

Issue: Consolidation of Grievances for Purpose of Hearing; Ruling Date: May 18, 2009; Ruling #2009-2306, 2009-2307; Agency: Department of Motor Vehicles; Outcome: Consolidation Granted.



COMMONWEALTH of VIRGINIA
Department of Employment Dispute Resolution

CONSOLIDATION RULING OF DIRECTOR

In the matter of the Department of Motor Vehicles
Ruling Numbers 2009-2306, 2009-2307
May 18, 2009

The grievant and the Department of Motor Vehicles (DMV or the agency) have asked that the grievant's January 10, 2009 and May 4, 2009 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 Customer Service Generalist. On January 8, 2009, the agency issued the grievant a Group II Written Notice with suspension for allegedly failing to follow agency policy. On January 10, 2009, the grievant initiated a grievance challenging this disciplinary action. After the parties failed to resolve the grievance during the management resolution steps, the agency head qualified the grievance for hearing and a hearing officer was appointed by this Department on April 17, 2009.

Subsequently, on May 1, 2009, the agency issued the grievant a Group II Written Notice with termination. On May 4, 2009, the grievant initiated an expedited grievance challenging this disciplinary action. The parties have asked that, in the event the May 4th grievance is not resolved during the management resolution steps, the January 10th and May 4th grievances be consolidated for a single hearing.

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 January 10th and May 4th grievances is appropriate. The two grievances involve the same grievant, 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.³

Claudia T. Farr
Director

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