

Issue: Consolidation of grievances for purpose of hearing; Ruling Date:  
November 21, 2008; Ruling #2009-2126, 2009-2181, 2009-2182; Agency:  
Department of Motor Vehicles; Outcome: Consolidation Granted.



*COMMONWEALTH of VIRGINIA*  
*Department of Employment Dispute Resolution*

**CONSOLIDATION RULING OF DIRECTOR**

In the matter of the Department of Motor Vehicles  
Ruling Numbers 2009-2126, 2009-2181, 2009-2182  
November 21, 2008

The Department of Motor Vehicles (DMV or the agency), has asked that the grievant's February 25, 2008, August 21, 2008, and October 2, 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 CSC Manager. On January 28, 2008, the grievant received a Group I Written Notice for allegedly failing to follow policy and unsatisfactory performance. In addition, the grievant also apparently received an Unsatisfactory Performance Memorandum. The grievant initiated a grievance challenging these actions on February 25, 2008. After the parties failed to resolve this grievance during the management steps, the agency head qualified the February 25<sup>th</sup> grievance for hearing. A hearing officer was appointed on September 4, 2008.

The agency subsequently asked this Department to consolidate the grievant's February 25<sup>th</sup> grievance for hearing with his August 21, 2008 and October 2, 2008 grievances. The August 21, 2008 grievance challenges a Group II Written Notice, issued on July 23, 2008, for alleged continued unsatisfactory performance. The October 2, 2008 grievance challenges a Group II Written Notice received on September 3, 2008, which resulted in the grievant's demotion. At the time the agency made its requests for consolidation, the October 2, 2008 grievance had not yet completed the management resolution steps. The grievant has objected to the agency's request for consolidation.

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.<sup>1</sup> 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.<sup>2</sup>

This Department finds that consolidation of the three grievances is appropriate, provided the October 2nd grievance is not resolved during the resolution steps. All three 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.<sup>3</sup>

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Claudia T. Farr  
Director

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<sup>1</sup> *Grievance Procedure Manual* § 8.5.

<sup>2</sup> *See id.*

<sup>3</sup> *See Va. Code* § 2.2-1001(5), 2.2-3003(G).