

Issue: Consolidation/consolidating grievances for purposes of hearing; Ruling Date: June 8, 2006, Ruling #2006-1365, 2006-1366; Agency: Virginia Commonwealth University; Outcome: grievances are consolidated for hearing and hearing officer may address the two actions separately in one decision or in two separate decisions.



COMMONWEALTH of VIRGINIA
Department of Employment Dispute Resolution

CONSOLIDATION RULING OF DIRECTOR

In the matter of Virginia Commonwealth University
Ruling Number 2006-1365, 2006-1366
June 8, 2006

The grievant and Virginia Commonwealth University (VCU or the agency) have requested consolidation of the grievant's March 6, 2006 and April 12, 2006 grievances for hearing. 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 was employed by VCU as a Sr. Programmer Analyst. Effective February 28, 2006, the grievant was suspended pending an agency investigation and the completion of court action for the grievant's alleged arrest on criminal charges. On March 6, 2006, the grievant initiated a grievance challenging his suspension. Subsequently, on March 14, 2006, the agency issued the grievant a Group III Written Notice with termination, and on April 12, 2006, the grievant initiated a second grievance challenging his termination. The two grievances were unresolved during the management respondent steps, and both have been qualified for hearing by the agency head.

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

This Department finds that consolidation of the March 6th and April 12th grievances is appropriate. The grievances involve the same parties, potential witnesses, and challenge purportedly related similar acts. Furthermore, consolidation is not impracticable in this instance. This Department's rulings on compliance are final and nonappealable.²

Claudia T. Farr

¹*Id.*

² Va. Code § 2.2-1001 (5).

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