

Issue: Consolidation of grievances for purpose of hearing; Ruling Date: March 3, 2008; Ruling #2008-1962, 2008-1966; 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 2008-1962, 2008-1966
March 3, 2008

The Virginia State Police (VSP or the agency) has asked that the grievant's November 9, 2007 and December 19, 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 special agent. On October 29, 2007, the agency issued the grievant a Group II Written Notice for allegedly "failing to follow a supervisor's instructions, perform assigned work or otherwise comply with applicable established written policy. Specifically, the agency apparently asserts that the grievant was outside his assigned duty post during working hours conducting personal business and used his agency-issued vehicle for unofficial business. The grievant initiated a grievance challenging this disciplinary action on November 9, 2007.

Subsequently, on November 29, 2007, the grievant received a Group III Written Notice, with demotion and pay reduction, for allegedly engaging in conduct, on or off the job, that undermines the effectiveness or efficiency of the agency's activities. The grievant initiated a grievance challenging this disciplinary action on December 19, 2007.

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 February 21, 2008, this Department advised the parties that it had received a request for consolidation and asked for any additional information from the parties. Neither party has objected to the request or 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 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 a single 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

¹ *Grievance Procedure Manual* § 8.5.

² *Id.*

³ Va. Code § 2.2-1001(5).