

Issue: Consolidation of grievances for a single hearing; Ruling Date: July 25, 2012; Ruling No.2013-3388, 2013-3389; Agency: Virginia Department of Transportation; Outcome: Consolidation Granted.



*COMMONWEALTH of VIRGINIA*  
*Department of Human Resource Management*  
*Office of Employment Dispute Resolution*

**CONSOLIDATION RULING**

In the matter of the Virginia Department of Transportation  
Ruling Numbers 2013-3388, 2013-3389  
July 25, 2012

The Virginia Department of Transportation (the agency) has asked that the May 10, 2012 grievance of Grievant A be consolidated for hearing with the May 10, 2012 grievance of Grievant L. For the reasons discussed below, EDR finds that consolidation of these grievances into a single hearing is appropriate and practicable.

FACTS

Grievant A and Grievant L received Written Notices for similar issues of alleged misconduct related to the same set of facts. Both grievants initiated grievances challenging the Written Notices. After the parties failed to resolve the grievances during the management resolution steps, the agency head qualified the grievances for hearing. The agency has requested the appointment of a hearing officer for both grievances and that the grievances be consolidated for a single hearing. The grievants do not object to the consolidation request.

DISCUSSION

Approval by the Office of Employment Dispute Resolution (EDR) at the Department of Human Resource Management 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>

EDR finds that consolidation of the May 10, 2012 grievances of Grievants A and L is appropriate. The two grievances involve similar allegations of misconduct arising from the same set of facts and will likely share common themes, claims, and witnesses.

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

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

Moreover, it appears that all parties agree to a combined hearing. Consolidation is not impracticable in this instance. Accordingly, the grievances are consolidated to be heard by the same hearing officer in a single hearing. The hearing officer shall independently assess the merits of each grievance and issue two separate decisions. A hearing officer will be appointed for these matters in a forthcoming letter.

EDR's rulings on compliance are final and nonappealable.<sup>3</sup>



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<sup>3</sup> See Va. Code §§ 2.2-1202.1(5), 2.2-3003(G).