

**HEARING OFFICER, CAREER SERVICE BOARD
CITY AND COUNTY OF DENVER, STATE OF COLORADO**

Appeal No. 01-03

ORDER OF DISMISSAL

IN THE MATTER OF THE APPEAL OF:

MINNIE BLACK, Appellant

Agency: Denver Department of Human Services and The City and County of Denver, a municipal corporation

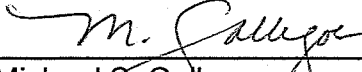
By Order dated January 15, 2003, Appellant was ordered to show cause why this matter should not be dismissed for failure to timely file this appeal pursuant to Career Service Rule 19-22. Appellant's Response to Show Cause Order was filed on January 27, 2003. In her response Appellant argues that she was not specifically informed of the requirement that notice of appeal must be filed "within ten (10) calendar days from the date of notice of the action which is the subject of the appeal." Career Service Rule 19-22 a) 1).

Notice of the adverse action in this matter was given to Appellant by letter dated December 23, 2002. The notice stated, "You may appeal this action in accordance with Career Service Rule 19, APPEALS." Career Service Rules require notices of suspension or dismissal to contain "A notice that the employee may appeal the suspension, demotion or dismissal, pursuant to Rule 10 APPEALS." Career Service Rule 16-51 b) 4). Therefore, the undersigned Hearing Officer concludes that the notice of action in this matter was adequate to advise Appellant of her appeal rights including that notice of appeal must be filed within 10 calendar days of the notice of adverse action.

Additionally, Appellant argues that Appellant's representative was present at Appellant's pre-disciplinary meeting, Appellant's representative was not sent a copy of the notice of action and, therefore, notice was not proper. Career Service Rules allow Appellant to be represented at a pre-disciplinary meeting. However, the rules do not require that notice of the action taken following a pre-disciplinary hearing be sent to Appellant's representative. (See Career Service Rule 16-80 through 16-83 and Rule 19-22.) Therefore, the Hearing Officer concludes that the December 23, 2003 notice of action was not improper for failure to send a copy to Appellant's representative.

Accordingly, for the reasons stated above and in the Order to Show Cause, this appeal is hereby DISMISSED with prejudice.

Dated this 6th day of February 2003.



Michael S. Gallegos
Hearing Officer for the
Career Service Board

CERTIFICATE OF MAILING

I hereby certify that I have forwarded a true and correct copy of the foregoing **ORDER OF DISMISSAL** by depositing same in the U.S. mail, postage prepaid, this 6th day of February 2003, addressed to:

Minnie Black
2650 Cook St.
Denver, CO 80205

Mark A. Schwane
CFPE
1580 Logan St., Ste. 310
Denver, CO 80203

I further certify that I have forwarded a true and correct copy of the foregoing **ORDER OF DISMISSAL** by depositing same in interoffice mail this 6th day of February 2003, addressed to:

Niels Loechell
Assistant City Attorney

Diana Smith
Department of Human Services



Virginia Granado