

Issue: Consolidation of Grievances for a Single Hearing; Ruling Date: April 12, 2011; Ruling No. 2011-2949, 2011-2950; 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 2011-2949, 2011-2950  
April 12, 2011

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, both dated February 11, 2011, 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. Neither party objects to the consolidation of both grievances.

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 grievant's two February 11, 2011 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 that resulted in 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 February 11, 2011

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

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

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>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).