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CONSOLIDATION RULING

In the matter of the Virginia Department of Transportation
Ruling Number 2023-5567
June 9, 2023

This ruling addresses the consolidation of two grievances filed with the Virginia Department of Transportation (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 April 6, 2023, challenging a Group I Written Notice issued on March 20, 2023, currently pending for appointment to a hearing officer (Case Number 11982); and
- 2) a grievance dated March 6, 2023,¹ challenging a Group II Written Notice issued on March 20, 2023, currently pending for appointment to a hearing officer (Case Number 11986).

It appears that, as the two grievances proceeded through the management resolution steps, the parties addressed them together as consolidated matters.²

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.³ EDR strongly favors consolidation and will

¹ It appears this grievance form may have been misdated and was actually submitted together with the first grievance on or about April 6, 2023.

² See *Grievance Procedure Manual* § 8.5.

³ *Id.*

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.⁴

EDR finds that consolidation of the grievances challenging the two Written Notices issued on March 20, 2023, 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. Further, we find that consolidation is not impracticable in this instance. Therefore, the two grievances are consolidated for a single hearing.⁵ The parties will receive further correspondence from EDR assigning Case Numbers 11982 and 11986 to a hearing officer as consolidated matters.

EDR's rulings on compliance are final and nonappealable.⁶

Christopher M. Grab
Director
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⁴ *See id.*

⁵ 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.

⁶ *See* Va. Code §§ 2.2-1202.1(5), 2.2-3003(G).