

Issue: Consolidation of Grievances for a Single Hearing; Ruling Date:
September 18, 2009; Ruling #2010-2413, 2010-2414, 2010-2423; 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 2010-2413, 2010-2414, 2010-2423
September 18, 2009

This ruling addresses the consolidation of the grievant's two May 4, 2009 grievances and June 25, 2009 grievance filed with the Department of Corrections (the agency). For the reasons discussed below, this Department finds that consolidation of these grievances into a single hearing is appropriate and practicable.

FACTS

All these grievances concern Written Notices issued to the grievant for separate instances of alleged misconduct, which led to his termination, the subject of the June 25, 2009 grievance. 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 for appointment of a hearing officer. In reviewing the requests, this Department contacted both parties to determine whether they would oppose consolidating the grievances into one hearing. Neither party objects to the consolidation.

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 three grievances is appropriate. These grievances involve the same grievant and could share common themes, claims, and witnesses. Moreover, the disciplinary actions at issue all led to the grievant's termination, the subject of the June 25, 2009 grievance. Further, we find that consolidation is not impracticable in this instance. Therefore, as the parties do not object to the consolidation,

¹ *Grievance Procedure Manual* § 8.5.

² *See id.*

the grievant's two May 4, 2009 grievances and June 25, 2009 grievance are consolidated for a single hearing. A hearing officer will be appointed in a forthcoming letter.

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).