



EMILY S. ELLIOTT
DIRECTOR

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

James Monroe Building
101 N. 14th Street, 12th Floor
Richmond, Virginia 23219

Tel: (804) 225-2131
(TTY) 711

CONSOLIDATION RULING

In the matter of the Department of Corrections
Ruling Number 2021-5234
March 22, 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 30, 2020 grievance challenging the grievant's receipt of a Group II Written Notice for alleged failure to follow instructions and/or policy, and 2) a March 4, 2021 dismissal grievance challenging the grievant's receipt of a Group III Written Notice with termination for an alleged safety rule violation. 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

EDR finds that consolidation of the November 30, 2020 and March 4, 2021 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 and/or related disciplinary actions issued. Further, we find that consolidation is not impracticable in this

¹ *Grievance Procedure Manual* § 8.5.

² *See id.*

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
Office of Employment Dispute Resolution

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).