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CONSOLIDATION RULING

In the matter of the Department of Juvenile Justice
Ruling Number 2025-5821
January 28, 2025

This ruling addresses the consolidation of two grievances filed with the Department of Juvenile Justice (the “agency”). For the reasons discussed below, the Office of Employment Dispute Resolution (EDR) at the Department of Human Resource Management (DHRM) finds that consolidation of these grievances into a single hearing is appropriate and practicable.

FACTS

The two grievances at issue in this case are:

- 1) a grievance dated December 4, 2024, challenging two Group II Written Notices with suspension issued on December 2, 2024; and
- 2) a dismissal grievance dated December 30, 2024, challenging a Group II Written Notice with termination by accumulation of discipline, currently pending for a hearing as Case Number 12222.

The agency has requested consolidation of these matters.

DISCUSSION

Approval by EDR in the form of a compliance ruling is required before two or more grievances may be consolidated for 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 After the appointment of a hearing officer, EDR may consolidate the matter “where it substantially serves the interests of efficiency and would not unduly burden either party.”³

¹ *Grievance Procedure Manual* § 8.5.

² *See id.*

³ *Id.*

EDR finds that consolidation of the December 4 and December 30, 2024 grievances is appropriate. These grievances involve the same parties, and both relate to formal disciplinary action issued to the grievant. Thus, the grievances appear likely to share common themes, claims, and witnesses. Further, we find that consolidation is not impracticable or apparently burdensome to the parties in this instance.

Based on correspondence from the grievant's advocate, it appears the grievant opposes consolidation of the two grievances. However, the grievant has not provided any basis for his opposition or reason why consolidation would be burdensome or prejudicial. Because no such rationale is apparent from the information provided to EDR, the two grievances are consolidated for a single hearing.⁴

As noted above, EDR has already appointed a hearing officer for Case Number 12222 – the December 30 dismissal grievance. By separate correspondence, that appointment will be amended to include the December 4 grievance as Case Number 12232. No further action by the parties is required as it relates to consolidation.

EDR's rulings on compliance are final and nonappealable.⁵

Christopher M. Grab
Director
Office of Employment Dispute Resolution

⁴ Pursuant to the fee schedule established by EDR's Hearings Program Administration policy, two consolidated grievances shall be assessed at a flat fee of \$5,000. See EDR Policy 2.01, *Hearings Program Administration*, Attach. B.

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