

Issue: Consolidation of grievances for a single hearing; Ruling Date: December 19, 2014; Ruling No. 2015-4070; Agency: Department of Behavioral Health and Developmental Services; Outcome: Consolidation granted.



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

**CONSOLIDATION RULING**

In the matter of the Department of Behavioral Health and Developmental Services  
Ruling Number 2015-4070  
December 19, 2014

This ruling addresses the consolidation of the grievant's three grievances filed with the Office of Employment Dispute Resolution (EDR). For the reasons below, EDR finds that consolidation of these grievances into a single hearing is appropriate and practicable.

FACTS

On or about December 8, 2014, the grievant initiated three grievances directly with EDR to challenge three separate Written Notices that accompanied her separation from employment. The agency requests consolidation of the three grievances for a single hearing, asserting that the three Written Notices arose from the same set of facts and were issued to the grievant on the same day.

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.<sup>1</sup> 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.<sup>2</sup>

EDR finds that consolidation of the three December 9, 2014 grievances is appropriate. These grievances involve the same grievant and could share common themes, claims, and witnesses. The grievances relate to disciplinary actions issued to the grievant, the accumulation of which ultimately ended in her termination. Further, we find that consolidation is not impracticable in this instance. Therefore, the three 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.<sup>3</sup>

A handwritten signature in black ink, appearing to read "Chris M. Grab", written over a horizontal line.

Christopher M. Grab  
Director, Office of Employment Dispute Resolution

<sup>1</sup> *Grievance Procedure Manual* § 8.5.

<sup>2</sup> *See id.*

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