

Issue: Consolidation of grievances for a single hearing; Ruling Date: December 8, 2016; Ruling No. 2017-4454; Agency: Department of Behavioral Health and Developmental Services; Outcome: Consolidation Granted.



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

**CONSOLIDATION RULING**

In the matter of the Department of Behavioral Health & Developmental Services  
Ruling Number 2017-4454  
December 8, 2016

This ruling addresses the consolidation of the grievant's three grievances filed with the Department of Behavioral Health & Developmental Services (the agency). For the reasons discussed below, the Office of Employment Dispute Resolution (EDR) finds that consolidation of these grievances into a single hearing is appropriate and practicable.

FACTS

The three grievances at issue are 1) a November 18, 2016 grievance challenging the agency's issuance of a Group II Written Notice for failure to follow policy, a November 18, 2016 grievance challenging the agency's issuance of a Group III Written Notice for falsification of records, and 3) a November 18, 2016 grievance challenging the agency's issuance of a Group III Written Notice for workplace violence. The agency has requested consolidation of these matters, and the grievant does not object to consolidation.

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 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 three November 18, 2016 grievances is appropriate. These grievances involve the same grievant and could share common themes, claims, and witnesses. Moreover, it appears that all parties agree to a combined hearing. Consolidation is not impracticable in this instance. Therefore, the grievant's three November 18, 2016 grievances identified above are consolidated for a single hearing. A hearing officer will be appointed in a forthcoming letter.

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

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

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



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Christopher M. Grab  
Director, Office of Employment Dispute Resolution

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