

Issue: Consolidation of grievances for purpose of hearing; Ruling Date: March 26, 2008; Ruling #2008-1990; Agency: Department of Social Services; Outcome: Consolidation Granted.



COMMONWEALTH of VIRGINIA
Department of Employment Dispute Resolution

CONSOLIDATION RULING OF DIRECTOR

In the matter of the Department of Social Services
Ruling Number 2008-1990
March 26, 2008

The Department of Social Services (DSS or the agency) has asked that the grievant's November 9, 2007 and February 8, 2008 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 program support technician. On November 9, 2007, the grievant initiated a grievance challenging his October 2007 performance evaluation, which rated his performance as "Below Contributor." After completion of a 90-day re-evaluation period, the agency again rated the grievant's performance as "Below Contributor," and he was terminated from employment on January 11, 2008. The grievant initiated a grievance challenging his termination on February 8, 2008.

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 March 14, 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

¹ *Grievance Procedure Manual* § 8.5.

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 two grievances is appropriate. Both grievances concern the agency's evaluation of the grievant's performance and may 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

² *Id.*

³ Va. Code § 2.2-1001(5).