



JANET L. LAWSON
DIRECTOR

COMMONWEALTH OF VIRGINIA
Department Of Human Resource Management
Office of Employment Dispute Resolution

James Monroe Building
101 N. 14th Street, 12th Floor
Richmond, Virginia 23219

Tel: (804) 225-2131
(TTY) 711

CONSOLIDATION RULING

In the matter of the Department of Corrections
Ruling Number 2024-5637
October 31, 2023

This ruling addresses the consolidation of two grievances filed with 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 September 14, 2023, challenging a Group II Written Notice issued on August 17, 2023, charging the grievant with failure to follow policy and/or instructions; and
- 2) an expedited grievance dated September 14, 2023, challenging a second Group II Written Notice issued on August 17, 2023, which charged the grievant with failure to supervise a subordinate and included additional penalties of demotion and disciplinary pay reduction.

The grievances were jointly qualified for a hearing by the agency head and are now pending for appointment to a hearing officer.

DISCUSSION

Approval by EDR in the form of a compliance ruling is required before two or more grievances may be consolidated for 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

¹ *Grievance Procedure Manual* § 8.5.

² *See id.*

EDR finds that consolidation of the two September 14 grievances is appropriate in this matter. These grievances involve the same parties, and both relate to formal disciplinary actions that were both issued to the grievant on the same day and appear to have arisen from the same incident. Thus, the grievances could share common themes, claims, and witnesses, as reflected by the parties' agreement to address the grievances jointly during the management steps. Further, we find that consolidation is not impracticable in this instance. Therefore, the two grievances are consolidated for a single hearing.³

As the agency has submitted its Form B request for the appointment of a hearing officer in both matters, this ruling requires no additional action or response from the parties. A hearing officer will be appointed to hear this consolidated matter in forthcoming correspondence.

EDR's rulings on compliance are final and nonappealable.⁴

Christopher M. Grab
Director
Office of Employment Dispute Resolution

³ See EDR Policy 2.01, *Hearings Program Administration*, Attachment B for the fee schedule for consolidated hearings.

⁴ See Va. Code §§ 2.2-1202.1(5), 2.2-3003(G).