

Issue: Consolidation of Grievances for a Single Hearing; Ruling Date: March 10, 2010; Ruling #2010-2563, 2010-2564; 2010-2565; 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 2010-2563, 2010-2564, 2010-2565
March 10, 2010

This ruling addresses the consolidation of the grievant's three grievances filed with the Department of Corrections (the agency) on or about January 13, 2010.¹ For the reasons discussed below, this Department finds that consolidation of these grievances into a single hearing is appropriate and practicable.

FACTS

Though they appear to be largely similar, the three grievances at issue, dated January 13, 2010, concern the issuance to the grievant of three Written Notices, which culminated in his 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 for appointment of a hearing officer and requested that the grievances be consolidated. The grievant does not object to the consolidation 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.² 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.³

This Department finds that consolidation of the three January 13, 2010 grievances is appropriate. These grievances involve the same grievant and could share common

¹ It is noted that the grievant also initiated another grievance on or about November 7, 2009, regarding a corrective counseling dated October 8, 2009. That grievance is not part of this consolidation. The November 7, 2009 grievance is addressed in EDR Ruling No. 2010-2542.

² *Grievance Procedure Manual* § 8.5.

³ *See id.*

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themes, claims, and witnesses. Moreover, the grievances all relate to the issuance of the Written Notices to the grievant and his termination. Further, we find that consolidation is not impracticable in this instance. Therefore, in light of the parties' agreement that consolidation is acceptable, the grievant's three January 13, 2010 grievances 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.⁴

Claudia T. Farr
Director

⁴ See Va. Code §§ 2.2-1001(5), 2.2-3003(G).