

Issue: Consolidation of grievances for a single hearing; Ruling Date: September 11, 2018; Ruling No. 2018-4613; Agency: Department of Behavioral Health and Developmental Services; 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 Department of Behavioral Health & Developmental Services
Ruling Number 2018-4613
September 11, 2017

This ruling addresses the consolidation of the grievant's two grievances filed with the Department of Behavioral Health and Developmental Services (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 June 19, 2017 grievance challenging the agency's issuance of a Group II Written Notice for alleged failure to follow a supervisor's instructions and/or policy, and 2) an August 27, 2017 grievance challenging the agency's issuance of another Group II Written Notice, with termination, for alleged failure to follow a supervisor's instructions and/or policy. 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.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 June 19 and August 27 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. A hearing officer will be appointed in a forthcoming letter.

¹ *Grievance Procedure Manual* § 8.5.

² *See id.*

EEDR's rulings on compliance are final and nonappealable.³



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Office of Equal Employment and Dispute Resolution

³ See Va. Code §§ 2.2-1202.1(5), 2.2-3003(G).