

Issue: Consolidation of grievances for a single hearing; Ruling Date: December 2, 2014; Ruling No. 2015-4053, 2015-4054; 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 Virginia Department of Corrections
Ruling Numbers 2015-4053, 2015-4054
December 2, 2014

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) a November 17, 2014 grievance challenging the agency's issuance of a Group II Written Notice with suspension, and 2) a November 14, 2014 dismissal grievance challenging the issuance of a Group III Written Notice 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.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 November 14, 2014 and the November 17, 2014 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 November 14, 2014 and the November 17, 2014 grievances are consolidated for a single hearing. The November 17, 2014 grievance is qualified in full and will proceed to a hearing in the consolidated matter without going through the management resolution steps upon agreement of the parties. 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).