

Issue: Consolidation of grievances for purpose of hearing; Ruling Date: July 21, 2008;
Ruling #2008-1976, 2008-1977, 2008-1978; 2008-1979; Agency: Department of
Correctional Education; Outcome: Consolidation Granted.



COMMONWEALTH of VIRGINIA
Department of Employment Dispute Resolution

CONSOLIDATION RULING OF DIRECTOR

In the matter of the Department of Correctional Education
Ruling Numbers 2008-1976, 2008-1977, 2008-1978, 2008-1979
July 21, 2008

The Department of Correctional Education (DCE or the agency) has asked that the grievant's two October 14, 2007 grievances be consolidated for hearing with his grievances of October 15, 2007 and October 16, 2007. 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 an academic instructor. On October 14, 2007, the grievant initiated grievances challenging management's alleged failure to transfer him and stop alleged harassment by another employee. Subsequently, on October 15, 2007, the grievant initiated a grievance asserting that his supervisor "talked down" to him during a meeting on October 12, 2007. The grievant initiated a fourth grievance on October 16, 2007, again apparently challenging the agency's failure to transfer him and the alleged harassment by a co-worker.¹

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 four grievances be consolidated for a single hearing. By letter dated March 3, 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.

¹ We note that although the grievances are dated October 14, 15, and 16th, it appears from the agency's second-step response that they may not have been mailed to the agency until October 26, 2007. As the agency states that the grievant was not terminated from employment until October 26th, whether the grievances were initiated on October 26th or an earlier date does not affect the grievant's access to the grievance procedure.

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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 four grievances is appropriate. All four grievances concern a single grievant and 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.⁴

Claudia T. Farr
Director

² *Grievance Procedure Manual* § 8.5.

³ *Id.*

⁴ Va. Code § 2.2-1001(5).