

Issue: Consolidation of grievances for purpose of hearing; Ruling Date: June 20, 2008; Ruling # 2008-2037, 2008-2038; 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 2008-2037, 2008-2038
June 20, 2008

The Department of Corrections (DOC or the agency) has asked that Grievant's two March 21, 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 with the agency as a Corrections Officer. On February 22, 2008, the grievant received a Group III Written Notice for allegedly falsification of records and was subsequently terminated. On March 4, 2008, the grievant asked the agency for documents pertaining to her termination. On March 21, 2008, the grievant initiated a grievance challenging this disciplinary action. In addition, the grievant initiated a second grievance apparently challenging an alleged failure by the agency to provide requested documentation.

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 June 10, 2008, this Department advised the parties that it had received a request for consolidation and asked for any additional information from the parties. The grievant has not objected to the request or 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

¹ *Grievance Procedure Manual* § 8.5.

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 two grievances is appropriate. Both grievances involve the same grievant and may share common themes, claims, and witnesses. 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 *See id.*
³ Va. Code § 2.2-1001(5).