

Issue: Compliance/Consolidation of grievances for hearing; Ruling Date: April 25, 2003; Ruling #2003-079; Agency: Christopher Newport University; Outcome: grievances consolidated for hearing.



COMMONWEALTH of VIRGINIA
Department of Employment Dispute Resolution
COMPLIANCE RULING OF DIRECTOR

In the matter of Christopher Newport University
Ruling Number 2003-079
April 25, 2003

The agency has requested a compliance ruling regarding two grievances initiated by the grievant on February 26, 2003. The agency requests that the two grievances be consolidated for a single hearing, to which the grievant agrees. For the reasons discussed below, the two grievances are consolidated and will proceed to a single hearing.

FACTS

The grievant is employed as a Cleaning Technician/Housekeeping. On January 29, 2003, she was issued a Group II Written Notice for failure to report to work as scheduled without proper notice to her supervisors. On the same date, she was issued a second Group II Written Notice for failure to follow a supervisor's instruction, perform assigned work or otherwise comply with established written policy. On February 26, 2003, she initiated separate grievances challenging each of the disciplinary actions. The two grievances proceeded through the respondent steps together.

DISCUSSION

Written approval by the Director of this Department or her designee 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

¹ Grievance Procedure Manual § 8.5, page 22.

This Department finds that consolidation of both grievances at hearing in this case is appropriate: the material facts of the two grievances overlap, 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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² Va. Code § 2.2-1001 (5).