

Issue: Consolidation of grievances for a single hearing; Ruling Date: April 8, 2014;
Ruling No. 2014-3851; Agency: Department of Social Services; Outcome:
Consolidation granted.



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

RECONSIDERED CONSOLIDATION RULING

In the matter of the Virginia Department of Social Services
Ruling Number 2014-3851
April 8, 2014

The agency has requested that the Office of Employment Dispute Resolution (“EDR”) at the Department of Human Resource Management (“DHRM”) reconsider its March 18, 2014 consolidation determination in Ruling Nos. 2014-3832, 2014-3833.

Four grievances are at issue in this matter: 1) an October 8, 2013 grievance regarding a Group II Written Notice issued to the grievant, 2) a November 4, 2013 grievance challenging a second Group II Written Notice issued to the grievant, 3) a November 6, 2013 grievance challenging her performance evaluation, and 4) a dismissal grievance. The agency requested consolidation of all matters. EDR deemed it appropriate to consolidate the two grievances regarding disciplinary actions for a single hearing, and the two grievances regarding the grievant's performance evaluation and subsequent dismissal for a separate single hearing.¹ The agency now requests reconsideration of EDR's determination, and asserts that all four matters are interrelated to the extent that two separate hearings would involve the presentation of much redundant evidence. The agency also argues that should the dismissal be upheld, the grievances regarding discipline would be moot, that holding two separate hearings would be an unnecessary burden on the work unit in which the grievant was previously employed, and finally, that two hearings would not be cost effective for the agency. The grievant disputes these assertions and objects to the consolidation of all four matters for a single hearing.

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 had previously determined that consolidation of all four grievances for a single hearing would be impracticable and unduly burdensome.³ While we remain concerned that a single hearing will prove quite cumbersome for all participants, upon reconsideration, we believe that two separate hearings encompassing redundant information would ultimately prove to be more burdensome.

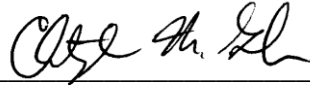
Thus, EDR now finds that consolidation of the four grievances qualified for hearing is appropriate and the grievances are, therefore, hereby consolidated. A hearing officer will be

¹ See Ruling Nos. 2014-3832, 2014-3833; EDR Ruling Nos. 2014-3823, 2014-3824.

² *Grievance Procedure Manual* § 8.5.

³ See Ruling Nos. 2014-3832, 2014-3833.

appointed in a forthcoming letter. EDR's rulings on qualification and compliance are final and nonappealable.⁴



Christopher M. Grab
Director
Office of Employment Dispute Resolution

⁴ See Va. Code §§ 2.2-1202.1(5), 2.2-3003(G).