

Issue: Consolidation of Grievances for a Single Hearing; Ruling Date: April 14, 2010;
Ruling #2010-2592, 2010-2593; Agency: Virginia Commonwealth University;
Outcome: Consolidation Granted.



COMMONWEALTH of VIRGINIA
Department of Employment Dispute Resolution

CONSOLIDATION RULING OF DIRECTOR

In the matter of Virginia Commonwealth University
Ruling Number 2010-2592, 2010-2593
April 14, 2010

This ruling addresses the consolidation for hearing of the grievant's January 15, 2010 grievance with her February 24, 2010 grievance. For the reasons discussed below, this Department finds that consolidation of these grievances into a single hearing is appropriate and practicable.

FACTS

The grievant's January 15, 2010 grievance challenges a Written Notice she received for alleged misconduct in failing to follow a policy. The February 24, 2010 grievance challenges the grievant's termination based on her receipt of a second Written Notice. Virginia Commonwealth University (the University) has already qualified the January 15, 2010 grievance for a hearing and requested the appointment of a hearing officer (Case Number 9315). The February 24, 2010 grievance is proceeding through the management resolution steps and has yet to be qualified for hearing. Neither party objects to consolidating the grievances into one hearing.

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.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

This Department finds that consolidation of these two grievances for hearing is appropriate, provided the February 24, 2010 grievance is not resolved during the remaining resolution steps. Both grievances involve the same grievant and may share common themes, claims, and witnesses. It appears that both grievances challenge Written Notices that led to the

¹ *Grievance Procedure Manual* § 8.5.

² *See id.*

grievant's termination. Moreover, we find that consolidation is not impracticable in this instance.

As such, the grievant's January 15, 2010 grievance is consolidated with the February 24, 2010 grievance for a single hearing. Appointment of a hearing officer will occur following completion of the management resolution steps, qualification of the grievance for hearing, and submission of a Form B with appropriate documentation by the agency in the February 24, 2010 grievance.³ If either party objects or seeks to proceed with a hearing on the January 15, 2010 grievance alone without further delay, notification in writing should be made to this Department, with a copy to the opposing party, for consideration by the EDR Director.

This Department's rulings on compliance are final and nonappealable.⁴

Claudia T. Farr
Director

³ If the February 24, 2010 grievance is otherwise resolved or closed prior to hearing, a hearing officer will be appointed in the January 15, 2010 grievance for hearing on that matter alone.

⁴ See Va. Code § 2.2-1001(5), 2.2-3003(G).