

Issue: Consolidation of grievances for a single hearing; Ruling Date: June 19, 2018;
Ruling No. 2018-4747; Agency: University of Virginia Medical Center; Outcome:
Consolidation granted.



COMMONWEALTH of VIRGINIA
Department of Human Resource Management
Office of Equal Employment and Dispute Resolution

CONSOLIDATION RULING

In the matter of the University of Virginia Medical Center
Ruling Number 2018-4747
June 19, 2018

This ruling addresses the consolidation of the grievant's two grievances filed with the University of Virginia Medical Center (the "University" or the "agency"). For the reasons discussed below, the Office of Equal Employment and Dispute Resolution ("EEDR") at the Department of Human Resource Management finds that consolidation of these grievances into a single hearing is appropriate and practicable.

FACTS

The two grievances at issue are 1) a March 28, 2018 grievance challenging the agency's issuance of a Step 3 Formal Performance Improvement Counseling Form, and 2) a May 7, 2018 dismissal grievance challenging the agency's issuance of a Step 4 Formal Performance Improvement Counseling Form, with termination. The dismissal grievance has been appointed to a hearing officer and a hearing is scheduled for June 28, 2018. The March 28 grievance has now been qualified by the agency and is presently awaiting appointment. The agency has requested consolidation of these matters, and the grievant does not object.

DISCUSSION

Approval by EEDR in the form of a compliance ruling is required before two or more grievances may be consolidated in a single hearing. Moreover, EEDR may consolidate grievances for hearing without a request from either party.¹ EEDR 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

EEDR finds that consolidation of the March 28 and May 7 grievances is appropriate. These grievances involve the same grievant and could share common themes, claims, and witnesses. The grievances appear to relate to an alleged pattern of behavior by the grievant that resulted in similar disciplinary actions issued. Further, we find that consolidation is not impracticable in this instance. Therefore, the two grievances are consolidated for a single

¹ *Grievance Procedure Manual* § 8.5.

² *See id.*

hearing;³ however, June 28 is not a reasonable amount of time in which to conduct the hearing on both matters. Therefore, EEDR directs the hearing officer to continue the June 28 hearing date, pending appointment of the March 28 grievance to him in a forthcoming letter.

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



Christopher M. Grab
Director
Office of Equal Employment and Dispute Resolution

³ Pursuant to the fee schedule established by EEDR'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* EEDR Policy 2.01, *Hearings Program Administration*, Attach. B.

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