

Issue: Consolidation of Grievances for a Single Hearing; Ruling Date: August 20, 2009; Ruling #2010-2393, 2010-2394; 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 2010-2393, 2010-2394
August 20, 2009

Based on agreement between the parties, the Virginia Department of Corrections (the agency) and the grievant seek consolidation of the grievant's April 23, 2009 and June 5, 2009 grievances 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 April 23, 2009 and June 5, 2009 grievances each concern separate Written Notices related to similar conduct, which resulted in his termination. After the parties failed to resolve the grievances during the management resolution steps, the agency head qualified the grievances for hearing. Neither the agency nor the grievant object to having the two grievances 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

This Department finds that consolidation of the two grievances is appropriate. These grievances involve the same grievant, arise out of similar, though separate, alleged instances of misconduct, and could share common themes, claims, and witnesses. Moreover, we find that consolidation is not impracticable in this instance. Therefore, in

¹ *Grievance Procedure Manual* § 8.5.

² *See id.*

light of the parties' agreement that consolidation is acceptable, the grievant's April 23, 2009 and June 5, 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).