

Issue: Consolidation of Grievances for purpose of Hearing; Ruling Date; October 17, 2008; Ruling #2009-2143, 2009-2144; Agency: Virginia Community College System; Outcome: Consolidation Granted.



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

**CONSOLIDATION RULING OF DIRECTOR**

In the matter of the Virginia Community College System  
Ruling Numbers 2009-2143, 2009-2144  
October 17, 2008

The grievant and his employing agency, the Virginia Community College System (VCCS or the agency), have asked that the grievant's two March 6, 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 an Administrative and Program Specialist. On February 11, 2008, the agency issued the grievant two Group II Written Notices for allegedly failing to follow instructions, particularly with respect to contact with VCCS staff and faculty members. On March 6, 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.<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>

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

<sup>2</sup> *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.<sup>3</sup>

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Claudia T. Farr  
Director

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