

Issue: Consolidation of grievances for purposes of hearing; Ruling Date: April 12, 2006;
Ruling #2006-1326, 2006-1327; Agency: Department of Corrections; Outcome:
grievances consolidated



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

In the matter of Department of Corrections
Ruling Number 2006-1326 and 2006-1327
April 12, 2006

The grievant seeks a consolidation ruling regarding two grievances he initiated on February 2, 2006. The issue is whether the two grievances should be consolidated for a single hearing, to which the Department of Corrections (DOC) agrees. 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 is employed by the agency as a Boiler Plant Operator. On January 5, 2006, he was issued a Group II Written Notice with suspension for failure to follow supervisors' instructions, perform assigned work or otherwise comply with applicable established policy.¹ On January 6, the grievant was again issued a Group II Written Notice with suspension for failure to follow supervisors' instructions, perform assigned work or otherwise comply with applicable established policy.² On February 2, 2006, the grievant initiated separate grievances challenging each of the disciplinary actions and suspension. By mutual agreement of the parties, the two grievances were consolidated for purposes of the second-step meeting.³ The two grievances were unresolved during the management respondent steps, and on March 24, 2006, 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

¹ On December 9, 2005, the grievant allegedly exhibited behavior that constituted verbal intimidation and insubordinate conduct towards a supervisor in direct violation of instruction given him by the Warden on November 7, 2005.

² On December 13, 2005, the grievant allegedly exhibited behavior that constituted verbal abuse and intimidating behavior towards a co-worker in violation of DOC Policy and instruction given him by the Warden.

³ Grievance Procedure Manual, § 8.5.

factual background, unless there is a persuasive reason to process the grievances individually.⁴

This Department finds that consolidation of the two February 2, 2006 grievances is appropriate. The grievances involve the same parties, potential witnesses, and challenge purportedly similar acts. Furthermore, consolidation is not impracticable in this instance. This Department's rulings on compliance are final and nonappealable.⁵

Claudia T. Farr
Director

June M. Foy
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⁴*Id.*

⁵ Va. Code § 2.2-1001 (5).