

Issue: Consolidation of grievances for a single hearing; Ruling Date: February 2, 2011; Ruling No. 2011-2883, 2011-2884, 2011-2885; 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 2011-2883, 2011-2884, 2011-2885  
February 2, 2011

This ruling addresses the consolidation for hearing of the grievant's November 17, 2010 grievance with her two December 21, 2010 grievances. 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 November 17, 2010 grievance challenges her 2010 performance evaluation. The two December 21, 2010 grievances challenge the grievant's receipt of three separate Written Notices, the last two of which culminated in her termination. Virginia Commonwealth University (the agency) has already qualified the November 17, 2010 grievance and one of the December 21, 2010 grievances for a hearing and requested the appointment of a hearing officer. The other December 21, 2010 grievance is proceeding through the management resolution steps and has yet to be qualified for hearing. Both parties have agreed that consolidation of all these grievances for a single hearing would be acceptable.

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>1</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>2</sup>

This Department finds that consolidation of these three grievances for hearing is appropriate, provided the other December 21, 2010 grievance is not resolved during the remaining resolution steps. The grievances involve the same grievant and may share common

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<sup>1</sup> *Grievance Procedure Manual* § 8.5.

<sup>2</sup> *See id.*

themes, claims, and witnesses. Further, it appears that the grievances challenge events and disciplinary actions that led to the grievant's termination. Moreover, we find that consolidation is not impracticable in this instance.

As such, in light of the parties' agreement that consolidation is acceptable, the grievant's November 17, 2010 grievance is consolidated with the two December 21, 2010 grievances 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 the Form B with appropriate documentation by the agency in the other December 21, 2010 grievance.<sup>3</sup> If either party objects or seeks to proceed with a hearing on the grievances already received by EDR 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.<sup>4</sup>

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Claudia T. Farr  
Director

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<sup>3</sup> If the other December 21, 2010 grievance is otherwise resolved or closed prior to hearing, a hearing officer will be appointed in the remaining grievances.

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