

Issue: Consolidation request to combine grievances for purposes of hearing; Ruling
Date: March 15, 2005; Ruling #2005-960; Agency: Virginia Community College
System; Outcome: consolidation granted



COMMONWEALTH of VIRGINIA

Department of Employment Dispute Resolution

COMPLIANCE RULING OF DIRECTOR

In the matter of Northern Virginia Community College
Ruling Number 2005-960
March 15, 2005

The Northern Virginia Community College (NVCC or the agency) has requested a compliance ruling regarding two grievances initiated by the grievant on November 29, 2004. The agency requests that the grievances be consolidated for a single hearing. For the reasons discussed below, the agency's request for consolidation is granted.

FACTS

The grievant is employed as an IT Specialist I with NVCC. On November 11, 2004, the grievant was issued two Group I Written Notices for allegedly sending unauthorized surveys to staff and for allegedly misusing state time and resources in sending these surveys. On November 29, 2004, the grievant initiated two grievances challenging the written notices. The agency has qualified both November 29th grievances and seeks consolidation of these grievances 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

While the Group Notices being grieved are distinct disciplinary actions, this Department finds that consolidation of the grievances is nevertheless appropriate. The grievances involve the same parties, factual background and legal issues and, most importantly, consolidation is not impracticable. For these reasons, the November 29,

¹ *Grievance Procedure Manual* § 8.5.

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2004 grievances are consolidated for a single hearing. This Department's rulings on compliance are final and nonappealable.²

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Director

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² Va. Code § 2.2-1001 (5).