

Issue: Consolidation of grievances for a single hearing; Ruling Date: May 6, 2016;  
Ruling No. 2016-4350, 2016-4251; Agency: Department of Corrections; 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 Corrections  
Ruling Numbers 2016-4350, 2016-4351  
May 6, 2016

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 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 October 13, 2015 grievance challenging the agency's issuance of a Group III Written Notice dated September 24, 2015, and 2) a dismissal grievance initiated on or about April 20, 2016, challenging the issuance of a Group III Written Notice dated April 18, 2016, accompanying the grievant's termination from employment. Both parties agree that consolidation is appropriate in this instance.

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 October 13, 2015 and April 20, 2016 grievances is appropriate. These grievances involve the same grievant and could share common themes, claims, and witnesses. Further, we find that consolidation is not impracticable in this instance. Therefore, the grievant's two 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>

A handwritten signature in black ink, appearing to read "Chris M. Grab".

Christopher M. Grab, Director  
Office of Employment Dispute Resolution

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

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

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