicinity of her office was "considered a Group III offense" under Standards of Conduct policy.¹ The letter was not accompanied by a Written Notice form.

On December 13, 2002, the grievant was issued a Group II Written Notice with termination for failure to follow her supervisor's instruction or otherwise comply with established written policy. The grievant's termination was based on a purported accumulation of disciplinary actions (the January 9, 2001 letter referencing the Group III violation and the December 13, 2002 Written Notice with termination).

On January 9, 2003, the grievant initiated a grievance challenging her termination and the Group II Written Notice. On January 22, 2003, she initiated a second grievance, which again challenged her termination, but more specifically, by contesting the status of the January 9, 2001 letter as accumulated formal discipline that could support the termination.

¹ See The Department of Human Resources Management, (DHRM) Policy 106.

DISCUSSION

Under the grievance procedure, only the EDR Director is vested with the authority to consolidate grievances.² If more than one grievance is pending involving the same parties, legal issue, policies, and/or factual background, either party may request consolidation from the EDR Director.³ EDR strongly favors consolidation and will grant a consolidation request unless there is a persuasive reason to process the grievances individually.⁴

This Department finds that consolidation of both grievances for the management step in this case is appropriate: both challenge the grievant's termination, both parties agree to consolidation, and consolidation is not impracticable in this instance. This Department's rulings on compliance are final and nonappealable.⁵

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² *Grievance Procedure Manual* § 8.5, page 22.

³ *Id.*

⁴ *Grievance Procedure Manual*, § 8.5, page 22.

⁵ Va. Code § 2.2-1001 (5).