

Issue: Consolidation – consolidation of grievances for purpose of hearing; Ruling  
Date: September 7, 2007; Ruling #2008-1766, 2008-1767; 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 2008-1766, 2008-1767  
September 7, 2007

The Department of Corrections (DOC or the agency) has asked that the grievant's two June 18, 2007 grievances be consolidated for hearing. For the reasons discussed below, this Department finds that consolidation of these grievances into a single hearing is appropriate and practicable.

FACTS

The grievant is employed by the agency as a Chief Probation and Parole Officer. On May 25, 2007, the grievant received a Group II Written Notice for allegedly "submitting false documentation to support granting a larger pay increase to employees he knew did not meet the established criteria." That same day, the grievant also received a Group III Written Notice for allegedly falsifying official state documents, related to the same pay increases.

On June 18, 2007, 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 a single hearing. By letter dated August 10, 2007, this Department advised the parties that it had received the agency's request and asked for any additional information from the parties. 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 June 18, 2007 grievances is appropriate. The grievances concern the discipline of one grievant, involve the same parties and potential witnesses, and likely share common themes and claims. Furthermore, the grievances do not appear to involve unusually complex or difficult claims and 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).