

Issue: Consolidation/consolidate grievances for purposes of hearing; Ruling Date: July 1, 2005; Ruling #2005-1057, 2005-1058; Agency: Virginia Community College System; Outcome: grievances are consolidated for hearing



COMMONWEALTH of VIRGINIA

Department of Employment Dispute Resolution

COMPLIANCE RULING OF DIRECTOR

In the matter of Virginia Community College System
Ruling Number 2005-1057 and 2005-1058
July 1, 2005

The Virginia Community College System (VCCS) seeks a compliance ruling regarding two grievances initiated by the grievant on March 24, 2005. 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. The hearing officer, in his discretion, may address the two actions separately in one decision, or in two separate decisions.

FACTS

The grievant is employed by the agency as a Computer Systems Senior Engineer. On March 4, 2005, she was issued a Group II Written Notice for failure to follow her supervisor's instructions and perform assigned work. Later on March 22, 2005, she was issued a second Group II Written Notice for failure to follow her supervisor's instruction. The date of the offense that formed the basis for both alleged violations was February 8, 2005.

On March 24, 2005, the grievant initiated separate grievances challenging each of the disciplinary actions. By mutual agreement of the parties, the two grievances were consolidated for purposes of the second-step meeting.¹ The grievances were unresolved during the management respondent steps and on May 31, 2005 were qualified for hearing by the agency head.

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.²

¹ Grievance Procedure Manual, § 8.5.

² *Id.*

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This Department finds that consolidation of the two March 24, 2005 grievances is appropriate. The grievances involve the same parties, potential witnesses, share a common factual background, and are essentially inextricably intertwined. Furthermore, consolidation is not impracticable in this instance. This Department's rulings on compliance are final and nonappealable.³

Claudia T. Farr
Director

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³ Va. Code § 2.2-1001 (5).