

Issue: Consolidation of grievances for a single hearing; Ruling Date: March 5, 2014;
Ruling No. 2014-3829, 2014-3830; Agency: Virginia Department of Transportation;
Outcome: Consolidation Granted.



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

CONSOLIDATION RULING

In the matter of the Virginia Department of Transportation
Ruling Numbers 2014-3829, 2014-3830
March 5, 2014

This ruling addresses the consolidation of the grievant's two grievances filed with the Virginia Department of Transportation (the agency). 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 two grievances at issue are 1) a November 22, 2013 grievance challenging the grievant's rating of "Below Contributor" on his 2013 performance evaluation, and 2) a February 24, 2014 dismissal grievance challenging the grievant's termination from employment due to unsatisfactory performance. The agency has requested consolidation of these matters.

DISCUSSION

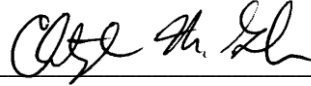
Approval by EDR in the form of a compliance ruling is required before two or more grievances may be consolidated in a single hearing. Moreover, EDR may consolidate grievances for hearing without a request from either party.¹ EDR strongly favors consolidation and will consolidate grievances when they involve the same parties, legal issues, policies, and/or factual background, unless there is a persuasive reason to process the grievances individually.²

EDR finds that consolidation of the November 22, 2013 grievance and the February 24, 2014 grievance is appropriate. These grievances involve the same grievant and could share common themes, claims, and witnesses. The grievances both relate to the grievant's allegedly unsatisfactory performance, which ultimately culminated in his termination. Further, we find that consolidation is not impracticable in this instance. Therefore, the grievant's November 22, 2013 and February 24, 2014 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.*

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



Christopher M. Grab
Director
Office of Employment Dispute Resolution

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