

Issue: Consolidation of grievances for purpose of hearing; Ruling Date: February 19, 2008; Ruling #2008-1937, 2008-1938, 2008-1939; Agency: Department of Corrections; Outcome: Consolidated granted.



COMMONWEALTH of VIRGINIA
Department of Employment Dispute Resolution

CONSOLIDATION RULING OF DIRECTOR

In the matter of the Department of Corrections
Ruling Numbers 2008-1937, 2008-1938, 2008-1939
February 19, 2008

The Department of Corrections (DOC or the agency) has asked that the grievant's three November 7, 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 Food Service Director at one of its facilities. On October 9, 2007, the agency issued the grievant three Group II Written Notices for allegedly failing to follow a supervisor's instructions. The grievant was also suspended and demoted. On November 7, 2007, the grievant initiated three grievances challenging these management 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 three grievances be consolidated for a single hearing. By letter dated February 4, 2008, this Department advised the parties that it had received the agency's request and asked for any additional information from the parties. The grievant has not objected to the agency's request and has not provided any additional information.

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

¹ *Grievance Procedure Manual* § 8.5.

² *Id.*

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This Department finds that consolidation of the grievant's three grievances is appropriate. The grievances concern the discipline of a single grievant and possibly share common themes and claims. Moreover, we find that consolidation is not impracticable in this instance.

This Department's rulings on compliance are final and nonappealable.³

Claudia T. Farr
Director

³ Va. Code § 2.2-1001(5).