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**CONSOLIDATION RULING**

In the matter of the Virginia Department of Health  
Ruling Number 2022-5327  
November 22, 2021

This ruling addresses the consolidation of the grievant's two grievances filed with the Virginia Department of Health (the "agency"). For the reasons discussed below, the Office of Employment Dispute Resolution ("EDR") at the Virginia 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) an October 11, 2021 grievance challenging the grievant's receipt of a Group II Written Notice related to allegedly altering seven employees' telework agreement records;
- 2) a November 11, 2021 dismissal grievance<sup>1</sup> challenging the grievant's receipt of a Group II Written Notice with termination for allegedly sharing information related to a management investigation.

Both the grievant and the agency have requested consolidation of these matters.

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.<sup>2</sup> 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.<sup>3</sup>

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<sup>1</sup> Although the dismissal grievance is dated October 11, 2021, this appears to be a clerical error as it was submitted to EDR by the grievant's attorney on November 11.

<sup>2</sup> *Grievance Procedure Manual* § 8.5.

<sup>3</sup> *See id.*

EDR finds that consolidation of the October 11, 2021 and November 11, 2021 grievances is appropriate. These grievances involve the same grievant and could share common themes, claims, and witnesses. The grievances relate to conduct by the grievant that resulted in similar and/or related 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>4</sup> A hearing officer will be appointed in a forthcoming letter.

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

*Christopher M. Grab*  
Director  
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<sup>4</sup> Pursuant to the fee schedule established by EDR'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* EDR Policy 2.01, *Hearings Program Administration*, Attach. B.

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