

Issue: Consolidation of grievances for purpose of hearing; Ruling Date: December 29, 2008; Ruling #2009-2186, 2009-2187, 2009-2188, 2009-2189; Agency: University of Mary Washington; Outcome: Consolidation Granted.

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COMMONWEALTH of VIRGINIA
Department of Employment Dispute Resolution

CONSOLIDATION RULING OF DIRECTOR

In the matter of the University of Mary Washington
Ruling Numbers 2009-2186, 2009-2187, 2009-2188, 2009-2189
December 29, 2008

The University of Mary Washington (UMW or the agency) has asked that the grievant's two September 29, 2008 grievances be consolidated for hearing with her grievances of October 7, 2008 and November 10, 2008. 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 an operations manager. On September 29, 2008, the grievant initiated a grievance challenging a Group II Written Notice, apparently issued to the grievant on September 9, 2008 for her allegedly unsatisfactory performance. The grievant also initiated a second grievance on September 29th, challenging alleged "undue harassment" by the agency. Subsequently, the grievant initiated two additional grievances: one on October 7th challenging a Group II Written Notice for alleged unsatisfactory performance and failure to follow instructions, and another on November 10th, challenging a "Below Contributor" performance evaluation.

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 all four grievances be consolidated for a single hearing. By letter dated December 5, 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.

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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. All four grievances concern a single grievant and share related 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 *See id.*

³ *See* Va. Code §§ 2.2-1001(5), 2.2-3003(G).