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**CONSOLIDATION RULING**

In the matter of the Department of Corrections  
Ruling Number 2023-5518  
March 7, 2023

This ruling addresses the consolidation of two grievances the grievant initiated against the Department of Corrections (the “agency”). For the reasons discussed below, the Office of Employment Dispute Resolution (EDR) at the Department of Human Resource Management (DHRM) finds that consolidation of these grievances into a single hearing is appropriate and practicable.

FACTS

The two grievances at issue in this case are:

- 1) a grievance dated August 3, 2022, challenging a Group II Written Notice and qualified for a hearing on February 16, 2023; and
- 2) a dismissal grievance dated February 6, 2023, challenging a subsequent Group II Written Notice with termination for accumulation of discipline, effective January 12, 2023.

The agency has requested consolidation of these matters.

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>1</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>2</sup>

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<sup>1</sup> *Grievance Procedure Manual* § 8.5.

<sup>2</sup> *See id.*

EDR finds that consolidation of the August 3, 2022 and February 6, 2023 grievances is appropriate. These grievances involve the same grievant and could share common themes, claims, and witnesses. The grievances relate to conduct by the grievant that resulted in disciplinary actions that led to her termination. Further, we find that consolidation is not impracticable in this instance and would not be prejudicial to either party. Therefore, the two grievances are consolidated for a single hearing.<sup>3</sup> Within **five workdays** of this ruling, the agency should submit a fully completed Form B to EDR requesting the appointment of a hearing officer.

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

*Christopher M. Grab*  
Director  
Office of Employment Dispute Resolution

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<sup>3</sup> Pursuant to the fee schedule established by EDR's Hearings Program Administration policy, consolidated hearings shall be assessed a full fee for the first grievance and an additional half fee for the second grievance. *See* EDR Policy 2.01, *Hearings Program Administration*, Att. B.

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