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CONSOLIDATION RULING

In the matter of New College Institute
Ruling Number 2024-5690
April 9, 2024

This ruling addresses the consolidation of two grievances filed with New College Institute (the “institute” or “agency”). For the reasons discussed below, the Office of Employment Dispute Resolution (EDR) at the Department of Human Resource Management (DHRM) finds that consolidation of these grievances for a single hearing is appropriate and practicable.

FACTS

EDR has received two grievances filed by the grievant, both qualified for a hearing and pending appointment to a hearing officer. These two matters are:

- 1) Case No. 12111, a dismissal grievance filed on or about March 20, 2024, challenging a Group I Written Notice with termination issued March 13, 2024, citing disruptive behavior; and
- 2) Case No. 12117, a grievance filed on or about March 12, 2024, challenging three Written Notices (two at the Group I level and one at the Group II level), citing instances of failure to report to work, unsatisfactory performance, and failure to follow instructions, respectively.

The parties have indicated a desire for consolidation of these two matters for a single hearing.

DISCUSSION

Approval by EDR 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

¹ *Grievance Procedure Manual* § 8.5.

² *See id.*

EDR finds that consolidation of these two cases is appropriate. These grievances involve the same parties and appear likely to share at least some common themes, claims, and witnesses. Further, we find that consolidation is not impracticable in this instance. Therefore, the two grievances are consolidated for a single hearing.³ 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 Pursuant to the fee schedule established by EDR's Hearings Program Administration policy, two consolidated grievances shall be assessed a total flat hearing fee of \$5,000. See EDR Policy 2.01, *Hearings Program Administration*, Attach. B.

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