

Issue: Consolidation of grievances for purpose of hearing; Ruling Date:  
November 12, 2008; Ruling #2009-2151, 2009-2152; 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 2009-2151, 2009-2152  
November 12, 2008

The Department of Motor Vehicles (DMV or the agency) has asked that the grievant's July 17, 2008 and July 25, 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 auditor. On June 9, 2008, the grievant received a Group II Written Notice for allegedly failing to follow a supervisor's instruction and perform work as assigned. Subsequently, on June 25, 2008, the grievant received a second Group II Written Notice, with termination, for again allegedly failing to follow a supervisor's instruction and perform work as assigned. The grievant initiated a grievance challenging the first of these disciplinary actions on July 17, 2008. She initiated a second grievance, challenging the second Written Notice and her termination on July 25, 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 October 17, 2008, this Department advised the parties that it had received a request for consolidation from the agency 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.<sup>1</sup> EDR strongly favors consolidation and will consolidate grievances

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

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>2</sup> See *id.*

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