

Issue: Consolidation of grievances for a single hearing; Ruling Date: September 25, 2012; Ruling No. 2012-3438, 2012-3439; Agency: Department of Corrections; 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 Corrections
Ruling Numbers 2013-3438, 2013-3439
September 25, 2012

This ruling addresses the consolidation of the grievant's two dismissal grievances filed with the Office of Employment Dispute Resolution (EDR) at the Department of Human Resource Management. For the reasons discussed below, EDR finds that consolidation of these grievances into a single hearing is appropriate and practicable.

FACTS

The grievant submitted two dismissal grievance forms directly to EDR challenging his August 23, 2012 termination, which were received on September 12, 2012. Upon receiving additional documentation from the Department of Corrections (the agency), it became apparent that the grievant had received two Group III Written Notices with termination, which the grievant is assumed to be challenging in his two dismissal grievances. The agency has requested consolidation of these grievances for a single hearing. Given that the grievant submitted his dismissal grievances directly to EDR at the same time, it is presumed that the grievant seeks a single hearing as well.

DISCUSSION

Approval by EDR 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 the grievant's two dismissal grievances is appropriate. These grievances involve the same grievant and could share common themes, claims, and witnesses. The grievances relate to disciplinary actions that led to the grievant's termination. 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 dismissal grievances are consolidated for a single hearing. A hearing officer will be appointed in a forthcoming letter.

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

Christopher M. Grab
Senior Consultant
Office of Employment Dispute Resolution

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