

Issue: Consolidation of grievances for a single hearing; Ruling Date: April 25, 2012; Ruling No. 2012-3330, 2012-3331; 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 2012-3330, 2012-3331  
April 25, 2012

This ruling addresses the consolidation of the grievant's two February 28, 2012 grievances filed with the Department of Correctional Education (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 February 28, 2012 grievances at issue each concern disciplinary actions issued to the grievant, leading to his termination. After the parties failed to resolve the grievances during the management resolution steps, the agency head qualified the grievances for hearing.<sup>1</sup> The agency has asked for appointment of a hearing officer.

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>2</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>3</sup>

This Department finds that consolidation of the grievant's two February 28, 2012 grievances is appropriate. These grievances involve the same grievant and could share common themes, claims, and witnesses. The grievances all relate to disciplinary actions issued to the grievant that led to her termination. Further, we find that consolidation is not

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<sup>1</sup> Although the agency head has only completed the qualification section for one of the February 28, 2012 grievances, it appears that the agency head's intention was to qualify both matters for hearing as both grievances were addressed in concert through the management steps. To correct this procedural anomaly, this Department determines that second February 28, 2012 grievance is qualified for a hearing with the first. See Va. Code § 2.2-3004(A); *Grievance Procedure Manual* § 4.1(a).

<sup>2</sup> *Grievance Procedure Manual* § 8.5.

<sup>3</sup> See *id.*

impracticable in this instance. Therefore, the grievant's two February 28, 2012 grievances are qualified and 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>4</sup>

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Claudia T. Farr  
Director

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<sup>4</sup> See Va. Code §§ 2.2-1001(5), 2.2-3003(G).