

Issue: Consolidation of grievances for purpose of hearing; Ruling Date: December 29, 2008; Ruling #2009-2184, 2009-2185; Agency: Virginia Military Institute; Outcome: Consolidated Granted.



COMMONWEALTH of VIRGINIA
Department of Employment Dispute Resolution

CONSOLIDATION RULING OF DIRECTOR

In the matter of Virginia Military Institute
Ruling Numbers 2009-2184, 2009-2185
December 29, 2008

The Virginia Military Institute (VMI or the agency) has asked that the grievant's September 26, 2008 and October 8, 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 Police Officer. On September 5, 2008, the grievant received a Group I Written Notice for alleged insubordination. He grieved this disciplinary action on September 26, 2008. On September 19, 2008, the grievant received a Group II Written Notice for allegedly failing to follow instructions and/or policy. He initiated a grievance challenging this second disciplinary action on October 8, 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 December 5, 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 parties, legal issues, policies, and/or factual background, unless there is a persuasive reason to process the grievances individually.²

¹ *Grievance Procedure Manual* § 8.5.

² *See id.*

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

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