

Issue: Consolidation of grievances for a single hearing; Ruling Date: April 29, 2010; Ruling #2010-2616, 2010-2617, 2010-2618; 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 Numbers 2010-2616, 2010-2617, 2010-2618
April 29, 2010

This ruling addresses the consolidation of the grievant's three grievances filed with Virginia Commonwealth University (the University) on or about February 19, 2010. For the reasons discussed below, this Department finds that consolidation of these grievances into a single hearing is appropriate and practicable.

FACTS

The three grievances at issue, dated February 19, 2010, concern the issuance to the grievant of three Written Notices, which culminated in her termination. After the parties failed to resolve the grievances during the management resolution steps, the agency head qualified the grievances for hearing. The University has asked for appointment of a hearing officer in these matters. Both the University and the grievant approve of consolidating the three grievances for a single 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 the three February 19, 2010 grievances is appropriate. These grievances involve the same grievant and could share common themes, claims, and witnesses. Moreover, the grievances all relate to the issuance of the Written Notices to the grievant and her termination. Further, we find that consolidation is not impracticable in this instance. Therefore, in light of the parties' agreement that

¹ *Grievance Procedure Manual* § 8.5.

² *See id.*

consolidation is acceptable, the grievant's three February 19, 2010 grievances 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.³

Claudia T. Farr
Director

³ See Va. Code §§ 2.2-1001(5), 2.2-3003(G).