

Issue: Consolidation of grievances for a single hearing; Ruling Date: August 25, 2016; Ruling No. 2016-4216, 2016-4217; Agency: Virginia Tech; Outcome: Consolidation granted.



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

CONSOLIDATION RULING

In the matter of Virginia Polytechnic Institute & State University
Ruling Numbers 2016-4216, 2016-4217
August 25, 2015

Virginia Polytechnic Institute & State University (the University) has asked that the July 30, 2015 grievance of Grievant C be consolidated for hearing with the August 17, 2015 grievance of Grievant H. For the reasons discussed below, EDR finds that consolidation of these grievances into a single hearing is appropriate and practicable.

FACTS

Grievant C and Grievant H received Written Notices for similar issues of alleged misconduct related to the same set of facts, and both Grievant C and Grievant H were subsequently terminated from employment. Both grievants initiated grievances challenging the Written Notices and the accompanying terminations. The University has requested that both grievances be consolidated for a single hearing before the same hearing officer. The grievants do not object to the consolidation request.

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 July 30, 2015 grievance of Grievant C and the August 17, 2015 grievance of Grievant H is appropriate. The two grievances involve similar allegations of misconduct arising from the same set of facts and will likely share common themes, claims, and witnesses. Moreover, it appears that all parties agree to a combined hearing. Consolidation is not impracticable in this instance. Accordingly, the grievances are consolidated to be heard by the same hearing officer in a single hearing.

¹ *Grievance Procedure Manual* § 8.5.

² *See id.*

The hearing officer shall independently assess the merits of each grievance and issue two separate decisions. The parties will be notified by letter regarding the appointment of a hearing officer.

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



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