

Issue: Compliance/Consolidation of 2 grievants' grievances for purposes of hearing; Ruling date: July 11, 2003; Ruling #2003-133 and 2003-134; Agency: Norfolk State University; Outcome: consolidated for hearing



COMMONWEALTH of VIRGINIA

Department of Employment Dispute Resolution

COMPLIANCE RULING OF DIRECTOR

In the matter of Norfolk State University
Ruling Nos. 2003-133 and 134
July 11, 2003

The agency has requested a compliance ruling regarding grievances initiated by two grievants on May 28, 2003. The agency requests that the two grievances be consolidated for a single hearing, to which the grievants agree. For the reasons discussed below, the two grievances are consolidated and will proceed to hearing together, but the hearing officer is directed to issue a separate decision for each grievant.

FACTS

Each of the grievants is employed as a Human Resource Manager I. On April 30, 2003, they were both issued a Group II Written Notice for failure to perform assigned work and follow supervisor's instructions. On May 28, 2003, they each initiated a grievance to challenge the disciplinary action.

DISCUSSION

Written approval by the Director of this Department or her designee in the form of 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 the two grievances at hearing in this case is appropriate: the material facts of the two grievances are identical, the grievances involve the same management officials, 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).