

Issue: Consolidation of grievances for purpose of hearing; Ruling Date: December 3, 2007; Ruling #2008-1875, 2008-1876; Agency: Department of State Police; Outcome: Consolidation granted.



COMMONWEALTH of VIRGINIA
Department of Employment Dispute Resolution

CONSOLIDATION RULING OF DIRECTOR

In the matter of the Virginia State Police
Ruling Numbers 2008-1875, 2008-1876
December 3, 2007

The Virginia State Police (VSP or the agency) has asked that the grievant's April 9, 2007 and May 18, 2007 grievances be consolidated for hearing. For the reasons discussed below, this Department finds that consolidation of these grievances into a single hearing is appropriate and practicable.

FACTS

The grievant is employed by the agency as a Senior Dispatcher. On March 13, 2007, the agency issued the grievant a Group II Written Notice for allegedly failing "to report to work as scheduled" and to notify her immediate supervisor "in a timely manner as required by policy." The grievant initiated a grievance challenging this disciplinary action on April 9, 2007. Subsequently, on April 18, 2007, the grievant received a Group I Written Notice for allegedly engaging in disruptive behavior. On May 18, 2007, the grievant initiated a grievance challenging this second disciplinary action.

After the parties failed to resolve the grievances during the management resolution steps, the agency head qualified the grievances for hearing. The agency has asked that the two grievances be consolidated for a single hearing. By letter dated November 26, 2007, this Department advised the parties that it had received the agency's request and asked for any additional information from the parties. The grievant has not objected to the agency's request and has not provided any additional information.

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.¹

¹ *Grievance Procedure Manual* § 8.5.

EDR strongly favors consolidation and will consolidate grievances when they involve the same parties, legal issues, policies, and/or factual background, unless there is a persuasive reason to process the grievances individually.²

This Department finds that consolidation of the grievant's two grievances is appropriate. Both grievances concern the discipline of the grievant and possibly share common themes and claims. Moreover, we find that consolidation is not impracticable in this instance.

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

Claudia T. Farr
Director

² *Id.*

³ Va. Code § 2.2-1001(5).