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**CONSOLIDATION RULING**

In the matter of Virginia Polytechnic Institute and State University  
Ruling Number 2022-5347  
January 14, 2022

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 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) a December 15, 2021 expedited grievance<sup>1</sup> challenging a Group II Written Notice with a five-workday suspension;<sup>2</sup> and
- 2) a January 9, 2022 dismissal grievance challenging the grievant's receipt of a Group II Written Notice with termination due to the grievant's accumulation of disciplinary action.

The university has 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>3</sup> EDR strongly favors consolidation and will

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<sup>1</sup> Although the expedited grievance is dated November 15, 2021, this appears to be a clerical error as it was submitted to EDR by the grievant on December 15.

<sup>2</sup> The parties agreed to waive the management steps for the expedited grievance and send it directly to EDR for a hearing.

<sup>3</sup> *Grievance Procedure Manual* § 8.5.

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>4</sup>

EDR finds that consolidation of the December 15, 2021 and January 9, 2022 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>5</sup> A hearing officer will be appointed in a forthcoming letter.

EDR's rulings on compliance are final and nonappealable.<sup>6</sup>

*Christopher M. Grab*  
Director  
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<sup>4</sup> *See id.*

<sup>5</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>6</sup> *See* Va. Code §§ 2.2-1202.1(5), 2.2-3003(G).