

Issue: Consolidation of Grievances for a Single Hearing; Ruling Date: September 15, 2009; Ruling #2010-2410, 2010-2411; Agency: Virginia Community College System; Outcome: Consolidation Granted.



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

In the matter of the Virginia Community College System
Ruling Numbers 2010-2410, 2010-2411
September 15, 2009

The Virginia Community College System (the agency) has asked for consolidation of the grievant's July 6, 2009 and August 10, 2009 grievances filed with his employer, Northern Virginia Community College. For the reasons discussed below, this Department finds that consolidation of these grievances into a single hearing is appropriate and practicable.

FACTS

Both the July 6, 2009 and August 10, 2009 grievances concern Written Notices, issued to the grievant for separate instances of alleged misconduct. 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 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 consolidation is acceptable, the grievant's July 6, 2009 and August 10, 2009 grievances are consolidated for a single hearing. A hearing officer will be appointed in a forthcoming letter.

¹ *Grievance Procedure Manual* § 8.5.

² *See id.*

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).