

Issue: Consolidation of grievances for a single hearing; Ruling Date: February 7, 2017; Ruling No. 2017-4497; Agency: Department of Military Affairs; Outcome: Consolidation Granted.



COMMONWEALTH of VIRGINIA
Department of Human Resource Management
Office of Employment Dispute Resolution¹

CONSOLIDATION RULING

In the matter of the Department of Military Affairs
Ruling Number 2017-4497
February 7, 2017

This ruling addresses the consolidation of three grievances filed with the Department of Military Affairs (the agency). For the reasons discussed below, the Office of Employment Dispute Resolution (EDR) finds that consolidation of these grievances into a single hearing is appropriate and practicable.

The grievances at issue are 1) a November 30, 2016 grievance challenging the grievant's 2015-2016 performance evaluation, 2) a November 30, 2016 grievance challenging a Group II Written Notice issued to the grievant on November 4, 2016, and 3) a January 31, 2017 dismissal grievance challenging a Group II Written Notice and the grievant's termination. The agency requests that these matters be consolidated for a single hearing.

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.² 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.³

EDR finds that consolidation of the two November 30, 2016 grievances and the January 31, 2017 dismissal grievance 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, all three grievances mentioned above are consolidated for a single hearing. A hearing officer will be appointed in a forthcoming letter.

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

A handwritten signature in black ink, appearing to read "Chris M. Grab", written over a horizontal line.

Christopher M. Grab
Director, Office of Employment Dispute Resolution

¹ 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.

² *Grievance Procedure Manual* § 8.5.

³ *See id.*

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