

Issue: Compliance/consolidation of grievances for purposes of hearing; Ruling Date: March 8, 2004; Ruling #2004-620; Agency: College of William and Mary; Outcome: grievances and consolidated and will proceed to hearing together, but the hearing officer's decision shall address each grievance separately.



***COMMONWEALTH of VIRGINIA***  
***Department of Employment Dispute Resolution***  
**COMPLIANCE RULING OF DIRECTOR**  
In the matter of College of William and Mary  
Ruling Number 2004-620  
March 8, 2004

The agency has requested a compliance ruling regarding two grievances initiated by the grievant on November 7, 2003. The issue is whether the two grievances should 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 hearing together, but the hearing officer's decision shall address each grievance separately.

FACTS

The grievant is employed as an Enrollment Services Assistant. On October 28, 2003, the grievant was issued a Group II Written Notice for failure to perform job duties. On the same date, she received her annual performance evaluation for CY 2003 with a rating of **Below Contributor**. On November 7, 2003, the grievant initiated separate grievances, one challenging the issuance of the disciplinary action and another challenging her performance evaluation. The grievances were unresolved during the respondent steps and both were qualified for hearing. The agency requests that the two grievances be consolidated for a single hearing. The grievant agrees to consolidation.

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.<sup>1</sup>

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<sup>1</sup> Grievance Procedure Manual § 8.5, page 22.

This Department finds that consolidation of the two grievances at hearing in this case is appropriate: the factual backgrounds of the two grievances overlap and are interrelated, the grievances involve the same management officials, the parties mutually agree on consolidation, and consolidation is not impracticable in this instance. This Department's rulings on compliance are final and nonappealable.<sup>2</sup>

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Claudia T. Farr  
Director

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June M. Foy  
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<sup>2</sup> Va. Code § 2.2-1001 (5).