

Issue: Consolidation of grievances for a single hearing. Ruling Date: November 26, 2014; Ruling No. 2015-4047, 2015-4048; Agency: Department of Social Services; 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 Social Services
Ruling Numbers 2015-4047, 2015-4048
November 26, 2014

This ruling addresses the consolidation of the grievant's two grievances filed with the Virginia Department of Social Services (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 August 15, 2014 grievance challenging the agency's issuance of a Group I Written Notice for allegedly unsatisfactory performance, and 2) an August 15, 2014 grievance challenging the agency's issuance of a Group II Written Notice for continued allegedly 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 two August 15, 2014 grievances 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 August 15, 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

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).