

Issue: Issue/consolidation of three individuals' grievances for purposes of hearing;
Ruling Date: January 6, 2006; Ruling #2006-1236, 2006-1237, 2006-1238; Agency:
Thomas Nelson Community College; Outcome: consolidated for purposes of hearing

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COMMONWEALTH of VIRGINIA
Department of Employment Dispute Resolution

CONSOLIDATION RULING OF DIRECTOR

In the matter of
Thomas Nelson Community College
Ruling Numbers 2006-1236, 2006-1237, and 2006-1238
January 6, 2006

Thomas Nelson Community College (TNCC or the agency) has requested that three grievances filed by three separate TNCC employees (Grievant #1, Grievant #2, and Grievant #3) be consolidated for a single hearing. The grievants agree to the consolidation. For the reasons discussed below, this Department finds that consolidation is appropriate and practicable.

FACTS

On September 22, 2005, the agency issued Grievants #1 and # 2 a Group II Written Notice for alleged violations of Department of Human Resource Management (DHRM) Policy 1.60, "Standards of Conduct," and Policy 1.75, "Use of Internet and Electronic Communications Systems." That same day, the agency issued Grievant #3 a Group I Written Notice for violations of the same policies.

The grievants subsequently initiated individual grievances challenging the disciplinary actions. The three grievances were unresolved during the management resolution steps and were qualified for hearing by the agency head. The agency has asked the grievances be consolidated for hearing, on the basis that the grievances involve the same violation of policy. The grievants have agreed to this request.

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.

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This Department finds that consolidation of the three grievances is appropriate. The three grievances apparently involve the same legal issues and policies, the parties have agreed to consolidate the grievances, and consolidation is not impracticable in this instance. The hearing officer shall independently assess the merits of each grievance and separately address the merits of each grievance.² This Department's rulings on compliance are final and nonappealable.³

Claudia T. Farr
Director

Gretchen M. White
EDR Consultant

² The hearing officer is granted the discretion of addressing the merits of the three grievances in a single consolidated decision or three separate decisions.

³ Va. Code § 2.2-1001 (5).