

Issue: Consolidation of grievances for a single hearing; Ruling Date: December 30, 2016; Ruling No. 2017-4472; 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 2017-4472
December 30, 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) at the Department of Human Resource Management finds that consolidation of these grievances into a single hearing is appropriate and practicable.

FACTS

The two grievances at issue are 1) a December 22, 2016 grievance challenging the agency's issuance of a Group II Written Notice for alleged violation of agency policy regarding the disclosure of relationships with offenders, and 2) a December 22, 2016 grievance challenging the agency's issuance of a Group III Written Notice for alleged falsification of records.¹ The agency has requested consolidation of these matters.

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.² 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.³

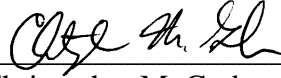
EDR finds that consolidation of the two December 22, 2016 grievances is appropriate. These grievances involve the same grievant and could share common themes, claims, and witnesses. Moreover, consolidation is not impracticable in this instance. Therefore, the grievant's December 22, 2016 grievances are consolidated for a single hearing. A hearing officer will be appointed in a forthcoming letter.

¹ Both grievances were hand-delivered to the Office of Employment Dispute Resolution on December 22, 2016. While the grievant had initially dated each grievance December 20, 2016, she later corrected the date on one grievance as December 22, 2016. While this difference is immaterial in this instance, EDR will consider both grievances to have been initiated on December 22, 2016.

² *Grievance Procedure Manual* § 8.5.

³ *See id.*

EDR's rulings on compliance are final and nonappealable.⁴



Christopher M. Grab
Director
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⁴ See Va. Code §§ 2.2-1202.1(5), 2.2-3003(G).