

Issue: Consolidation/consolidate grievances for purposes of hearing; Ruling Date: December 20, 2006; Ruling #'s 2007-1500, 2007-1501; Agency: Department of Transportation; Outcome: consolidation granted



COMMONWEALTH of VIRGINIA
Department of Employment Dispute Resolution

CONSOLIDATION RULING OF DIRECTOR

In the matter of the Department of Transportation
Ruling Number 2007-1500, 2007-1501
December 20, 2006

The Department of Transportation (VDOT or the agency) has asked that hearing officers be appointed to hear two grievances initiated on July 27, 2006 by the grievant. 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 Clerk II. On June 30, 2006, the agency issued the grievant a Group II Written Notice for allegedly failing to follow a supervisor's instructions and violating a safety rule. Subsequently, on July 11, 2006, the grievant received a Group I Written Notice for alleged disruptive behavior.

On July 27, 2006, 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. Although neither party has made a request to this Department for consolidation of the grievances for hearing, the grievant stated in her grievances that she would like the two grievances to be combined and they were apparently consolidated by the agency for purposes of the management resolution steps.

By letter dated December 4, 2006, this Department advised the parties that it was considering consolidation of the grievances for hearing and requested any additional information from the parties regarding consolidation by December 13, 2006. Neither party provided any additional information or 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 July 27, 2006 grievances is appropriate. The grievances concern the discipline of one grievant, involve the same parties and certain potential witnesses, and 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).