

Issue: Consolidation of grievances for a single hearing; Ruling Date: December 8, 2016; Ruling No. 2017-4456; 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 Number 2017-4456  
December 8, 2016

The grievants in Case Numbers 10920 and 10921 have requested that their grievances with the Department of Corrections (the agency) be consolidated for a single hearing. For the reasons discussed below, EDR finds that consolidation of these grievances into a single hearing is appropriate and practicable.

FACTS

Grievant B and Grievant L received Group III Written Notices with ten day suspensions for similar issues of alleged misconduct related to the same set of facts. Both grievants initiated grievances challenging the Written Notices and the accompanying suspensions. Grievant B and Grievant L requested that both grievances be consolidated for a single hearing before the same hearing officer. The agency does not object to the consolidation request.

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 3, 2016 grievances of Grievant B and Grievant L is appropriate. The two grievances involve similar allegations of misconduct arising from the same set of facts and will likely share common themes, claims, and witnesses. Moreover, it appears that all parties agree to a combined hearing. Consolidation is not impracticable in this instance. Accordingly, the grievances are consolidated to be heard by the same hearing officer in a single hearing. The hearing

---

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

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

officer shall independently assess the merits of each grievance and issue two separate decisions. The parties will be notified by letter regarding the appointment of a hearing officer.

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



---

Christopher M. Grab  
Director  
Office of Employment Dispute Resolution

---

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