

Issue: Consolidation of Grievances for a Single Hearing; Ruling Date: October 14, 2010; Ruling #2011-2793, 2011-2794; Agency: Department of Agriculture and Consumer Services; Outcome: Consolidation Granted.



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

**CONSOLIDATION RULING OF DIRECTOR**

In the matter of the Virginia Department of Agriculture and Consumer Services  
Ruling Numbers 2011-2793, 2011-2794  
October 14, 2010

This ruling addresses the consolidation of the grievant's two grievances filed with the Virginia Department of Agriculture and Consumer Services (the agency) on or about July 29, 2010. 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 July 29, 2010, concern the issuance to the grievant of two Written Notices, which culminated in her termination.<sup>1</sup> 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 and requested that the grievances be consolidated for a single hearing. 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 July 29, 2010 grievances is appropriate. These grievances involve the same grievant and could share common themes,

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<sup>1</sup> Although the issues listed by the grievant on her Grievance Form A's do not specifically describe the two Written Notices, it appears that the agency has addressed these grievances through the management steps as challenging these disciplinary actions. There is nothing in the grievance records to indicate that the grievances are about anything other than the two Written Notices and the grievant's termination.

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

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

claims, and witnesses. Moreover, the grievances all relate to the issuance of the Written Notices to the grievant and her 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 two July 29, 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.<sup>4</sup>

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Claudia T. Farr  
Director

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<sup>4</sup> See Va. Code §§ 2.2-1001(5), 2.2-3003(G).