

Issue: Consolidation of Grievances for a Single Hearing; Ruling Date:  
December 15, 2009; Ruling #2010-2475, 2010-2476; Agency: Department of  
State Police; Outcome: Consolidation Granted.



*COMMONWEALTH of VIRGINIA*  
*Department of Employment Dispute Resolution*

**CONSOLIDATION RULING OF DIRECTOR**

In the matter of the Department of State Police  
Ruling Numbers 2010-2475, 2010-2476  
December 15, 2009

The Department of State Police (the agency) has asked for consolidation of the grievant's June 24, 2009 and September 25, 2009 grievances. For the reasons discussed below, this Department finds that consolidation of these grievances into a single hearing is appropriate and practicable.

FACTS

The June 24, 2009 grievance involves a leave issue, while the September 25, 2009 grievance concerns a Written Notice issued to the grievant. The EDR Director qualified the June 24, 2009 grievance for a hearing in a ruling dated November 3, 2009.<sup>1</sup> The agency head has qualified the September 25, 2009 grievance 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>2</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>3</sup>

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.

---

<sup>1</sup> EDR Ruling No. 2010-2431.

<sup>2</sup> *Grievance Procedure Manual* § 8.5.

<sup>3</sup> *See id.*

Therefore, in light of the parties' agreement that consolidation is acceptable, the grievant's June 24, 2009 and September 25, 2009 grievances are consolidated for a single hearing. The agency must submit a Form B to request the appointment of a hearing officer in the September 25, 2009 grievance.<sup>4</sup> Once the Form B is received, a hearing officer will be appointed in a forthcoming letter.

This Department's rulings on compliance are final and nonappealable.<sup>5</sup>

---

Claudia T. Farr  
Director

---

<sup>4</sup> A Form B has already been received in the June 24, 2009 grievance. In the alternative, the agency may submit a revised combined Form B for both grievances.

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