

Issue: Consolidation: Grievance Procedure – consolidate grievances for hearing; Ruling Date: June 8, 2007; Ruling #2007-1695, 2007-1700, 2007-1701, 2007-1702, 2007-1703; Agency: Department of Alcoholic Beverage Control; Outcome: Consolidated granted.

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COMMONWEALTH of VIRGINIA
Department of Employment Dispute Resolution

CONSOLIDATION RULING OF DIRECTOR

In the matter of the Department of Alcoholic Beverage Control
Ruling Numbers 2007-1695, 1700, 1701, 1702, 1703
June 8, 2007

The Department of Alcoholic Beverage Control (ABC or the agency) has asked that the grievant's five March 21, 2007 grievances be consolidated for hearing, and the grievant has agreed to this request. 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 an assistant manager. On February 23, 2007, the grievant received five Written Notices: (1) a Group II Written Notice for allegedly failing to follow established written policy on September 9, 2006; (2) a Group I Written Notice for an alleged abuse of state time on November 11, 2006; (3) a Group III Written Notice for allegedly falsifying time records on October 31, 2006; (4) a Group III Written Notice for allegedly falsifying time records on November 17, 2006; and (5) a Group III Written Notice for allegedly falsifying time records on January 20, 2007. In conjunction with the Written Notices, the grievant's employment was terminated.

The grievant subsequently initiated five grievances challenging these disciplinary actions. 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 five grievances be consolidated for a single hearing, and the grievant's attorney has advised this Department that the grievant agrees with this request.

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

¹ *Grievance Procedure Manual* § 8.5.

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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 all five of the grievant's March 21, 2007 grievances is appropriate. The grievances concern the discipline of one grievant, involve the same parties and certain potential witnesses, and possibly share common themes and claims. Furthermore, the grievances do not appear to involve unusually complex or difficult claims and 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).