

Issue: Consolidation of Grievances for purpose of hearing; Ruling Date: July 21, 2008; Ruling #2009-2061, 2009-2062; Agency: Division of Capital Police; Outcome: Consolidation Granted.



COMMONWEALTH of VIRGINIA
Department of Employment Dispute Resolution

CONSOLIDATION RULING OF DIRECTOR

In the matter of the Capitol Police
Ruling Numbers 2009-2061, 2009-2062
July 21, 2008

The grievant and his employing agency, the Division of Capitol Police (the agency), have asked that the grievant's two May 13, 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 lieutenant. On April 16, 2008, the grievant received a Group III Written Notice for allegedly making false statements. In conjunction with this Written Notice, the grievant was suspended for 10 days and demoted to the position of patrolman. The grievant also received a Group II Written Notice on April 16th, for allegedly failing to perform assigned work. On May 13, 2008, the grievant initiated two grievances challenging these disciplinary actions.

After the parties failed to resolve the grievances during the management resolution steps, the agency head qualified the grievances for hearing. Both the grievant and the agency have asked that the two grievances be consolidated for a single hearing.

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 *See id.*

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

³ Va. Code § 2.2-1001(5).