

Issue: Consolidation of grievances for a single hearing; Ruling Date: April 25, 2012; Ruling No. 2012-3332, 2012-3333, 2012-3334; 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 2012-3332, 2012-3333, 2012-3334
April 25, 2012

This ruling addresses the consolidation of the grievant's two February 29, 2012 grievances with her March 8, 2012 grievance 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 29, 2012 grievances at issue each concern disciplinary actions issued to the grievant, leading to her termination. The March 8, 2012 grievance appears to challenge these same management actions as retaliatory, with reference to other past events. 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.

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 three 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 impracticable in this instance. Therefore, the grievant's two February 29, 2012 grievances are consolidated with her March 8, 2012 grievance for a single hearing. A hearing officer will be appointed in a forthcoming letter.

¹ *Grievance Procedure Manual* § 8.5.

² *See id.*

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).