

Issue: Consolidation of Grievances for a Single Hearing; Ruling Date: April 16, 2018;
Ruling No. 2018-4705; Agency: Department of Corrections; Outcome: Consolidation
Granted.



COMMONWEALTH of VIRGINIA
Department of Human Resource Management
Office of Equal Employment and Dispute Resolution

CONSOLIDATION RULING

In the matter of the Department of Corrections
Ruling Number 2018-4705
April 16, 2018

This ruling addresses the consolidation of the grievant's two grievances filed with the Department of Corrections (the "agency"). For the reasons discussed below, the Office of Equal Employment and Dispute Resolution ("EEDR") at the Department of Human Resource Management finds that consolidation of these grievances into a single hearing is appropriate and practicable.

FACTS

The two grievances at issue are 1) an October 20, 2017 grievance challenging the agency's issuance of a Group I Written Notice for unsatisfactory attendance, and 2) a November 11, 2017 grievance challenging the agency's issuance of a Group II Written Notice for violation of agency policy regarding work hours. The agency has requested consolidation of these matters.

DISCUSSION

Approval by EEDR in the form of a compliance ruling is required before two or more grievances may be consolidated in a single hearing. Moreover, EEDR may consolidate grievances for hearing without a request from either party.¹ EEDR 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

EEDR finds that consolidation of the October 20 and November 11 grievances is appropriate. These grievances involve the same grievant and could share common themes, claims, and witnesses. The grievances appear to relate to an alleged pattern of behavior by the grievant that resulted in similar disciplinary actions issued. Further, we find that consolidation is

¹ *Grievance Procedure Manual* § 8.5.

² *See id.*

not impracticable in this instance. Therefore, the two grievances are consolidated for a single hearing.³ A hearing officer will be appointed in a forthcoming letter.

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



Christopher M. Grab
Director
Office of Equal Employment and Dispute Resolution

³ Pursuant to the fee schedule established by EEDR'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* EEDR Policy 2.01, *Hearings Program Administration*, Attach. B.

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