

Issue: Consolidation of grievances for purpose of hearing; Ruling Date: April 6, 2007; Ruling Nos. 2007-1602, 2007-1603; Agency: Department of Corrections; Outcome: consolidation granted.



COMMONWEALTH of VIRGINIA
Department of Employment Dispute Resolution

CONSOLIDATION RULING OF DIRECTOR

In the matter of the Department of Corrections
Ruling Numbers 2007-1602, 2007-1603
April 6, 2007

The Department of Corrections (DOC or the agency) has asked that the grievant's two qualified grievances be consolidated for hearing. For the reasons discussed below, this Department finds that consolidation of these grievances is appropriate and practicable.

FACTS

The grievant was employed by the agency as a Corrections Lieutenant. On September 25, 2006, the agency issued the grievant a Group II Written Notice for "Failure to Follow Established Policy for outside employment." In addition, on the same day, the agency issued the grievant a Group III Written Notice for "the appearance of Creating a Hostile Work Environment for the administration," purportedly by "alleging that post assignments were based on race" and that the Warden "was a racist." The grievant initiated two grievances challenging these disciplinary actions. After the parties failed to resolve the grievances during the management resolution steps, the agency head qualified the grievances for hearing.

The agency has asked that the two grievances be consolidated for hearing. By letter dated March 23, 2007, this Department advised the parties that it had received the agency's request for consolidation and asked for any additional information from the parties regarding consolidation. Neither party has provided any additional information related to the consolidation request, and the grievant has not objected to consolidation of the grievances for hearing.

DISCUSSION

Approval by the Director of this Department or her designee 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

¹ *Grievance Procedure Manual* § 8.5.

parties, legal issues, policies, and/or factual background, unless there is a persuasive reason to process the grievances individually.²

This Department finds that consolidation of the grievant's two qualified grievances is appropriate. The grievances concern the discipline of one grievant, involve the same parties and possibly share common themes and claims. Furthermore, consolidation is not impracticable in this instance.

This Department's rulings on compliance are final and nonappealable.³

Claudia T. Farr
Director

² *Id.*

³ Va. Code § 2.2-1001(5).