

Issue: Consolidation request/for purposes of hearing; Ruling Date: May 18, 2005;  
Ruling #'s 2005-1029, 2005-1030; Agency: Department of Juvenile Justice; Outcome:  
grievances consolidated



**COMMONWEALTH of VIRGINIA**  
**Department of Employment Dispute Resolution**  
**CONSOLIDATION RULING OF DIRECTOR**

In the matter of Department of Juvenile Justice  
Ruling Number 2005-1029 and 2005-1030  
May 18, 2005

The Department of Juvenile Justice (DJJ) seeks a compliance ruling regarding two grievances initiated by the grievant on February 7, 2005. The issue is whether the two grievances should be consolidated for a single hearing, to which the grievant has failed to provide requested input.<sup>1</sup> For the reasons discussed below, the two grievances are consolidated and will proceed to hearing together. The hearing officer, in his discretion, may address the two actions separately in one decision, or in two separate decisions.

**FACTS**

The grievant was formerly employed by the agency as a Juvenile Corrections Officer. On February 7, 2005, he was issued two separate Group I Written Notices for unsatisfactory job performance. On the same date, he initiated separate grievances challenging each of the disciplinary actions, using the expedited process. The grievances were unresolved during the respondent step and on April 4, 2005 were qualified for hearing by the agency head.

**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>

While the issues being grieved originate from separate and distinct events, this Department finds that consolidation of the two grievances is nevertheless appropriate. The grievances involve the same management officials, similar issues, and consolidation

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<sup>1</sup> On May 5, 2005, the grievant was notified by mail of the agency's request for a compliance ruling and asked to contact the assigned EDR consultant no later than May 13, 2005 to provide his input. On May 5 and May 16, 2005, the assigned EDR consultant left voicemail messages at the grievant's home asking that he call using a toll-free number in order to provide his input. As of the date of this ruling, the grievant has failed to respond to either the written or voice mail requests.

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

May 23, 2005  
Ruling #'s 2005-1029, 2005-1030  
Page 3

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

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Claudia T. Farr  
Director

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June M. Foy  
EDR Consultant, Sr.

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<sup>3</sup> Va. Code § 2.2-1001 (5).