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## **CONSOLIDATION RULING**

In the matter of Virginia State University  
Ruling Number 2025-5892  
May 30, 2025

This ruling addresses the consolidation of two grievances filed with Virginia State University (the “university” 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**

The grievant has initiated two grievances with the university, pending with EDR as follows:

- 1) A grievance dated April 10, 2025, challenging a Group I Written Notice citing instances of unsatisfactory performance and a Group II Written Notice citing failure to follow instructions and dishonest behavior, currently pending for a hearing as EDR Case Number 12288; and
- 2) A dismissal grievance dated April 28, 2025, challenging a Group II Written Notice with termination by accumulation, citing failure to follow instructions and insubordination, currently pending for a hearing as EDR Case Number 12286.

The university has requested that the two cases be consolidated, such that both grievances would be heard in full at a single proceeding.

### **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.<sup>1</sup> EDR strongly favors consolidation and will

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

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 these two cases is appropriate. These grievances involve the same parties and appear likely to share at least some common themes, claims, and witnesses. Both grievances involve discipline for the grievant's alleged failure to follow instructions as to his job duties, and both also allege retaliation by the university. Further, we find that consolidation is not impracticable in this instance.

The grievant objects to the consolidation. He argues that the two grievances "involve separate timeframes, events, and procedural concerns." He also highlights that his requested relief is different in each case, asserting that "[t]he retaliation grievance focuses on managerial conduct, lack of progressive discipline, and hostile work environment concerns," while the "dismissal grievance challenges the legitimacy of the termination itself, citing due process violations, retaliatory motivation, and newly documented medical factors." Finally, he contends that, because the university did not inform him earlier that it might request consolidation, he was "preparing each grievance separately and with different supporting documentation," such that consolidation "places me at a disadvantage in preparing my case."

As a point of clarification, EDR would note that the issues qualified for hearing are the three written notices issued (and resulting termination), to include any defenses and evidence that the grievant wishes to present. Although the grievant may intend to offer different theories of defense as to distinct disciplinary actions, it is not clear from the grievant's submissions why a single hearing proceeding would prevent him from fully presenting any such defenses or would otherwise prejudice his case. Without identifiable prejudice to the grievant, we find no basis to forego the procedural efficiencies of a single hearing to address all qualified issues involving these two parties.

Therefore, the two grievances are consolidated for a single hearing.<sup>3</sup> A hearing officer will be appointed to the consolidated cases by separate correspondence.

EDR's rulings on compliance are final and nonappealable.<sup>4</sup>

*Christopher M. Grab*  
Director  
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<sup>2</sup> See *id.*

<sup>3</sup> 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.

<sup>4</sup> See Va. Code §§ 2.2-1202.1(5), 2.2-3003(G).