



EMILY S. ELLIOTT  
DIRECTOR

**COMMONWEALTH OF VIRGINIA**  
*Department Of Human Resource Management*  
*Office of Employment Dispute Resolution*

James Monroe Building  
101 N. 14<sup>th</sup> Street, 12<sup>th</sup> Floor  
Richmond, Virginia 23219  
Tel: (804) 225-2151  
(TTY) 711

**CONSOLIDATION RULING**

In the matter of the Department of Corrections  
Ruling Number 2021-5130  
July 8, 2020

This ruling addresses the consolidation of the grievant's three grievances filed with the Department of Corrections (the "agency"). For the reasons discussed below, the Office of Employment Dispute Resolution ("EDR") at the Virginia Department of Human Resource Management finds that consolidation of these grievances into a single hearing is appropriate and practicable.

FACTS

The agency and the grievant have requested consolidation of the following three grievances:

1. A May 26, 2020 dismissal grievance challenging the agency's issuance of a Group II Written Notice with termination for failure to follow instructions and/or agency policy (Case Number 11552);
2. A May 26, 2020 expedited grievance challenging the agency's issuance of a second Group II Written Notice, also for failure to follow instructions and/or agency policy<sup>1</sup>; and
3. An April 24, 2020 grievance challenging the agency's issuance of a Group II Written Notice for insubordination.

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>2</sup> EDR strongly favors consolidation and will

---

<sup>1</sup> The Written Notice challenged by the May 26 expedited grievance does not seem to be a management action for which the grievant would be entitled to use the expedited process because it does not involve a loss in pay; however, the parties appear to have agreed to use the expedited process in this case. *Grievance Procedure Manual* § 3.4.

<sup>2</sup> *Grievance Procedure Manual* § 8.5.

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>3</sup>

EDR finds that consolidation of the two May 26, 2020 grievances and the April 24, 2020 grievance is appropriate. These grievances involve the same grievant and could share common themes, claims, and witnesses. The grievances relate to conduct by the grievant that resulted in similar actions issued. Further, we find that consolidation is not impracticable in this instance. Therefore, the three grievances are consolidated for a single hearing.<sup>4</sup> The parties will receive further correspondence from EDR regarding the appointment of a hearing officer for these matters.<sup>5</sup>

EDR's rulings on compliance are final and nonappealable.<sup>6</sup>

*Christopher M. Grab*  
Director  
Office of Employment Dispute Resolution

---

<sup>3</sup> *See id.*

<sup>4</sup> Pursuant to the fee schedule established by EDR's Hearings Program Administration policy, consolidated hearings shall be assessed a full fee for the first grievance, an additional half fee for the second grievance, and \$400 for each subsequent grievance. *See* EDR Policy 2.01, *Hearings Program Administration*, Attach. B.

<sup>5</sup> Case Number 11552 has already been assigned to a hearing officer. The remaining two grievances will be assigned to the same hearing officer for a single consolidated hearing.

<sup>6</sup> *See* Va. Code §§ 2.2-1202.1(5), 2.2-3003(G).