

Issue: Compliance/Consolidation for the purposes of hearing; Ruling Date: October 12, 2004; Ruling #2004-877; Agency: Department of Juvenile Justice; Outcome: agency's request for consolidation is premature



COMMONWEALTH of VIRGINIA

Department of Employment Dispute Resolution

COMPLIANCE RULING OF DIRECTOR

In the matter of Department of Juvenile Justice
Ruling Number 2004-877
October 12, 2004

The Department of Juvenile Justice (DJJ or the agency) has requested a compliance ruling regarding two grievances initiated by the grievant on July 20, 2004 and one grievance initiated by the grievant on August 9, 2004. The agency requests that the three grievances be consolidated for a single hearing. For the reasons discussed below, the agency's request for consolidation is premature.

FACTS

The grievant was employed by the agency as an intake, probation and parole officer. On June 25, 2004, the grievant was issued two Group II written notices. On July 20, 2004, the grievant initiated two grievances challenging these written notices. On July 12, 2004, the grievant received a third Group II written notice and was subsequently terminated. The grievant initiated a grievance challenging these actions on August 9, 2004.

The agency has qualified one of the grievant's July 20, 2004 grievances for hearing. While the management resolution steps for the remaining two grievances have been completed, the grievant has not yet requested that those grievances be qualified for hearing. The agency has requested that all three grievances be consolidated for a single hearing.

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.

At this time, consolidation of the July 20th and August 9th grievances for hearing is inappropriate because the grievant has not yet requested qualification for hearing from the agency head on two of the three grievances at issue. When and if the grievant requests qualification on the remaining two grievances, either party may renew a request for consolidation to this Department.

Claudia T. Farr
Director