

Issue: Consolidation of grievances for a single hearing; Ruling Date: April 13, 2017;  
Ruling No. 2017-4528; Agency: Virginia Tech; Outcome: Not Qualified.



**COMMONWEALTH of VIRGINIA**  
**Department of Human Resource Management**  
**Office of Employment Dispute Resolution<sup>1</sup>**

**CONSOLIDATION RULING**

In the matter of Virginia Polytechnic Institute & State University  
Ruling Number 2017-4528  
April 13, 2017

This ruling addresses the request by Virginia Polytechnic Institute & State University (the University) to consolidate two pending grievances with a third grievance regarding a Group I Written Notice. For the reasons discussed below, EDR finds that consolidation of all three matters into a single hearing is not appropriate and the consolidation request is denied.

FACTS

On February 24, 2017, EDR Ruling Number 2017-4479 consolidated for a single hearing two grievances initiated by the grievant to challenge, respectively, her 2015-2016 performance evaluation, and her January 12, 2017 termination. A hearing officer was appointed to hear these matters on March 8, 2017, and a hearing was subsequently scheduled for May 9, 2017. On March 28, 2017, the University requested appointment of a hearing officer regarding a grievance challenging a Group I Written Notice issued on December 16, 2016. The University's counsel requested that the grievance regarding the December 16 Group I Written Notice be consolidated and heard along with the two earlier qualified grievances, scheduled for May 9, 2017.

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.<sup>2</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>3</sup> However, the *Rules for Conducting Grievance Hearings* provide that “[a]fter a hearing officer has been appointed, EDR will accept requests for consolidation for hearing only in limited

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<sup>1</sup> Effective January 1, 2017, the Office of Employment Dispute Resolution merged with another office area within the Department of Human Resource Management, the Office of Equal Employment Services. Because full updates have not yet been made to the *Grievance Procedure Manual*, this office will be referred to as “EDR” in this ruling to alleviate any confusion. EDR’s role with regard to the grievance procedure remains the same post-merger.

<sup>2</sup> *Grievance Procedure Manual* § 8.5.

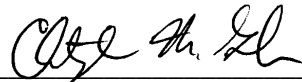
<sup>3</sup> *See id.*

circumstances.”<sup>4</sup> In this instance, EDR does not find that extenuating circumstances outweigh the compelling reasons not to grant the consolidation request.

Consolidating a total of three actions for a single hearing, even if all three matters encompass an interrelated sequence of events, is often impracticable. The burden to the parties and their witnesses to address all of the issues in a single hearing may simply be too great. In this instance, the parties have proposed that the two matters already scheduled to be heard on May 9, 2017, may encompass an entirety of three days total. While EDR does not disagree with University Counsel’s argument that all three matters encompass an interrelated sequence of events, nevertheless, EDR determines that a single hearing addressing all three matters would be unduly burdensome.

Based on the foregoing, the request for consolidation is denied. The May 9, 2017 hearing will proceed as scheduled and a hearing officer will be appointed in a forthcoming communication in the December 16, 2016 grievance for a separate hearing.

EDR’s rulings on compliance are final and nonappealable.<sup>5</sup>



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Christopher M. Grab  
Director  
Office of Employment Dispute Resolution

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<sup>4</sup> *Rules for Conducting Grievance Hearings* § III(C).

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