

Issue: Consolidation of Grievances for purpose of hearing; Ruling Date: November 21, 2008; Ruling #2009-2166, 2009-2167; 2009-2168; 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 2009-2166, 2009-2167, 2009-2168  
November 21, 2008

The Department of Corrections (DOC or the agency) has asked that the grievant's two December 10, 2007 grievances be consolidated for hearing with her June 11, 2008 grievance. For the reasons discussed below, this Department finds that consolidation of these grievances into a single hearing is appropriate and practicable.

FACTS

The grievant is employed by the agency as an OSA. On December 10, 2007, the grievant initiated two grievances asserting that the agency was retaliating against her for previous grievance activity by requiring her to take leave for a day when a training session ended prior to the grievant's work day. Subsequently, on May 14, 2008, the agency issued the grievant a Group I Written Notice related to the same event. The grievant initiated a grievance challenging this disciplinary action on June 11, 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 three grievances be consolidated for a single hearing. By letter dated October 28, 2008, this Department advised the parties that it had received the agency's request and asked for any additional information from the parties. The grievant objects to the agency's request on the basis that the grieved events were different and significantly separated by time.

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

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

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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 grievant's three grievances is appropriate. All three grievances concern a single grievant and event, and they likely share related themes and claims. 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).