

Issue: Consolidation of Grievances for Purpose of Hearing; Ruling Date: October 5, 2007; Ruling #2008-1816, 2008-1817; 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 2008-1816, 2008-1817  
October 5, 2007

The Department of Corrections (DOC or the agency) has asked that the grievant's two August 16, 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 was employed by the agency as a Major. On July 30, 2007, he received a Group III Written Notice for alleged "Conduct Unbecoming an Officer." In addition, he received a second Group III Written Notice for allegedly participating in a sexual relationship with a subordinate. In conjunction with this second Written Notice, the grievant was demoted from the rank of "Major" to "Sergeant."

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 September 24, 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 two August 16, 2007 grievances is appropriate. The grievances concern the discipline of one grievant, may involve the same parties and certain potential witnesses, and possibly 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).