

B. CONSOLIDATION ORDER

OVERVIEW:

Under § [2429.2](#), whenever it appears necessary to effectuate the purposes of the Statute or to avoid unnecessary costs or delay, the RD may consolidate cases within the Region for hearing, or transfer cases to another region for consolidation with pending cases.

OBJECTIVE:

To provide guidance on the criteria for, and processing of, consolidation of cases.

1. CRITERIA FOR CONSOLIDATION:

The RD may consolidate cases where there are:

- a. *Separate ULP charges involving the same Charged Party in each case.*

For example, different employees have filed separate charges against the same agency or labor organization based on the same event or a related event;

- b. *Separate ULP charges involving different Charged Parties but based on the same set of circumstances.*

For example, an employee filed separate charges against an activity and a labor organization alleging complicity in an agreement discriminating against employees who are not members of the union.

- c. *Objections to an election and a ULP charge(s) that involve common issues.*

2. PROCESSING:

- a. *Issuance of complaint:*

Cases are consolidated simultaneously with the issuance of complaint by issuing an Order Consolidating Cases, Complaint and Notice of Hearing.

(See [ATTACHMENT 1B](#)). This format may also be used when consolidating a new complaint with a previously issued complaint. If separate complaints have issued, the cases can be consolidated by an Order Consolidating Cases. (See [ATTACHMENT 1B](#)).

- e *If consolidating a new case with a previously issued complaint, it is not necessary to issue a new consolidated complaint that includes all of the allegations of the first complaint. In this situation, an Order Consolidating Cases, Complaint and Notice of Hearing issues. The first paragraph of the Order states that the new case is consolidated for hearing with the previously issued complaint and the allegations of the first complaint need not be repeated (see [ATTACHMENT 1B](#)). However, be sure that the caption of the second complaint includes the name and case number of the first complaint and that thereafter, all documents issued include the consolidated case caption.*

- b. *After complaint has issued:*

Upon motion of a party pursuant to then-§ 2423.19(k), now § [2423.24](#)(a), the ALJ has discretion to determine if consolidation of cases is warranted. U.S. Small Business Administration, Washington, D.C., 54 FLRA No. 83, 54 FLRA 837, 845 (1998) ([SBA](#)).