

Issue: Consolidation of Grievances for a single hearing; Ruling Date: January 9, 2012; Ruling No. 2012-3206; 2012-3207, 2012-3208, 2012-3209, 2012-3210; Agency: Department of Corrections; Outcome: Consolidation Granted.



COMMONWEALTH of VIRGINIA
Department of Employment Dispute Resolution

CONSOLIDATION RULING OF DIRECTOR

In the matter of the Department of Corrections
Ruling Numbers 2012-3206 through 2012-3210
January 9, 2012

This ruling addresses the consolidation of the grievant's five grievances filed with the Department of Corrections (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 grievant's five grievances¹ challenge two Written Notices issued to the grievant. 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 and requested that the 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.² 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.³

This Department finds that consolidation of the grievant's five grievances is appropriate. These grievances involve the same grievant and could share common themes, claims, and witnesses. The grievances all relate to the same two disciplinary actions issued to the grievant. Further, we find that consolidation is not impracticable in this instance.

¹ The grievant has initiated one grievance on May 27, 2011, two on June 6, 2011, and two on June 10, 2011.

² *Grievance Procedure Manual* § 8.5.

³ *See id.*

Therefore, the grievant's five 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.⁴

Claudia T. Farr
Director

⁴ See Va. Code §§ 2.2-1001(5), 2.2-3003(G).