

Issue: Consolidation of grievances for a single hearing; Ruling Date: April 2, 2013;
Ruling No. 2013-3561; Agency: Department of Juvenile Justice; Outcome:
Consolidation granted.



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

CONSOLIDATION RULING

In the matter of the Department of Juvenile Justice
Ruling Number 2013-3561
April 2, 2013

This ruling addresses the consolidation of the grievant's two grievances filed with the Department of Juvenile Justice (the agency). For the reasons discussed below, EDR finds that consolidation of these grievances into a single hearing is appropriate and practicable.

FACTS

The two grievances at issue, dated October 31, 2012 and January 22, 2013, concern the issuance of two separate Written Notices to the grievant. After the parties failed to resolve the grievances during the management resolution steps, the agency has asked for appointment of a hearing officer in these matters. The grievant seeks to consolidate both grievances for a single hearing and the agency does not object to the request.

DISCUSSION

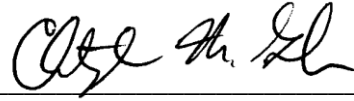
Approval by the Office of Employment Dispute Resolution (EDR) at the Department of Human Resource Management in the form of a compliance ruling is required before two or more grievances may be consolidated in a single hearing. Moreover, EDR may consolidate grievances for hearing without a request from either party.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

EDR finds that consolidation of the grievant's October 31, 2012 and January 22, 2013 grievances is appropriate. These grievances involve the same grievant and could share common themes, claims, and witnesses. The grievances all relate to disciplinary actions issued to the grievant. Further, we find that consolidation is not impracticable in this instance. Therefore, the grievant's October 31, 2012 and January 22, 2013 grievances are consolidated for a single hearing. A hearing officer will be appointed in a forthcoming letter.

¹ *Grievance Procedure Manual* § 8.5.

² *See id.*

EDR's rulings on compliance are final and nonappealable.³



Christopher M. Grab
Director
Office of Employment Dispute Resolution

³ See Va. Code §§ 2.2-1202.1(5), 2.2-3003(G).