



COMMONWEALTH OF VIRGINIA
Department Of Human Resource Management
Office of Employment Dispute Resolution

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CONSOLIDATION RULING

In the matter of the Department of State Police
Ruling Number 2022-5419
June 9, 2022

This ruling addresses the consolidation of the grievant's three grievances filed with the Department of State Police (the "agency"). For the reasons discussed below, the Office of Employment Dispute Resolution ("EDR") at the Virginia Department of Human Resource Management finds that consolidation of these grievances into a single hearing is appropriate and practicable.

FACTS

The three grievances at issue in this case are:

- 1) A March 28, 2022 grievance challenging the grievant's receipt of a Group I Written Notice for alleged misuse state property;
- 2) A May 4, 2022 grievance challenging the grievant's receipt of a Group II Written Notice for alleged insubordination; and
- 3) A May 13, 2022 grievance challenging the grievant's receipt of a Group I Written Notice for alleged unauthorized use of state property.

Following the management steps, the agency qualified the grievances for hearing and now appears to have 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 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

¹ *Grievance Procedure Manual* § 8.5.

² *See id.*

EDR finds that consolidation of the March 28, May 4, and May 13, 2022 grievances is appropriate. These grievances involve the same grievant and could share common themes, claims, and witnesses. Further, we find that consolidation is not impracticable in this instance. Therefore, the three grievances are consolidated for a single hearing.³ A hearing officer will be appointed in a forthcoming letter.

EDR's rulings on compliance are final and nonappealable.⁴

Christopher M. Grab
Director
Office of Employment Dispute Resolution

³ Pursuant to the fee schedule established by EDR's Hearings Program Administration policy, consolidated hearings shall be assessed a full fee for the first grievance, an additional half fee for the second grievance, and \$400 for each subsequent grievance. *See* EDR Policy 2.01, *Hearings Program Administration*, Attach. B.

⁴ *See* Va. Code §§ 2.2-1202.1(5), 2.2-3003(G).