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**CONSOLIDATION RULING**

In the matter of Old Dominion University  
Ruling Number 2021-5154  
September 10, 2020

This ruling addresses the consolidation of the grievant's two grievances filed with Old Dominion University (the "agency" or the "university"). For the reasons discussed below, the Office of Employment Dispute Resolution ("EDR") at the Virginia Department of Human Resource Management finds that consolidation of these grievances into a single hearing is appropriate and practicable.

FACTS

The grievant filed a grievance with the university on or about June 25, 2020, challenging the agency's issuance of a Group II Written Notice. While the June 25 grievance was advancing through the management steps, the university issued further discipline to the grievant: a Group III Written Notice with termination. The parties agreed to place the June 25 grievance on hold pending the outcome of the university's disciplinary process for the Group III Written Notice. On August 14, the grievant initiated a dismissal grievance with EDR challenging the university's issuance of the Group III Written Notice with termination.<sup>1</sup> The parties do not appear to have resumed the management steps for the June 25 grievance since the grievant submitted his August 14 dismissal grievance.

EDR processed the August 14 dismissal grievance and assigned the matter to a hearing officer (Case Number 11589). The university has now represented to EDR that both parties agree to consolidate the June 25 grievance challenging the Group II Written Notice with the August 14 dismissal grievance challenging the Group III Written Notice with termination.

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

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<sup>1</sup> Although the grievance is dated August 13, it was submitted to EDR by email on August 14.

for hearing without a request from either party.<sup>2</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>3</sup>

EDR finds that consolidation of the June 25 and August 14, 2020 grievances is appropriate. These grievances involve the same grievant and could share common themes, claims, and witnesses. The grievances relate to conduct by the grievant that resulted in similar actions issued. Further, we find that consolidation is not impracticable in this instance. Therefore, the two grievances are consolidated for a single hearing.<sup>4</sup> As noted above, a hearing officer has already been appointed for Case Number 11589. The parties will receive further correspondence from EDR assigning the June 25 grievance to the same hearing officer for a consolidated hearing.

EDR's rulings on compliance are final and nonappealable.<sup>5</sup>

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<sup>2</sup> *Grievance Procedure Manual* § 8.5.

<sup>3</sup> *See id.*

<sup>4</sup> Pursuant to the fee schedule established by EDR's Hearings Program Administration policy, consolidated hearings shall be assessed a full fee for the first grievance and an additional half fee for the second grievance. *See* EDR Policy 2.01, *Hearings Program Administration*, Attach. B.

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