

Issue: Consolidation – Consolidation of three grievances for purpose of hearing;
Ruling Date: September 21, 2007; Ruling #2008-1803, 2008-1804, 2008-1805;
Agency: Department of Juvenile Justice; Outcome: Consolidated granted.



COMMONWEALTH of VIRGINIA
Department of Employment Dispute Resolution

CONSOLIDATION RULING OF DIRECTOR

In the matter of the Department of Juvenile Justice
Ruling Numbers 2008-1803, 2008-1804, 2008-1805
September 21, 2007

The grievant has asked that her March 21, 2007 grievance with the Department of Juvenile Justice (DJJ or the agency) be consolidated with her two July 9, 2007 grievances, which were previously consolidated by this Department in EDR Ruling Nos. 2008-1776, 2008-1777. For the reasons discussed below, this Department finds that consolidation of these grievances into a single hearing is appropriate and practicable.

FACTS

The grievant was employed by the agency as a Rehabilitation Counselor II. On February 22, 2007, the grievant received a Group II Written Notice for allegedly failing to comply with an instruction to bring her case files into compliance. On March 21, 2007, the grievant initiated a grievance challenging this disciplinary action. After the parties failed to resolve the grievance during the management resolution steps, the agency head qualified the grievance for hearing.

On September 7, 2007, the grievant's counsel asked that the grievant's March 21st grievance be consolidated for hearing with the grievant's two July 9, 2007 grievances, which had previously been consolidated by EDR Ruling Nos. 2008-1776, 2008-1777.¹ By letter dated September 14, 2007, this Department advised the parties that it had received the grievant's request and asked for any additional information from the parties. Neither party has provided any additional information, and the agency has not objected to consolidation of the grievances for hearing.

DISCUSSION

¹ These two grievances challenged a Group II Written Notice for allegedly failing to attend mandatory training and a Group III Written Notice, with termination, for allegedly taking unauthorized leave. *See* EDR Ruling Nos. 2008-1776, 2008-1777.

September 21, 2007

Ruling #'s 2008-1803, 2008-1804, 2008-1805

Page 3

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.² 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.³

This Department finds that consolidation of the grievant's March 21st grievance with her two July 9, 2007 grievances is appropriate. The grievances concern the discipline of one grievant, involve the same parties and certain 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.⁴

Claudia T. Farr
Director

² *Grievance Procedure Manual* § 8.5.

³ *Id.*

⁴ Va. Code § 2.2-1001(5).