

Issue: Consolidation of grievances for a single hearing; Ruling Date: May 13, 2010; Ruling #2010-2645, 2010-2646; Agency: Department of Motor Vehicles; Outcome: Consolidation Granted.



COMMONWEALTH of VIRGINIA
Department of Employment Dispute Resolution

CONSOLIDATION RULING OF DIRECTOR

In the matter of the Department of Motor Vehicles
Ruling Numbers 2010-2645, 2010-2646
May 13, 2010

This ruling addresses the consolidation of two of the grievant's grievances filed with Department of Motor Vehicles (the agency). For the reasons discussed below, this Department finds that consolidation of these grievances into a single hearing is appropriate and practicable.

FACTS

The two grievances at issue, dated September 2, 2009 and December 14, 2009, primarily concern the issuance to the grievant of two Written Notices. 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 these matters. Both the agency and the grievant approve of consolidating the two grievances 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 September 2, 2009 and December 14, 2009 grievances is appropriate. These grievances involve the same grievant and could share common themes, claims, and witnesses. Moreover, the grievances concern the issuance of two Written Notices to the grievant for similar acts of alleged misconduct. Further, we find that consolidation is not impracticable in this instance. Therefore, in light

¹ *Grievance Procedure Manual* § 8.5.

² *See id.*

of the parties' agreement that consolidation is acceptable, the grievant's September 2, 2009 and December 14, 2009 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.³

Claudia T. Farr
Director

³ See Va. Code §§ 2.2-1001(5), 2.2-3003(G).