

Issue: Consolidated of grievances for a single hearing; Ruling Date: April 27, 2015;
Ruling No. 2015-4139; Agency: Department of Juvenile Justice; Outcome:
Consolidation Denied.



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 2015-4139
April 27, 2015

This ruling addresses the grievant's requested consolidation of two grievances filed against the Department of Juvenile Justice (the agency). For the reasons discussed below, the Office of Employment Dispute Resolution (EDR) denies the grievant's request to consolidate these grievances.

The grievances at issue are 1) an October 13, 2014 grievance challenging a Group I and a Group II Written Notice, and 2) an April 2015 dismissal grievance challenging a Group III Written Notice with termination. The grievant seeks consolidation of these grievances due to the alleged "overlap in issues and potential witnesses" Approval by EDR in the form of a compliance ruling is required before two or more grievances may be consolidated in a single hearing. 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.¹

While EDR typically will consolidate grievances involving multiple disciplinary actions against the same grievant, the circumstances in this case warrant processing these cases separately. First, the October 13, 2014 grievance has already been appointed to a hearing officer and a hearing date set for May 12, 2015. EDR disfavors disrupting previously scheduled hearing dates unless the parties are in agreement. Here, the parties do not agree to the consolidation as the agency has objected. Further, the agency disputes that there is an overlap of witnesses necessary to present the three disciplinary actions involved in the two grievances. Thus, while the grievant is correct to argue that there could be some judicial economy gained from consolidation, it is not substantial as hearing these cases together with disparate disciplinary bases has the potential to result in two days of hearing. Indeed, it appears that the length of time between the primary incidents involved in these grievances is approximately five months. Given this span of time and the separate subject matters, there appears to be a lesser degree of commonality of issues involved in these two cases.

¹ *Grievance Procedure Manual* § 8.5.

In consideration of all of these factors, EDR finds that the circumstances warrant denying the grievant's request for consolidation of the two grievances. A hearing officer will be appointed in a forthcoming letter in the dismissal grievance case.

EDR's rulings on matters of compliance are final and nonappealable.²



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² See Va. Code §§ 2.2-1202.1(5), 2.2-3003(G).