

Issue: Consolidation of grievances for a single hearing; Ruling Date: January 28, 2015; Ruling No. 2015-4080; 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 2015-4080
January 28, 2015

This ruling addresses the consolidation of three grievances filed with the University of Virginia Medical Center (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.

The grievances at issue are 1) a November 7, 2014 grievance challenging a Step 2 Formal Counseling issued to the grievant, a December 1, 2014 grievance challenging a Step 3 Performance Warning and Suspension issued to the grievant, and 3) a January 17, 2015 dismissal grievance challenging the grievant's termination.¹

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.² 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.³

EDR finds that consolidation of the three grievances, dated November 7, 2014, December 1, 2014, and January 17, 2015, 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 November 7, 2014, December 1, 2014, and January 17, 2015 grievances are consolidated for a single hearing. A hearing officer will be appointed in a forthcoming letter.

¹ The grievant utilized two separate dismissal grievance forms to challenge the two separate Step 4 Formal Counseling actions accompanying his termination from employment on December 18, 2014. For purposes of this ruling and the subsequent hearing, EDR will consider that a single dismissal grievance has been filed on January 17, 2015, wherein both Step 4 Formal Counseling notices are at issue.

² *Grievance Procedure Manual* § 8.5.

³ *See id.*

EDR's rulings on 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).