

Issue: Consolidation of grievances for a single hearing; Ruling Date: October 18, 2012; Ruling No. 2013-3460, 2013-3461; 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 2013-3460, 2013-3461
October 18, 2012

This ruling addresses the consolidation of the grievant's two grievances filed with the Department of Corrections (the agency). For the reasons discussed below, EDR finds that consolidation of these grievances into a single hearing is appropriate and practicable.

FACTS

The two grievances at issue, dated September 18, 2012 and September 24, 2012, concern the issuance of a Written Notice to the grievant and potentially related workplace issues. After the parties failed to resolve the grievances during the management resolution steps, the agency has asked for appointment of a hearing officer in these matters.

DISCUSSION

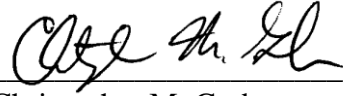
Approval by the Office of Employment Dispute Resolution (EDR) at the Department of Human Resource Management in the form of a compliance ruling is required before two or more grievances may be consolidated in a single hearing. Moreover, EDR may consolidate grievances for hearing without a request from 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 the grievant's September 18, 2012 and September 24, 2012 grievances is appropriate. These grievances involve the same grievant and could share common themes, claims, and witnesses. The grievances all relate to a disciplinary actions and potentially related workplace issues concerning the grievant. Further, we find that consolidation is not impracticable in this instance. Therefore, the grievant's September 18, 2012 and September 24, 2012 grievances are consolidated for a single hearing. A hearing officer will be appointed in a forthcoming letter.

¹ *Grievance Procedure Manual* § 8.5.

² *See id.*

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).