

CAREER SERVICE BOARD, CITY AND COUNTY OF DENVER, STATE OF COLORADO

Appeal Nos. 32-09 A. and 41-09 A.

FINDINGS AND ORDER

IN THE MATTER OF THE CONSOLIDATED APPEALS OF:

GLENN SCHULTZ,

Appellant/Petitioner,

vs.

DENVER ZOOLOGICAL FOUNDATION, INC., THE DEPARTMENT OF PARKS AND RECREATIONS, and the City and County of Denver, a municipal corporation,

Agency/Respondent.

This matter is before the Career Service Board on Appellant's Petition for Review. The Board has reviewed and considered the full record before it and **AFFIRMS** the Hearing Officer's Decision dated October 1, 2009, on the grounds outlined below.

I. FACTUAL BACKGROUND

Appellant was a maintenance employee at the Denver Zoo until his termination of employment on May 22, 2009. The case before the Hearing Officer involved two consolidated appeals. The first appeal (No. 32-09) involved a ten-day suspension for refusing to do specifically assigned work, falsifying work order documentation, and causing disturbances at the Webb Building. Prior to the hearing, Appellant withdrew his appeal of the ten-day suspension and the hearing proceeded on the appeal of his termination of employment (No. 41-09).¹

The Agency terminated Appellant's employment based on three separate incidents. In the first incident, Appellant drove his maintenance vehicle recklessly through the Zoo, causing a six-foot ladder to be thrown off the vehicle, potentially endangering the public. A second incident involved Appellant using Zoo property and Zoo time for personal endeavors and then lying about it. In the final incident, Appellant was changing air filters on the roof of one of the Feline Buildings. He put the dirty filters in a box and threw the box off the roof into a public area of the Zoo. When the box hit the ground, several Zoo patrons, including mothers with small

¹ Appellant was represented by counsel up to and including the hearing. On appeal to the Board, Appellant is proceeding *pro se*.

children in strollers, were covered in a cloud of dirt and were understandably upset. Two Zoo management employees witnessed the event.

Prior to his termination, Appellant's disciplinary history included three suspensions and four reprimands for poor work performance and inappropriate conduct. The Hearing Officer affirmed the Agency's termination of employment and this appeal to the Board follows.

II. FINDINGS

Unlike a court of law, the Career Service Board has only limited appellate jurisdiction. CSR 19-61 sets forth the only grounds for appeal to the Board: 1) new and material evidence that was not available when the appeal was heard by the Hearing Officer; 2) the Hearing Officer's decision involves an erroneous interpretation of the rules; 3) the Hearing Officer's decision involves policy considerations that may affect other cases; 4) the Hearing Officer's decision is not supported by the evidence in the record and is clearly erroneous, and 5) the Hearing officer did not have jurisdiction over the appeal.

As a starting point, we note that Appellant did not order a full transcript of the hearing. The record contains only the transcribed testimony of Mr. Benton and the exhibits admitted by the Hearing Officer. We also note that Appellant has raised some unique and novel arguments on appeal, ranging from the real reason he was fired (alcoholism), to unsupported claims of bribery of witnesses, false representation and coercion by his attorney. Although we try to give *pro se* appellants as much leeway as we can, even the most liberal construction of Appellant's arguments does not bring them within any of the grounds for appeal found in CSR 19-61.


III. ORDER

IT IS THEREFORE ORDERED that Appellant's Petition for Review is **DENIED** and the Hearing Officer's Decision of October 1, 2009, is **AFFIRMED**.

SO ORDERED by the Board on February 4, 2010, and documented this

14th day of February, 2010.

BY THE BOARD:



Co-Chair Tom Bonner

Board Members concurring:

Nita Henry
Patti Klinge
Felicity O'Herron

CERTIFICATE OF DELIVERY

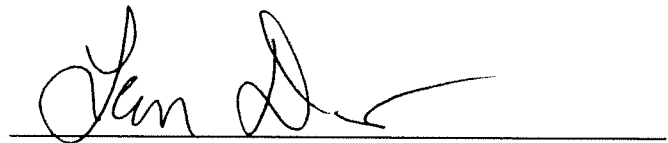
I certify that I delivered a copy of the foregoing **FINDINGS AND ORDER** on
February 18, 2010, in the manner indicated below, to the following:

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Leon Duran