

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

Appeal No. 72-06

MAY 18 2007

FINDINGS AND ORDER

RECEIVED

IN THE MATTER OF THE APPEAL OF:

CATHRYN L. DIAZ,

Appellant/Petitioner,

vs.

**DEPARTMENT OF PARKS AND RECREATION, DENVER ZOOLOGICAL
FOUNDATION,** Agency, 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 record before it and **REMANDS** this appeal for further findings by the Hearing Officer, as outlined below.

FINDINGS

Appellant filed a career service appeal on September 11, 2006, alleging that her dismissal was the result of racial discrimination, harassment and retaliation. Record, p.1. On December 1, 2006, the Hearing Officer issued an order ruling on the parties' various pending motions. Specifically, the Hearing Officer denied the Agency's motion to bar Appellant from presenting testimony of discrimination under the doctrine of collateral estoppel; Appellant was permitted to present the testimony of proposed witnesses Eva Santovena and Gene Roybal as to any issues "relevant to the appeal"; and Appellant was permitted to present, by transcript, "Mr. Schultz's previous testimony as to racial comments made by Ms. Flohr . . . for consideration on the issue of Ms. Flohr's intent at the time of Appellant's termination." Record, p 139. Nevertheless, as both parties acknowledge in their respective briefs, the Hearing Officer did not specifically address Appellant's claim of discrimination in her Decision, dated January 19, 2007, affirming the Agency's dismissal of Appellant's employment.

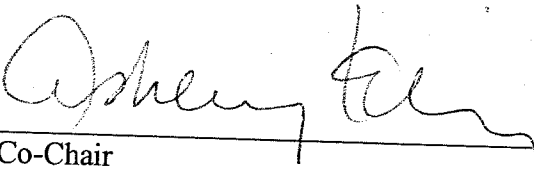
ORDER

IT IS THEREFORE ORDERED:


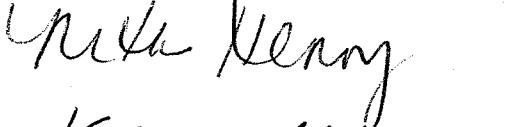


1. This appeal is **REMANDED** to the Career Service Hearing Office. The Hearing Officer shall make Supplemental Findings regarding Appellant's claims of discrimination, harassment and retaliation and issue a Supplemental Decision no later than June 18, 2007.
2. Appellant may file with the Board a supplemental brief within twenty calendar days after the date of service of the Hearing Officer's Supplemental Decision.
3. The Agency may file a supplemental answer brief within twenty calendar days after the date of service of Appellant's supplemental brief.
4. The parties may address in their supplemental briefs **ONLY** the findings and issues raised in the Hearing Officer's Supplemental Decision.
5. Pursuant to CSR 19-65 C., no further briefs shall be submitted by either party unless requested by the Board.

SO ORDERED by the Board on May 17, 2007 and documented this 17th day of May, 2007.

BY THE BOARD:


Co-Chair

Board Members Concurring:

CERTIFICATE OF MAILING

I certify that I have mailed a true and correct copy of the foregoing **FINDINGS AND ORDER**, postage prepaid, this 12th day of May, 2007 to:

Mark Bove, Esq.
730 17th St., Ste. 635
Denver, CO 80202

And **VIA INTEROFFICE MAIL** this 18th day of May, 2007:

Robert A. Wolf
City Attorney's Office
201 W. Colfax Avenue, Dept. 1108
Denver, CO 80202

Leslye Bilyeu
Human Resources Director
Zoological Foundation

CSA Hearing Office ✓

Abraham A. Saraceno