

Issue: Consolidation of grievances for a single hearing; Ruling Date: November 10, 2010; Ruling No. 2011-2821, 2011-2822; Agency: Department of Behavioral Health and Developmental Services; Outcome: Consolidation granted.



COMMONWEALTH of VIRGINIA
Department of Employment Dispute Resolution

CONSOLIDATION RULING OF DIRECTOR

In the matter of the Department of Behavioral Health & Developmental Services
Ruling Numbers 2011-2821, 2011-2822
November 10, 2010

This ruling addresses the consolidation of the grievant's two grievances filed with the Department of Behavioral Health and Developmental Services (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 21, 2010 and September 28, 2010, concern the issuance to the grievant of two separate 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. The agency has requested that the grievances be consolidated for a single hearing. The grievant has no objection to consolidation of the 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 grievant's September 21, 2010 and September 28, 2010 grievances is appropriate. These grievances involve the same grievant and could share common themes, claims, and witnesses. Moreover, the grievances concern the issuance of the two Written Notices to the grievant. Further, we find that consolidation

¹ *Grievance Procedure Manual* § 8.5.

² *See id.*

is not impracticable in this instance. Therefore, in light of the parties' agreement that consolidation is acceptable, the grievant's September 21, 2010 and September 28, 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.³

Claudia T. Farr
Director

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