

Issue: Consolidation of grievances for purpose of hearing; Ruling Date: June 12, 2009; Ruling #2009-2336, 2009-2337; 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 2009-2336, 2009-2337  
June 12, 2009

The Virginia Department of Motor Vehicles (the agency), has asked that the grievant's March 9, 2009 and March 10, 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's March 9, 2009 grievance concerns a Group I Written Notice, issued on February 13, 2009, related to the grievant's conduct during a counseling session with another employee. The grievant's March 10, 2009 grievance concerns a Group II Written Notice, issued on March 6, 2009, for failure to complete a particular task in closing the office.

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 does not object 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>1</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>2</sup>

This Department finds that consolidation of the two grievances is appropriate. While these grievances concern entirely different issues of misconduct, they involve the same grievant and could share common themes, claims, and witnesses. Moreover, we find that consolidation is not impracticable in this instance. Therefore, in light of the parties'

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<sup>1</sup> *Grievance Procedure Manual* § 8.5.

<sup>2</sup> *See id.*

agreement that consolidation is acceptable, the grievant's March 9, 2009 and March 10, 2009 grievances are consolidated for a single hearing.

This Department's rulings on compliance are final and nonappealable.<sup>3</sup>

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Claudia T. Farr  
Director

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<sup>3</sup> See Va. Code §§ 2.2-1001(5), 2.2-3003(G).