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CONSOLIDATION RULING

In the matter of the Department of Corrections
Ruling Number 2021-5197
January 6, 2021

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 finds that consolidation of these grievances into a single hearing is appropriate and practicable.

FACTS

The two grievances at issue are: 1) a November 4, 2020 grievance challenging the grievant's receipt of a Group III Written Notice with a disciplinary transfer for allegedly creating a hostile work environment, engaging in conduct that did not support a professional work environment, and other specified misconduct that undermined his effectiveness as a manager (Case Number 11645), and 2) a January 4, 2021 dismissal grievance challenging the grievant's receipt of two Group III Written Notices with termination for allegedly engaging in a prohibited personal relationship with an employee in the grievant's chain of command, failing to report the personal relationship to agency management, and making false statements and failing to cooperate fully during the course of an agency investigation (Case Number 11646). 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.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

¹ *Grievance Procedure Manual* § 8.5.

² *See id.*

EDR finds that consolidation of the November 4, 2020 and January 4, 2021 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 two grievances are consolidated for a single hearing.³ A hearing officer will be appointed in a forthcoming letter.

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

Christopher M. Grab
Director
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³ 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.

⁴ *See* Va. Code §§ 2.2-1202.1(5), 2.2-3003(G).