

Issue: Consolidation of grievances for purpose of hearing; Ruling Date: May 12, 2008; Ruling #2008-2018; Agency: Virginia State University; Outcome: Consolidation granted.



COMMONWEALTH of VIRGINIA
Department of Employment Dispute Resolution

CONSOLIDATION RULING OF DIRECTOR

In the matter of Virginia State University
Ruling No. 2008-2018
May 12, 2008

Virginia State University (VSU or the agency) has asked that the grievant's January 30, 2008 grievance be consolidated with his December 13, 2007, December 18, 2007, and December 28, 2007 grievances 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 was employed by the agency as a Police Patrol Sergeant. The grievant asserts that on December 5, 2007, he received a "Notification of [A]dministrative [A]ction" advising him that he was being reassigned to an "unclear" administrative assignment. On December 13, 2007, the grievant initiated a grievance challenging this alleged agency action. The grievant further asserts that he subsequently received a Group II Written Notice, with a demotion, on December 15, 2007. The grievant initiated a grievance challenging this disciplinary action on December 18, 2007. The grievant states that he received a second "Notification of Administrative Action" on December 23, 2007, and that his department badge and weapon were taken from him in conjunction with this notification. He initiated a third grievance, challenging the December 23rd action, on December 28, 2007. These three grievances were consolidated for hearing by EDR Ruling Nos. 2008-1943, 2008-1944, 2008-1945.

On January 4, 2008, the agency issued the grievant a Group III Written Notice with termination for an alleged "[c]ontinued violation of the University's policies and procedures, and DPPS Rules of Conduct as they pertain to Workforce Harassment and Sexual Harassment." The grievant initiated a grievance challenging this disciplinary action on January 30, 2008. After the parties failed to resolve the January 30th grievance during the management resolution steps, the agency head qualified the grievance for hearing. The agency has asked that the January 30th grievance be consolidated with the grievant's other qualified grievances for a single hearing. By letter dated May 1, 2008, 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 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 four grievances is appropriate. The 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

¹ *Grievance Procedure Manual* § 8.5.

² *Id.*

³ Va. Code § 2.2-1001(5).