

Issue: Consolidation of grievances for a single hearing; Ruling Date: September 13, 2018; Ruling No. 2018-4615; 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 2018-4615  
September 13, 2017

This ruling addresses the consolidation of the grievant's two grievances regarding his former employment 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

On or about August 31, 2017, the grievant initiated two grievances directly with EEDR, challenging two separate Written Notices issued to him on August 1, 2017. The first grievance challenges the agency's issuance of a Group III Written Notice, with termination, for alleged workplace violence. The second grievance challenges the agency's issuance of a Group II Written Notice, for alleged computer misuse.<sup>1</sup> The agency has requested consolidation of these matters, and the grievant does not object.

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.<sup>2</sup> 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.<sup>3</sup>

EEDR finds that consolidation of the two August 31 grievances is appropriate. These grievances involve the same grievant and could share common themes, claims, and witnesses. The grievances relate to two disciplinary actions issued to the grievant on the same day that resulted in his removal. Further, we find that consolidation is not impracticable in this instance.

---

<sup>1</sup> The parties mutually agreed to waive the management resolution steps and advance this matter directly to EEDR for a hearing. As such, the second grievance is considered qualified in full.

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

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

Therefore, the two grievances are consolidated for a single hearing.<sup>4</sup> A hearing officer will be appointed in a forthcoming letter.

EEDR's rulings on compliance are final and nonappealable.<sup>5</sup>



---

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

---

<sup>4</sup> 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.

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