

Issue: Consolidation of Grievances for a Single Hearing; Ruling Date: April 25, 2011; Ruling No. 2011-2963, 2011-2964; Agency: Department of Correctional Education; Outcome: Consolidation Granted.



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

**CONSOLIDATION RULING OF DIRECTOR**

In the matter of the Department of Correctional Education  
Ruling Numbers 2011-2963, 2011-2964  
April 25, 2011

Both the Department of Correctional Education (the agency) and the representative for both grievants have asked that the grievance of Grievant M be consolidated for hearing with the grievance of Grievant W. For the reasons discussed below, this Department finds that consolidation of these grievances into a single hearing is appropriate and practicable.

FACTS

On or about February 18, 2011, Grievant M received a Written Notice with termination for alleged gross negligence in managing a classroom. On the same date, Grievant W also received a Written Notice with termination for engaging in similar conduct in the same incident. Both grievants initiated grievances challenging the Written Notices.

After the parties failed to resolve the grievances during the management resolution steps, the grievances were qualified for hearing. The same hearing officer has already been appointed to hear both cases. Both the agency and the grievants have now asked that the two grievances be consolidated 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.<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>

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

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

This Department finds that consolidation of the grievances of Grievant M and Grievant W is appropriate. The two grievances involve similar allegations of misconduct and will likely share common themes, claims, and witnesses. 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.

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).