

Issue: Consolidation of grievances of a single hearing; Ruling Date: January 28, 2013; Ruling No. 2013-3513, 2013-3514; 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 2013-3513, 2013-3514
January 28, 2013

This ruling addresses the consolidation of the grievant's grievances filed with the Virginia Department of Transportation (the agency). For the reasons discussed below, EDR finds that consolidation of these grievances into a single hearing is appropriate and practicable.

FACTS

The two grievances at issue in this ruling are dated November 1, 2012 and November 8, 2012, respectively. The grievances concern the grievant's annual performance evaluation and her re-evaluation. After the parties failed to resolve the grievances during the management resolution steps, the agency has asked for appointment of a hearing officer in these matters.

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.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

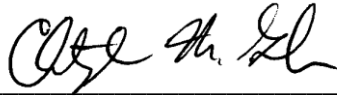
EDR finds that consolidation of the grievant's November 1, 2012 and November 8, 2012 grievances is appropriate. These grievances involve the same grievant and could share common themes, claims, and witnesses. The grievances all relate to potentially similar issues of the grievant's job performance. Further, we find that consolidation is not impracticable in this instance. In addition, the grievant has two additional grievances that

¹ *Grievance Procedure Manual* § 8.5.

² *See id.*

have been qualified and consolidated for a single hearing.³ As there appears to be a potentially common nexus of facts, all four grievances are consolidated for a single hearing. A hearing officer will be appointed in a forthcoming letter.

EDR's rulings on compliance are final and nonappealable.⁴



Christopher M. Grab
Director
Office of Employment Dispute Resolution

³ See EDR Ruling Nos. 2013-3480, 2013-3495.

⁴ See Va. Code §§ 2.2-1202.1(5), 2.2-3003(G).