

Issues: Qualification: Work Conditions – Supervisor/Employee Conflict and Violence in the Workplace; Consolidation: Consolidate five grievances for the purpose of hearing; Ruling Date: April 16, 2007; Ruling #2007-1607; Agency: Virginia Community College System; Outcome: All issues qualified. Consolidation granted.



COMMONWEALTH of VIRGINIA
Department of Employment Dispute Resolution

QUALIFICATION AND CONSOLIDATION
RULING OF DIRECTOR

In the matter of the Department of Rappahannock Community College
Ruling No. 2006-1607
April 16, 2007

The grievant has requested qualification of his November 14, 2006, grievance. For the reasons set forth below, this grievance is qualified and consolidated with his four pending grievances.

FACTS

The grievant is employed as a Trades Technician III by the Rappahannock Community College (the College or agency). On November 2, 2006, the grievant initiated a grievance asserting that he had been subjected to harassment and was forced to work in a hostile work environment because management allegedly failed to properly respond when the grievant was purportedly threatened. The grievance was ultimately qualified by the agency for hearing. The grievant initiated a second grievance on November 2, 2006, in which he again claimed that management had not adequately responded to a purported threat. This grievance was also qualified for hearing. On November 7, 2006, the grievant initiated a grievance in which he again asserted that he was working in a hostile workplace. This grievance too was qualified by the agency head. On November 14, 2006, the grievant initiated a grievance, in which he again asserted that he had been harassed and forced to work in a hostile workplace because management had falsely accused him of assault. (The November 14th grievance was not qualified and is the subject of this qualification ruling.) On November 30, 2006, the grievant initiated a final grievance in which he challenged his alleged wrongful termination based on his purported threatening behavior towards others. The November 30th grievance was qualified by the agency head.

DISCUSSION

Qualification

The grievant has asked this Department to qualify his November 14, 2006 grievance for hearing. That grievance challenges the same sort of alleged behavior by management as charged in several other previously qualified grievances--namely, management's purported harassment and creation of a hostile workplace. Under the particular circumstances of this case, we deem it appropriate to qualify the grievant's November 14th grievance for hearing, to help assure a full exploration of interrelated facts and issues.

Consolidation

This Department has long held that it 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 grant consolidation unless there is a persuasive reason to process the grievances individually.²

In this case, the grievant asserts that he has been subjected to a continuing course of harassment resulting in a hostile workplace. In light of the commonality of the grievant's claims, this Department finds that consolidation of all grievances is appropriate. The grievances involve the same parties, share a common factual background, and assert a common theory of harassment. Consolidation of all grievances should provide an effective and efficient means of resolving the related disputes at hand. Accordingly, the grievant's November 14th grievance is consolidated with the remaining four grievances and will be heard together by a single hearing officer at a single hearing.

CONCLUSION

For the reasons discussed above, this Department concludes that the grievant's November 14th grievance is qualified and consolidated with the other four grievances previously qualified and shall advance to a single hearing to be heard by a single hearing officer. By copy of this ruling, the grievant and the agency are advised that a hearing officer will be appointed within 5 workdays of the date of this ruling.

This Department's rulings on matters of compliance are final and nonappealable.³

Claudia T. Farr
Director

¹ Grievance Procedure Manual § 8.5.

² *Id.*

³ Va. Code § 2.2-1001(5).