

Issue: Consolidation of Grievances for a Single Hearing; Ruling Date: January 28, 2011; Ruling No. 2011-2886, 2011-2887; Agency: State Board of Elections; Outcome: Consolidation Granted.



COMMONWEALTH of VIRGINIA
Department of Employment Dispute Resolution

CONSOLIDATION RULING OF DIRECTOR

In the matter of the State Board of Elections
Ruling Numbers 2011-2886, 2011-2887
January 28, 2011

This ruling addresses the consolidation of the grievant's two grievances filed with the State Board of Elections (the agency) on or about September 10, 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 September 10, 2010, concern the issuance to the grievant of two 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 in these matters. Both parties have agreed to the consolidation of these 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 two September 10, 2010 grievances is appropriate. These grievances involve the same grievant and could share common 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

¹ *Grievance Procedure Manual* § 8.5.

² *See id.*

not impracticable in this instance. Therefore, the grievant's two September 10, 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).