

Issue: Consolidation of grievances for purpose of hearing; Ruling Date: October 16, 2007; Ruling #2008-1834; Agency: Department of Juvenile Justice; Outcome: Consolidation Granted.



COMMONWEALTH of VIRGINIA
Department of Employment Dispute Resolution

CONSOLIDATION RULING OF DIRECTOR

In the matter of the Department of Juvenile Justice
Ruling Numbers 2008-1834
October 16, 2007

The Department of Juvenile Justice (DJJ or the agency) has asked that the grievant's May 23, 2007 grievance be consolidated for hearing with her March 21, 2007 grievance and two July 9, 2007 grievances, which were previously consolidated by this Department in EDR Ruling Nos. 2008-1776, 2008-1777, and EDR Ruling Nos. 2008-1803, 2008-1804, 2008-1805. 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 May 23, 2007, the grievant initiated a grievance challenging the agency's allegedly wrongful denial of her use of vacation and civil and work-related leave. After the parties failed to resolve the grievance during the management resolution steps, the agency head qualified the grievance for hearing.

On October 1, 2007, the agency asked that the grievant's May 23rd grievance be consolidated for hearing with the grievant's March 21, 2007 and two July 9, 2007 grievances, which had previously been consolidated by EDR Ruling Nos. 2008-1776, 2008-1777 and EDR Ruling Nos. 2008-1803, 2008-1804, 2008-1805. By memorandum dated October 5, 2007, this Department advised the parties that it had received the agency's request and asked for any additional information from the parties. On October 11, 2007, this Department received a request for consolidation from the grievant's attorney.

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 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 May 23rd grievance with her other three pending 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.³

Claudia T. Farr
Director

¹ *Grievance Procedure Manual* § 8.5.

² *Id.*

³ Va. Code § 2.2-1001(5).