

Issue: Consolidation of grievances for a single hearing; Ruling Date: December 28, 2017; Ruling No. 2018-4656; Agency: Virginia Employment Commission; 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 Virginia Employment Commission  
Ruling Number 2018-4656  
December 28, 2017

This ruling addresses the consolidation of the grievant's two grievances filed with the Virginia Employment Commission (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) an October 25, 2017 grievance challenging the agency's issuance of a Group II Written Notice, with suspension, for alleged failure to follow instructions/policy, and 2) a December 4, 2017 dismissal grievance challenging the grievant's separation from employment. 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.<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 the October 25 and December 4 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 her termination. Further, we find that consolidation is not impracticable in this

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

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

instance. Therefore, the two grievances are consolidated for a single hearing.<sup>3</sup> A hearing officer will be appointed in a forthcoming letter.

EEDR's rulings on compliance are final and nonappealable.<sup>4</sup>



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Director  
Office of Equal Employment and Dispute Resolution

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<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.

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