

Issue: Consolidation of grievances for a single hearing; Ruling Date: July 11, 2014;
Ruling No. 2015-3937, 2015-3938; Agency: Old Dominion University; Outcome:
Consolidation Granted.



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

CONSOLIDATION RULING

In the matter of Old Dominion University
Ruling Numbers 2015-3937, 2015-3938
July 11, 2014

This ruling addresses the consolidation of the grievant's two grievances filed with Old Dominion University (the agency or University). 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 April 25, 2014 grievance apparently challenging the agency's requirement that he complete a Fitness for Duty evaluation, and 2) a June 17, 2014 grievance challenging a Written Notice issued to the grievant for failure to complete this evaluation. The University requests consolidation of these matters for hearing.

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 April 25, 2014 grievance and the June 17, 2014 grievance is appropriate. These grievances involve the same grievant and appear to share common themes, claims, and witnesses. Further, we find that consolidation is not impracticable in this instance. Therefore, the grievant's April 25, 2014 and June 17, 2014 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

A handwritten signature in black ink, appearing to read "Chris M. Grab".

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).