

Issue: Consolidation of Grievances for a single hearing; Ruling Date: October 10, 2017; Ruling No. 2018-4627; Agency: Virginia Department of Health; Outcome: Consolidation Granted.



COMMONWEALTH of VIRGINIA
Department of Human Resource Management
Office of Equal Employment and Dispute Resolution

CONSOLIDATION RULING

In the matter of Virginia Department of Health
Ruling Number 2018-4627
October 10, 2017

This ruling addresses the consolidation of the grievant's two grievances filed with Virginia Department of Health (the agency). For the reasons discussed below, the Office of Equal Employment and Dispute Resolution (EEDR) at the Department of Human Resource Management finds that consolidation of these grievances into a single hearing is appropriate and practicable.

FACTS

The two grievances at issue are: 1) a June 29, 2017 grievance challenging the issuance of a Group II Written Notice, with suspension, for alleged insubordination, and 2) a July 6, 2017 grievance challenging the agency's issuance of a Performance Improvement Plan, as well as alleged workplace bullying by the grievant's supervisor. The agency has requested consolidation of these matters, and the grievant does not object.¹

DISCUSSION

Approval by EEDR in the form of a compliance ruling is required before two or more grievances may be consolidated in a single hearing. Moreover, EEDR may consolidate grievances for hearing without a request from either party.² EEDR 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.³

EEDR finds that consolidation of the June 29 and July 6 grievances is appropriate. These grievances involve the same grievant and could share common themes, claims, and witnesses. The grievances appear to relate to an alleged pattern of behavior by the grievant. Further, we find that consolidation is not impracticable in this instance. Therefore, the July 6 grievance is

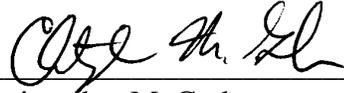
¹ Pursuant to the parties' agreement, the two grievances were consolidated by the agency for purposes of the management resolution steps.

² *Grievance Procedure Manual* § 8.5.

³ *See id.*

qualified in full, and the two grievances are now consolidated for a single hearing.⁴ A hearing officer will be appointed in a forthcoming letter.

EEDR's rulings on compliance are final and nonappealable.⁵



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Director
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⁴ Pursuant to the fee schedule established by EEDR's Hearings Program Administration policy, consolidated hearings shall be assessed a full fee for the first grievance and an additional half fee for the second grievance. *See* EEDR Policy 2.01, *Hearings Program Administration*, Attach. B.

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