

Issue: Consolidation of Grievances for Purpose of Hearing; Ruling Date: May 11, 2009; Ruling #2009-2298, 2009-2299; Agency: Virginia Department of Health; Outcome: Consolidation Granted.



*COMMONWEALTH of VIRGINIA*  
*Department of Employment Dispute Resolution*

**CONSOLIDATION RULING OF DIRECTOR**

In the matter of the Department of Health  
Ruling Numbers 2009-2298, 2009-2299  
May 11, 2009

The Virginia Department of Health (VDH or the agency), has asked that the grievant's two July 15, 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 a forensic autopsy technician. On July 14, 2008, the grievant received a Group III Written Notice with termination for allegedly failing to follow her supervisor's instructions and policy. Subsequently, on or about July 15, 2008, the grievant initiated two grievances challenging her termination.<sup>1</sup>

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, and the grievant has not objected to this request.

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>2</sup> 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.<sup>3</sup>

---

<sup>1</sup> One of these two grievances alleges retaliation, while the other appears to assert that the termination was in violation of policy.

<sup>2</sup> *Grievance Procedure Manual* § 8.5.

<sup>3</sup> *See id.*

This Department finds that consolidation of the two July 15th grievances is appropriate. The two grievances involve the same grievant as well as the same management action, and they will likely 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>4</sup>

---

Claudia T. Farr  
Director

---

<sup>4</sup> See Va. Code § 2.2-1001(5), 2.2-3003(G).