

Issue: Consolidation of grievances for a single hearing; Ruling Date: April 18, 2014;
Ruling No. 2014-3868, 2014-3869; Agency: Virginia Department of Health; Outcome:
Consolidated Granted.



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

CONSOLIDATION RULING

In the matter of the Virginia Department of Health
Ruling Numbers 2014-3868, 2014-3869
April 18, 2014

This ruling addresses the consolidation of the grievant's two grievances filed with the Virginia Department of Health (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) an October 15, 2013 grievance challenging the grievant's rating of "Below Contributor" on his 2013 performance evaluation, and 2) an October 25, 2013 grievance challenging a Written Notice issued to the grievant for failure to complete required training. 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 October 15, 2013 grievance and the October 25, 2013 grievance is appropriate. These grievances involve the same grievant and could share common themes, claims, and witnesses. Further, we find that consolidation is not impracticable in this instance. Therefore, the grievant's October 15, 2013 and October 25, 2013 grievances are consolidated for a single hearing. A hearing officer will be appointed in a forthcoming letter.

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

Christopher M. Grab
Director
Office of Employment Dispute Resolution

¹ *Grievance Procedure Manual* § 8.5.

² *See id.*

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