

Issue: Consolidation: Consolidate two grievances for the purpose of hearing; Ruling Date: May 2, 2007; Ruling #2007-1643, 2007-1644; Agency: Virginia Department of Health; Outcome: Consolidation granted.



*COMMONWEALTH of VIRGINIA*  
*Department of Employment Dispute Resolution*

**CONSOLIDATION RULING OF DIRECTOR**

In the matter of the Department of Health  
Ruling Numbers 2007-1643, 2007-1644  
May 2, 2007

The Department of Health (VDH 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 is employed by the agency as an Office Services Supervisor. On October 10, 2006, the agency issued the grievant a Group II Written Notice for what the grievant characterizes as "[p]erformance issues." The grievant initiated a grievance challenging this disciplinary action on October 25, 2006. Subsequently, on December 15, 2006, the agency issued a second Group II Written Notice to the grievant for "failing to follow instructions and/or policy." The grievant initiated a grievance challenging this second disciplinary action on January 10, 2007. 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 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.<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 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.<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).