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CONSOLIDATION RULING

In the matter of the University of Virginia
Ruling Number 2020-5015
November 19, 2019

This ruling addresses the consolidation of the grievant's two grievances filed with the University of Virginia (the "University"). For the reasons discussed below, the Office of Employment Dispute Resolution ("EDR") at the Virginia Department of Human Resource Management ("DHRM")¹ finds that consolidation of these grievances into a single hearing is appropriate and practicable.

FACTS

The two grievances at issue are 1) a July 25, 2019 grievance challenging the University's issuance of a Group II Written Notice for alleged failure to follow instructions and/or policy and abuse of state time (Case Number 11421), and 2) an October 25, 2019 dismissal grievance challenging the University's issuance of two Group III Written Notices with termination (Case Number 11452). The first Group III Written Notice charges the grievant with alleged failure to follow instructions and/or policy and unsatisfactory performance, and the second Group III Written Notice charges the grievant with engaging in threats or coercion.

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.² 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.³

¹ The Office of Equal Employment and Dispute Resolution has separated into two office areas: the Office of Employment Dispute Resolution and the Office of Equity, Diversity, and Inclusion. While full updates have not yet been made to the *Grievance Procedure Manual* to reflect this change, this Office will be referred to as "EDR" in this ruling. EDR's role with regard to the grievance procedure remains the same.

² *Grievance Procedure Manual* § 8.5.

³ *See id.*

EDR finds that consolidation of the July 25, 2019 and October 25, 2019 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 disciplinary actions issued. Further, we find that consolidation is not impracticable in this instance. Therefore, the two grievances are consolidated for a single hearing.⁴ The parties will receive further correspondence from EDR regarding the appointment of a hearing officer for these matters.⁵

EDR's rulings on compliance are final and nonappealable.⁶



Christopher M. Grab
Director
Office of Employment Dispute Resolution

⁴ 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.

⁵ Different hearing officer were assigned to these two cases. Case Number 11452 will be reassigned to the hearing officer originally assigned to Case Number 11421 for a single consolidated hearing.

⁶ *See* Va. Code §§ 2.2-1202.1(5), 2.2-3003(G).