



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 Virginia Department of Transportation
Ruling Number 2024-5595
July 27, 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 June 5, 2023, challenging a Group II Written Notice issued on May 23, 2023 (revised June 22, 2023), currently pending for appointment to a hearing officer; and
- 2) a dismissal grievance dated July 14, 2023, challenging a Group II Written Notice (with termination) issued on July 5, 2023, currently pending for appointment to a hearing officer.

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 June 5 and July 14 grievances, challenging the two Written Notices and the grievant’s resulting termination, is appropriate. These grievances involve

¹ *Grievance Procedure Manual* § 8.5.

² *See id.*

the same parties, and both relate to formal disciplinary actions 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.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 See EDR Policy 2.01, *Hearings Program Administration*, Attachment B for the fee schedule for consolidated hearings.

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