

Issue: Consolidation of grievances for a single hearing; Ruling Date: December 4, 2012; Ruling No. 2013-3486; Agency: Department of Conservation and Recreation; 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 Conservation and Recreation  
Ruling Numbers 2013-3486  
December 4, 2012

This ruling addresses the consolidation of the grievant's two grievances filed with the Department of Conservation and Recreation (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 April 24, 2012 and August 28, 2012, primarily concern the issuance of two separate Written Notices to the grievant. 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. EDR has previously received the grievant's April 24, 2012 grievance for appointment of a hearing officer in July. However, based on the grievant's request to consolidate, appointment was delayed until the August 28, 2012 grievance was also received for appointment of a hearing officer. The agency does not object to the consolidation of these two grievances.

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.<sup>1</sup> 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.<sup>2</sup>

EDR finds that consolidation of the grievant's April 24, 2012 and August 28, 2012 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. Further, we find that consolidation is not impracticable in this instance. Therefore, the

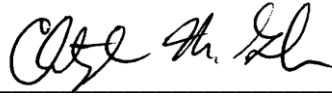
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<sup>1</sup> *Grievance Procedure Manual* § 8.5.

<sup>2</sup> *See id.*

grievant's April 24, 2012 and August 28, 2012 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.<sup>3</sup>



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Christopher M. Grab  
Director, Office of Employment Dispute Resolution

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<sup>3</sup> See Va. Code §§ 2.2-1202.1(5), 2.2-3003(G).