

Issue: Consolidation of grievances for a single hearing; Ruling Date: June 30, 2017; Ruling No. 2017-4574; Agency: Department of Corrections; Outcome: Consolidation Granted.



*COMMONWEALTH of VIRGINIA*  
*Department of Human Resource Management*  
*Office of Employment Dispute Resolution<sup>1</sup>*

**CONSOLIDATION RULING**

In the matter of the Department of Corrections  
Ruling Number 2017-4574  
June 30, 2016

This ruling addresses the consolidation of the grievant's three grievances filed with the Department of Corrections (the agency). For the reasons discussed below, the Office of Employment Dispute Resolution (EDR) finds that consolidation of these grievances into a single hearing is appropriate and practicable.

FACTS

The three grievances at issue are 1) a January 26, 2017 grievance challenging the agency's issuance of a Group II Written Notice dated January 10, 2017, 2) a January 26, 2017 grievance challenging the issuance of a Group I Written Notice dated January 10, 2017, and 3) a January 26, 2017 challenging the issuance of a second Group II Written Notice dated January 10, 2017. During the management resolution steps, the grievances were addressed simultaneously, and the grievant does not object to consolidation.

DISCUSSION

Approval by EDR 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.<sup>2</sup> 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.<sup>3</sup>

EDR finds that consolidation of the three January 26, 2017 grievances is appropriate. These grievances involve the same grievant and could share common themes, claims, and witnesses. Further, we find that consolidation is not impracticable in this instance. Therefore,

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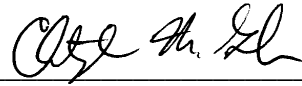
<sup>1</sup> Effective January 1, 2017, the Office of Employment Dispute Resolution merged with another office area within the Department of Human Resource Management, the Office of Equal Employment Services. Because full updates have not yet been made to the *Grievance Procedure Manual*, this office will be referred to as "EDR" in this ruling to alleviate any confusion. EDR's role with regard to the grievance procedure remains the same post-merger.

<sup>2</sup> *Grievance Procedure Manual* § 8.5.

<sup>3</sup> *See id.*

the grievant's three January 26, 2017 grievances are consolidated for a single hearing. A hearing officer will be appointed in a forthcoming letter.

EDR's rulings on compliance are final and nonappealable.<sup>4</sup>



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Christopher M. Grab  
Director  
Office of Employment Dispute Resolution

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<sup>4</sup> See Va. Code §§ 2.2-1202.1(5), 2.2-3003(G).