

Issue: Consolidation: Consolidate two grievances for the purpose of hearing; Ruling Date: April 13, 2007; Ruling #2007-1622, 2007-1623; 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 2007-1622, 2007-1623  
April 13, 2007

The Department of Corrections (DOC or the agency) has asked that the grievant's February 12, 2007 and February 14, 2007 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 Correctional Officer. On January 9, 2007, the grievant received a Group III Written Notice with a three-day suspension for alleged falsification of records. Subsequently, on February 6, 2007, the grievant received a Group III Written Notice with termination for alleged violation of the agency's fraternization policy. On February 12, 2007, the grievant initiated a grievance challenging his termination. He initiated a second grievance on February 14, 2007 challenging the January 9<sup>th</sup> disciplinary action. 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 April 3, 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, 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.<sup>1</sup> EDR strongly favors consolidation and will consolidate grievances when they involve the same

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<sup>1</sup> *Grievance Procedure Manual* § 8.5.

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 grievant's February 12<sup>th</sup> and February 14<sup>th</sup> grievances is appropriate. The grievances concern the discipline of one grievant, involve the same parties and certain potential witnesses, 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.<sup>3</sup>

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Claudia T. Farr  
Director

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<sup>2</sup> *Id.*

<sup>3</sup> Va. Code § 2.2-1001(5).