

Issue: Consolidation of grievances for a single hearing; Ruling Date: October 20, 2015; Ruling No. 2016-4246, 2016-4247; 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 & Developmental Services
Ruling Numbers 2016-4246, 2016-4247
October 20, 2015

This ruling addresses the consolidation of the grievant's two grievances filed with the Department of Behavioral Health & Developmental 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) a July 16, 2015 grievance challenging the agency's issuance of a Group III Written Notice dated July 7, 2015, and 2) an October 13, 2015 dismissal grievance challenging the issuance of a Group I Written Notice dated September 24, 2015, accompanying the grievant's termination from employment. The grievant 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 July 16, 2015 and October 13, 2015 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 July 16, 2015 and the October 13, 2015 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", written over a horizontal line.

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).