

Issue: Consolidation of grievances for a single hearing; Ruling Date: March 28, 2014;  
Ruling No. 2014-3821, 2014-3822; Agency: University of Virginia Medical Center;  
Outcome: Consolidation Granted.



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

**CONSOLIDATION RULING**

In the matter of the University of Virginia Medical Center  
Ruling Numbers 2014-3821, 2014-3822  
March 28, 2014

This ruling addresses the consolidation of three grievances filed with the University of Virginia Medical Center (the agency).<sup>1</sup> For the reasons discussed below, the Office of Employment Dispute Resolution (EDR) finds that consolidation of these grievances into a single hearing is appropriate and practicable.

FACTS

The grievances at issue are 1) a January 16, 2014<sup>2</sup> grievance challenging a Step 2 Formal Counseling issued to the grievant, 2) a February 6, 2014<sup>3</sup> grievance challenging a Step 3 Formal Counseling issued to the grievant, and 3) a November 1, 2013 grievance challenging the grievant's performance appraisal and accompanying Employee Performance Improvement Plan (EPIP).

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>4</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>5</sup>

EDR finds that consolidation of the three grievances, dated November 1, 2013, January 16, 2014, and February 3, 2014, is appropriate. These grievances involve the same grievant and could share common themes, claims, and witnesses. The grievances all relate to the grievant's allegedly unsatisfactory performance and disciplinary actions resulting therefrom. Further, we

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<sup>1</sup> Consolidation was initially requested for two grievances filed by this grievant and qualified for hearing by the agency. Subsequently, EDR qualified a third grievance for hearing, dated November 1, 2013, regarding the grievant's performance evaluation. *See* EDR Ruling Nos. 2014-3825, 2014-2836. All three grievances will be addressed in this ruling.

<sup>2</sup> This date appears to be when the grievance was received by the agency.

<sup>3</sup> As above, this appears to be the date the agency received the grievance.

<sup>4</sup> *Grievance Procedure Manual* § 8.5.

<sup>5</sup> *See id.*

find that consolidation is not impracticable in this instance. Therefore, the November 1, 2013, January 16, 2014, and February 3, 2014 grievances are consolidated for a single hearing. If it has not already done so, the agency is directed to provide a Form B regarding the November 1, 2013 grievance to EDR within five days of the date of this ruling. A hearing officer will be appointed in a forthcoming letter.

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



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Christopher M. Grab  
Director  
Office of Employment Dispute Resolution

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