

Issue: Consolidation of grievances for a single hearing; Ruling Date: November 9, 2017; Ruling No. 2018-4646; Agency: Virginia Tech; Outcome: Consolidation Granted.



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

**CONSOLIDATION RULING**

In the matter of Virginia Polytechnic Institute and State University  
Ruling Number 2018-4646  
November 9, 2017

This ruling addresses the consolidation of the grievant's two grievances filed with Virginia Polytechnic Institute and State University (the "University"). 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) an August 28, 2017 grievance challenging the agency's issuance of a Group I Written Notice for alleged disruptive behavior, and 2) a November 6, 2017 grievance challenging the agency's issuance of a Group II Written Notice for alleged failure to follow instructions and/or policy and disruptive behavior. The agency has requested consolidation of these matters.

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.<sup>1</sup> 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.<sup>2</sup>

EEDR finds that consolidation of August 28 and November 6 grievances is appropriate. These grievances involve the same grievant and could share common themes, claims, and witnesses. The grievances 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 hearing.<sup>3</sup> Appointment

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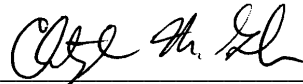
<sup>1</sup> *Grievance Procedure Manual* § 8.5.

<sup>2</sup> *See id.*

<sup>3</sup> 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.

of a hearing officer will occur following completion of the management resolution steps, qualification of the grievance for hearing, and submission of a Form B with appropriate documentation by the agency in the November 6, 2017 grievance.<sup>4</sup>

EEDR's rulings on compliance are final and nonappealable.<sup>5</sup>



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Director  
Office of Equal Employment and Dispute Resolution

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<sup>4</sup> If the November 6, 2017 grievance is otherwise resolved or closed prior to hearing, a hearing officer will be appointed in the remaining grievance for a hearing on that issue.

<sup>5</sup> See Va. Code §§ 2.2-1202.1(5), 2.2-3003(G).