



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) 225-2131  
(TTY) 711

**CONSOLIDATION RULING**

In the matter of the Department of Corrections  
Ruling Number 2020-5035  
January 6, 2020

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 Virginia Department of Human Resource Management<sup>1</sup> finds that consolidation of these grievances into a single hearing is appropriate and practicable.

FACTS

The two grievances at issue are 1) a September 5, 2019 grievance<sup>2</sup> challenging the agency's issuance of a Group II Written Notice for refusal to work overtime as required, and 2) a December 2, 2019 expedited grievance challenging the agency's issuance of a second Group II Written Notice with a five-workday suspension, also for refusal to work overtime as required. 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.<sup>3</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>4</sup>

---

<sup>1</sup> The Office of Equal Employment and Dispute Resolution has separated into two office areas: the Office of Employment Dispute Resolution and the Office of Equity, Diversity, and Inclusion. While full updates have not yet been made to the *Grievance Procedure Manual* to reflect this change, this Office will be referred to as "EDR" in this ruling. EDR's role with regard to the grievance procedure remains the same.


<sup>2</sup> Although the grievant did not date the Grievance Form A, a stamp on the form indicates that the agency received it on September 5, 2019. Accordingly, EDR will consider that as the initiation date for the grievance.

<sup>3</sup> *Grievance Procedure Manual* § 8.5.

<sup>4</sup> *See id.*

EDR finds that consolidation of the September 5, 2019 and December 2, 2019 grievances 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 disciplinary actions issued. Further, we find that consolidation is not impracticable in this instance. Therefore, the two grievances are consolidated for a single hearing.<sup>5</sup> A hearing officer will be appointed in a forthcoming letter.

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



---

Christopher M. Grab  
Director  
Office of Employment Dispute Resolution

---

<sup>5</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 and an additional half fee for the second grievance. *See* EDR Policy 2.01, *Hearings Program Administration*, Attach. B.

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