

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

Appeal No. 132-08 A

FINDINGS AND ORDER

IN THE MATTER OF THE APPEAL OF:

DOUGLAS LOTTIE,

Appellant/Petitioner,

vs.

DEPARTMENT OF PUBLIC WORKS, WASTEWATER MAINTENANCE DIVISION,
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 Decision of the Hearing Officer, dated March 9, 2009, on the grounds outlined below.

FINDINGS

On appeal to the Board, Appellant's only argument is that once he was docked three hours for leave without pay, he should not also be subject to a two-day suspension for the same incident. However, CSR 11-90 specifically provides:

A non-exempt employee who is absent from duty without approval shall receive no pay for the duration of the absence. Such denial of pay shall not affect the right of the City or any of its agencies to invoke any other form of disciplinary action which it deems appropriate.

This rule clearly grants the Agency the authority to assess leave without pay and impose disciplinary action for the same incident.

ORDER

IT IS THEREFORE ORDERED that the Hearing Officer's Decision of March 9, 2009, is **AFFIRMED**.

SO ORDERED by the Board on June 18, 2009, and documented this
7th day of July, 2009.

BY THE BOARD:


Luis Toro, Co-Chair

Board Members Concurring:

Felicity O'Herron
Patti Klinge
Tom Bonner

Nita Henry did not participate in the Board's decision.

CERTIFICATE OF DELIVERY

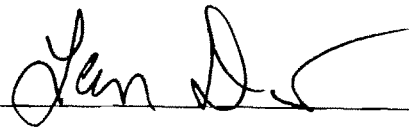
I certify that I delivered a copy of the foregoing **FINDINGS AND ORDER** on
July 7, 2009, in the manner indicated below, to the following:

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