

Issue: Consolidation of Grievances for a Single Hearing; Ruling Date:  
December 8, 2010; Ruling No. 2011-2846, 2011-2847; Agency: Virginia  
Department of Transportation; Outcome: Consolidation Granted.



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

**CONSOLIDATION RULING OF DIRECTOR**

In the matter of the Department of Transportation  
Ruling Numbers 2011-2846, 2011-2847  
December 8, 2010

The Department of Transportation (the agency) has asked that the August 3, 2010 grievance of Grievant A be consolidated for hearing with the August 3, 2010 grievance of Grievant B. For the reasons discussed below, this Department finds that consolidation of these grievances into a single hearing is appropriate and practicable.

FACTS

On July 6, 2010, Grievant A received a Written Notice for alleged unsatisfactory performance related to making purchases. On the same date, Grievant B also received a Written Notice for engaging in similar conduct related to purchases. Both grievants initiated grievances challenging the Written Notices.

After the parties failed to resolve the grievances during the management resolution steps, the agency head's designee qualified the grievances for hearing. The agency has asked that the two grievances be consolidated for a single hearing, and the grievants have indicated that they do 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>1</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>2</sup>

This Department finds that consolidation of the August 3, 2010 grievances of Grievants A and B is appropriate. The two grievances involve similar allegations of unsatisfactory performance and will likely share common themes, claims, and witnesses.

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<sup>1</sup> *Grievance Procedure Manual* § 8.5.

<sup>2</sup> *See id.*

Moreover, it appears that all parties agree to a combined hearing. Consolidation is not impracticable in this instance. Accordingly, the grievances are consolidated to be heard by the same hearing officer in a single hearing. The hearing officer shall independently assess the merits of each grievance and issue two separate decisions. A hearing officer will be appointed for these matters in a forthcoming letter.

This Department's rulings on compliance are final and nonappealable.<sup>3</sup>

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Claudia T. Farr  
Director

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<sup>3</sup> See Va. Code § 2.2-1001(5), 2.2-3003(G).