

Issue: Consolidation of grievances for purpose of hearing; Ruling Date: February 10, 2009; Ruling #2009-2213; Agency: Virginia Military Institute; Outcome: Consolidation Granted.



COMMONWEALTH of VIRGINIA
Department of Employment Dispute Resolution

CONSOLIDATION RULING OF DIRECTOR

In the matter of Virginia Military Institute
Ruling Numbers 2009-2213
February 10, 2009

The grievant has asked that his grievance challenging his October 8, 2008 termination from the Virginia Military Institute (VMI or the agency) be consolidated for a single hearing with his September 26, 2008 and October 8, 2008 grievances. For the reasons discussed below, this Department finds that consolidation of all three grievances into a single hearing is appropriate and practicable.

FACTS

The grievant was employed by the agency as a Police Officer. On October 8, 2008, he was issued a Group III Written Notice which resulted in his termination. He subsequently grieved this disciplinary action on November 5, 2008. After the parties failed to resolve the grievance during the management resolution steps, the agency head qualified the grievance for hearing.

By letter dated January 14, 2009, the grievant asked that his November 5th grievance be consolidated with his September 26, 2008 and October 8, 2008 grievances. The September 26th and October 8th grievances, which both challenge disciplinary action, were consolidated for a single hearing by EDR Ruling Nos. 2009-2184, 2009-2185. The agency apparently does not object to the grievant's request to consolidation.

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 three grievances is appropriate. All three grievances concern a single grievant and possibly share related themes and claims. Moreover, we find that consolidation is not impracticable in this instance. Accordingly, this Department directs that the three grievances be heard in a single hearing, by the hearing officer currently assigned to hear the November 5, 2008 grievance.³

This Department's rulings on compliance are final and nonappealable.⁴

Claudia T. Farr
Director

³ At the time the grievant made his consolidation request, a hearing officer had already been appointed to hear the termination grievance.

⁴ See Va. Code §§ 2.2-1001(5), 2.2-3003(G).