

Issue: Consolidation of grievances for a single hearing; Ruling Date: August 31, 2012; Ruling No. 2013-3426; Agency: Department of State Police; 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 State Police
Ruling Number 2013-3426
August 31, 2012

This ruling addresses the consolidation for hearing of the grievant's August 22, 2012 dismissal grievance with the grievance at issue in Case Number 9802. 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 9802 (Grievance 1) challenges a Group III Written Notice issued to the grievant. The dismissal grievance (Grievance 2) challenges two additional disciplinary actions, a Group II and a Group III, which led to the grievant's termination. The Department of State Police (the agency) qualified Grievance 1 for a hearing and requested the appointment of a hearing officer (Case Number 9802). Following appointment of Case Number 9802 to a hearing officer, EDR received Grievance 2. Upon receiving notice of the filing of Grievance 2, the agency has asked to consolidate both grievances for a single hearing. The grievant does not object.

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

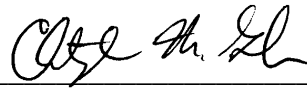
EDR finds that consolidation of these two grievances for hearing is appropriate. Both grievances involve the same grievant and may share common themes, claims, and witnesses. The grievances challenge disciplinary actions involving related issues that led to the grievant's termination. Moreover, we find that consolidation is not impracticable in this instance. As such,

¹ *Grievance Procedure Manual* § 8.5.

² *See id.*

the grievant's August 22, 2012 dismissal grievance (Grievance 2) is consolidated with Case Number 9802 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 Grievance 2.

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).