

Issue: Consolidation; two grievances for purposes of hearing; Discipline/failure to follow instructions; Ruling Date: August 30, 2006; Ruling Nos. 2007-1426, 2007-1427; Agency: Virginia Commonwealth University; Outcome: grievances consolidated for purposes of hearing



***COMMONWEALTH of VIRGINIA***  
***Department of Employment Dispute Resolution***

**CONSOLIDATION RULING OF DIRECTOR**

In the matter of the Virginia Commonwealth University  
Ruling Number 2007-1426, 1427  
August 30, 2006

The Virginia Commonwealth University (VCU or the agency) has requested consolidation of the grievant's May 25<sup>th</sup> and June 23<sup>rd</sup>, 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 grievances separately in one decision, or in two separate decisions.

**FACTS**

The grievant is employed by the agency as a Fiscal Technician Sr. On April 26, 2006, the grievant received a Group I Written Notice for disruptive behavior and inappropriate conduct relating to a conversation that she purportedly had with a student worker on April 24, 2006, during which she informed the student of her financial hardships. She grieved the Group I Notice on May 25, 2006 and alleged in that grievance that the agency had subjected her to racial harassment.

On May 25, 2006, the grievant was presented with a Group II Written Notice for her alleged failure to follow her supervisor's instructions regarding her purported failure to timely reconcile grant accounts. On June 23, 2006, the grievant challenged the Group II Notice by initiating a grievance. In the June 23<sup>rd</sup> grievance, she again alleges that the agency has engaged in racial harassment. In addition, the grievant claims that the May 25<sup>th</sup> Group II Notice was issued in retaliation for her having grieved the April 26<sup>th</sup> Group I Written Notice.

The agency has asked that the grievances be consolidated for hearing and the grievant does not object to consolidation.

**DISCUSSION**

Approval by the Director of this Department or her designee in the form of a compliance ruling is required before two or more grievances may be consolidated in a single hearing. Moreover, EDR may consolidate grievances for hearing without a request from either party.<sup>1</sup> EDR strongly favors consolidation and will consolidate grievances when they involve the same

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<sup>1</sup> *Grievance Procedure Manual*, § 8.5.

parties, legal issues, policies, and/or factual background, unless there is a persuasive reason to process the grievances individually.<sup>2</sup>

This Department finds that consolidation of the May 25<sup>th</sup> and June 23<sup>rd</sup> grievances is appropriate. The grievances involve many of the same parties and potential witnesses, as well as related claims (e.g., racial harassment and retaliation). Furthermore, consolidation is not impracticable in this instance.

This Department's rulings on compliance are final and nonappealable.<sup>3</sup>

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Claudia T. Farr  
Director

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<sup>2</sup> *Id.*

<sup>3</sup> Va. Code § 2.2-1001 (5).