

Issue: Compliance/consolidation for purposes of hearing; Ruling date:  
September 8, 2003; Ruling #2003-159; Agency: Department of Corrections;  
Outcome: consolidation appropriate.



**COMMONWEALTH of VIRGINIA**

***Department of Employment Dispute Resolution***  
**COMPLIANCE RULING OF DIRECTOR**

In the matter of Department of Corrections  
Ruling Number 2003-159  
September 8, 2003

The agency has requested a compliance ruling regarding two grievances initiated by the grievant on July 1, 2003. The agency requests that the two grievances be consolidated for a single hearing.<sup>1</sup> For the reasons discussed below, the two grievances are consolidated and will proceed to hearing as a single grievance.

**FACTS**

The grievant is employed as a Corrections Officer. On July 1, 2003, he initiated a grievance alleging that he had been threatened and coerced by the warden prior to the issuance of a Group III Written Notice with suspension issued on June 16, 2003. Also on July 1, 2003, he initiated a second grievance challenging the disciplinary action as unwarranted. Both grievances cite June 16, 2003 as the date the grievances occurred and both seek removal of the Written Notice and suspension.

**DISCUSSION**

Written approval by the Director of this Department or her designee in the form of a compliance ruling is required before two or more grievances are permitted to be consolidated in a single hearing. EDR strongly favors consolidation and will grant consolidation when grievances 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>

This Department finds that consolidation of the two grievances at hearing in this case is appropriate: the two grievances originate from the same factual background, the grievances involve the same management officials, the two grievances were consolidated for the second-step meeting, and consolidation is

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<sup>1</sup> The grievant verbally agreed to consolidation at the second-step.

<sup>2</sup> Grievance Procedure Manual § 8.5, page 22.

September 8, 2003

Ruling #2003-159

Page 3

not impracticable in this instance. This Department's rulings on compliance are final and nonappealable.<sup>3</sup>

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<sup>3</sup> Va. Code § 2.2-1001 (5).