

Issue: Consolidation of grievances for a single hearing; Ruling Date: August 30, 2012; Ruling No. 2013-3422; Agency: Department of Motor Vehicles; Outcome: Consolidation Granted.



COMMONWEALTH of VIRGINIA
Department of Human Resource Management
Office of Employment Dispute Resolution

CONSOLIDATION RULING

In the matter of the Department of Motor Vehicles
Ruling Number 2013-3422
August 30, 2012

This ruling addresses the consolidation for hearing of the grievant's June 13, 2012 grievance with the grievance at issue in Case Number 9876. For the reasons discussed below, EDR finds that consolidation of these grievances into a single hearing is appropriate and practicable.

FACTS

The grievance at issue in Case Number 9876 (Grievance 1) challenges a Group I Written Notice issued to the grievant. The June 13, 2012 grievance (Grievance 2) challenges her work location and/or shift assignments, which the grievant challenges, in part, due to retaliation as a result of the earlier grievance. The Department of Motor Vehicles (the agency) qualified Grievance 1 for a hearing and requested the appointment of a hearing officer (Case Number 9876). Following appointment of Case Number 9876 to a hearing officer, EDR received the agency's request for appointment a hearing officer to hear Grievance 2, which has also been qualified by the agency. Both parties seek to consolidate these grievances for a single hearing.

DISCUSSION

Approval by the Office of Employment Dispute Resolution (EDR) at the Department of Human Resource Management 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

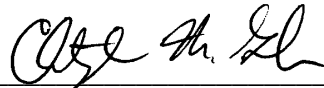
EDR finds that consolidation of these two grievances for hearing is appropriate. Both grievances involve the same grievant and may share common themes, claims, and witnesses. It appears that the grievances could share a common nexus of facts. Moreover, we find that consolidation is not impracticable in this instance. As such, the grievant's June 13, 2012

¹ *Grievance Procedure Manual* § 8.5.

² *See id.*

grievance is consolidated with Case Number 9876 for a single hearing. Appointment of a hearing officer in Grievance 2 will be made in a forthcoming letter. The hearing officer who has been assigned Grievance 1 will be appointed for Grievance 2 as well. The hearing officer may reschedule the hearing once both matters are appointed in his discretion following a pre-hearing conference with the parties. The new effective date of appointment for both matters will be the forthcoming effective date of appointment in the June 13, 2012 grievance.

EDR's rulings on compliance are final and nonappealable.³



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³ See Va. Code § 2.2-1202.1(5), 2.2-3003(G).