

Issue: Consolidation of grievances for purposes of hearing; Ruling Date: November 17, 2006;  
Ruling Nos. 2007-1482, 2007-1483; 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 Number 2007-1482, 2007-1483  
November 17, 2006

The Department of Corrections (DOC or the agency) has requested consolidation of the grievant's two grievances for hearing, both of which were initiated on September 14, 2006. 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 grievances separately in one decision, or in two separate decisions.

FACTS

The grievant was employed as a Corrections Sergeant with the agency. On August 22, 2006, the grievant received two Group II Written Notices for failure to follow a supervisor's instruction, perform assigned work, or otherwise comply with established written policy. These Written Notices relate to an alleged betting scheme allegedly started by an officer under the grievant's supervision. The first Written Notice related to the grievant's failure to report the alleged scheme and discipline the officer involved. The second Written Notice involved the grievant's alleged violation of DHRM's Workplace Violence policy concerning the manner in which the grievant told the officer to stop the betting scheme. The grievant grieved the Written Notices on September 14, 2006 on separate grievance forms. Both grievances proceeded through the management steps and were qualified for hearing by the agency head. The agency has now asked that the grievances be consolidated for hearing, and the grievant has no objection to consolidation.

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

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

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

This Department finds that consolidation of the two September 14<sup>th</sup> grievances is appropriate. The grievances concern the discipline of one grievant, involve the same parties and potential witnesses, and relate to the same series of events. 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>3</sup> Va. Code § 2.2-1001(5).