

Issue: Consolidation of grievances for a single hearing; Ruling Date: May 5, 2010;  
Ruling #2010-2588, 2010-2589, 2010-2607, 2010-2608; Agency: George Mason  
University; Outcome: Consolidation Granted.



*COMMONWEALTH of VIRGINIA*  
*Department of Employment Dispute Resolution*

**CONSOLIDATION RULING OF DIRECTOR**

In the matter of George Mason University  
Ruling Numbers 2010-2588, 2010-2589, 2010-2607, 2010-2608  
May 5, 2010

This ruling addresses the consolidation of four of the grievant's grievances with George Mason University (the University). For the reasons discussed below, this Department finds that consolidation of these grievances into a single hearing is appropriate and practicable.

FACTS

On or about October 22, 2009, the grievant received her annual performance evaluation, which rated her overall performance as unsatisfactory. Following a re-evaluation plan period, the University determined that the grievant's performance was still unsatisfactory and terminated her employment effective January 22, 2010. The grievant has challenged her performance evaluation (Grievance III) and the re-evaluation and termination (Grievance VI). Prior to receiving her annual performance evaluation, the grievant had received a counseling memo regarding her conduct in a meeting in July 2009 and a Notice of Improvement Needed/Substandard Performance on September 10, 2009. The grievant has challenged both of these actions in separate October 9, 2009 grievances (Grievances I and II). The University has now qualified all four grievances (Grievances I, II, III, and VI) for hearing and has requested the appointment of a hearing officer for a combined hearing.<sup>1</sup> Both parties agree to the consolidation of these grievances.

DISCUSSION

Approval by the Director of this Department or her designee 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>2</sup> EDR strongly favors consolidation and will consolidate grievances when they involve the same

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<sup>1</sup> Although the agency head initially declined to qualify Grievances I and II for a hearing, after further consideration, the University has unilaterally decided to qualify these grievances because "they constitute part of the larger employment action which resulted in the [grievant's] termination."

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

parties, legal issues, policies, and/or factual background, unless there is a persuasive reason to process the grievances individually.<sup>3</sup>

This Department finds that consolidation of the four grievances is appropriate. These grievances involve the same grievant and could share common themes, claims, and witnesses. Indeed, the four grievances all appear to relate to the grievant's work performance and the University's assessment of that performance leading to her termination. Moreover, we find that consolidation is not impracticable in this instance. Therefore, in light of the University's decision to qualify the four grievances and both parties' agreement that consolidation is acceptable, the grievant's two October 9, 2009 grievances (Grievances I and II), November 20, 2009 grievance (Grievance III), and February 2, 2010 grievance (Grievance VI) are consolidated for a single hearing. A hearing officer will be appointed in a forthcoming letter.

This Department's rulings on compliance are final and nonappealable.<sup>4</sup>

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Claudia T. Farr  
Director

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

<sup>4</sup> *See* Va. Code §§ 2.2-1001(5), 2.2-3003(G).