

Issue: Consolidation of grievances for a single hearing; Ruling Date: May 21, 2013; Ruling No. 2013-3608, 2013-3609; Agency: Department of Social Services; 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 Social Services  
Ruling Number 2013-3608, 2013-3609  
May 21, 2013

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

FACTS

The two grievances at issue are 1) an April 22, 2013 grievance regarding a Group I Written Notice, and 2) an April 29, 2013 dismissal grievance concerning the grievant disciplinary termination. The grievant submitted her dismissal grievance directly to EDR. In addition, the grievant forwarded her April 22, 2013 grievance to EDR before it had completed the management resolution steps. The agency has advised EDR that it will waive the remaining steps and allow the grievance to proceed to hearing. Both parties agree that consolidation is appropriate.

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>

EDR finds that consolidation of the grievant's April 22, 2013 and April 29, 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 that led to her termination. Further, we find that consolidation is not impracticable in this instance. Therefore, the grievant's April 22, 2013 and April 29, 2013

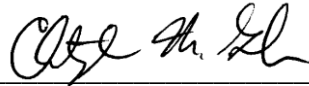
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<sup>1</sup> *Grievance Procedure Manual* § 8.5.

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

grievances are consolidated for a single hearing. A hearing officer will be appointed in a forthcoming letter.

EDR's rulings on compliance are final and nonappealable.<sup>3</sup>



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Christopher M. Grab  
Director  
Office of Employment Dispute Resolution

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<sup>3</sup> See Va. Code §§ 2.2-1202.1(5), 2.2-3003(G).