

Issue: Consolidation of grievances for a single hearing; Ruling Date: February 10, 2012; Ruling No. 2012-3265, 2012-3266; 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 2012-3265, 2012-3266
February 10, 2012

This ruling addresses the consolidation of the grievant's two 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 two grievances, dated November 9, 2011 and December 27, 2011, challenge a Written Notice, as it appears to have evolved, 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.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 grievant's two grievances is appropriate. These grievances involve the same grievant and could share common themes, claims, and witnesses. The grievances relate to the same disciplinary action issued to the grievant. Further, we find that consolidation is not impracticable in this

¹ *Grievance Procedure Manual* § 8.5.

² *See id.*

instance. Therefore, the grievant's two 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).