

Issue: Consolidation of grievances for purpose of hearing; Ruling Date: November 12, 2008; Ruling #2009-2169, 2009-2170; 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 2009-2169, 2009-2170
November 12, 2008

The Department of Corrections (DOC or the agency) has asked that the grievant's August 19, 2008 and August 26, 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 by the agency as a Probation Officer. The grievant states that on August 8, 2008, he received a Group III Written Notice with a 30-day suspension. According to the grievant, he was advised at the time he received his Written Notice that the agency was still considering terminating his employment and would decide at the end of the suspension period. Subsequently, on August 25, 2008, the grievant apparently received a second Written Notice with termination, for the same conduct as allegedly addressed by the August 8th Written Notice. The grievant initiated two grievances, dated August 19, 2008 and August 26, 2008, to challenge these management actions.

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 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 has not objected to the agency's request and has not 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.¹ EDR strongly favors consolidation and will consolidate grievances when they involve the same

¹ *Grievance Procedure Manual* § 8.5.

parties, legal issues, policies, and/or factual background, unless there is a persuasive reason to process the grievances individually.²

This Department finds that consolidation of the grievant's two grievances is appropriate. Both grievances concern a single grievant and 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.³

Claudia T. Farr
Director

² *See id.*

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