

Issue: Consolidation of Grievances for a Single Hearing; Ruling Date: July 17, 2009; Ruling #2010-2363, 2010-2364; Agency: Department of Corrections; Outcome: Consolidation Granted.



COMMONWEALTH of VIRGINIA
Department of Employment Dispute Resolution
CONSOLIDATION RULING OF DIRECTOR

In the matter of the Department of Corrections
Ruling Numbers 2010-2362, 2010-2363
July 17, 2009

The Virginia Department of Corrections (the agency), has asked that the grievant's two February 24, 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 February 24, 2009 grievances each concern separate Written Notices, issued on February 11, 2009, related to the grievant's conduct on February 5, 2009, which resulted in her termination. 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.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

This Department finds that consolidation of the two grievances is appropriate. These grievances involve the same grievant, arise out of the same events, 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' agreement that

¹ *Grievance Procedure Manual* § 8.5.

² *See id.*

consolidation is acceptable, the grievant's two February 24, 2009 grievances are consolidated for a single hearing.

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).