

Issue: Consolidation of grievances for purposes of hearing/suspension; Ruling Date: May 6, 2005; Ruling #'s 2005-1017, 2005-1018; Agency: Old Dominion University; Outcome: grievances are consolidated; hearing officer may address the two actions separately in one decision or in two separate decisions



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

In the matter of old Dominion University
Ruling Numbers 2005-1017 and 2005-1018
May 6, 2005

For the reasons discussed below, the grievant's March 21 and March 23, 2005 grievances are consolidated and will proceed to hearing together. The hearing officer, in his discretion, may address the two actions separately in one decision, or in two separate decisions.

FACTS

The grievant was formerly employed by the agency as an Administrative and Program Specialist III. On February 21, 2005, she was suspended pending an agency investigation into allegations of improper procedures related to changes in student records. On March 15, the grievant was issued a Group III Written Notice with termination of her employment. On March 21, 2005, she initiated a grievance to challenge her February 21, 2005 suspension. On March 23rd, she initiated another grievance challenging her termination. The parties mutually agreed to consolidate the two grievances for the management step and qualification phases. Upon consultation by EDR, both parties also agree to consolidation for hearing.

DISCUSSION

This Department may consolidate grievances with or without a request from either party whenever more than one grievance is pending involving the same parties, legal issues, and/or factual background.¹ EDR strongly favors consolidation and will order consolidation unless there is a persuasive reason to process the grievances individually.²

This Department finds that consolidation of the March 23rd grievance with the March 21st grievance is appropriate. The grievances involve the same parties, potential witnesses, share a common factual background, and are essentially intertwined. Also,

¹ *Grievance Procedure Manual*, § 8.5.

² *Id.*

both parties agree and consolidation is not impracticable in this instance. This Department's rulings on compliance are final and nonappealable.³

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Director

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³ Va. Code § 2.2-1001 (5).