



JANET L. LAWSON
DIRECTOR

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

James Monroe Building
101 N. 14th Street, 12th Floor
Richmond, Virginia 23219

Tel: (804) 225-2131
(TTY) 711

CONSOLIDATION RULING

In the matter of the Department of Environmental Quality
Ruling Number 2023-5547
April 14, 2023

This ruling addresses the consolidation of two grievances filed with the Department of Environmental Quality (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 February 15, 2023, challenging a Group II Written Notice issued on January 17, 2023; and
- 2) a dismissal grievance dated March 30, 2023, challenging termination of the grievant’s employment with the agency based on two additional Group II Written Notices and a Group III Written Notice, all issued as of March 22, 2023.

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

EDR finds that consolidation of the February 15 and March 30 grievances is appropriate. These grievances involve the same parties, and both relate to formal disciplinary action issued to the grievant. Thus, the grievances could share common themes, claims, and witnesses – indeed, it appears that the March 22, 2023 disciplinary actions cite directly to the grievant’s conduct during

¹ *Grievance Procedure Manual* § 8.5.

² *See id.*

the initial grievance management resolution steps. Further, we find that consolidation is not impracticable in this instance. Therefore, the two grievances are consolidated for a single hearing.³

As the agency has submitted its Form B request for the appointment of a hearing officer in both matters, this ruling requires no additional action or response from the parties. A hearing officer will be appointed to hear this consolidated matter in forthcoming correspondence.

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 and an additional half fee for the second grievance. *See* EDR Policy 2.01, *Hearings Program Administration*, Attach. B.

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