

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

Appeal No. 24-06

ORDER OF DISMISSAL

IN THE MATTER OF THE APPEAL OF:

VINCENT MACIEYOVSKI,
Appellant,
vs.

FACILITIES MANAGEMENT, DEPARTMENT OF GENERAL SERVICES,
and the City and County of Denver, a municipal corporation,
Agency.

An Order to Show Cause was issued in this appeal on April 14, 2006. The parties have responded. Upon review of the pleadings and the parties' submissions, it is found and ordered as follows:

This is an appeal of a written reprimand dated March 7, 2006 based upon Appellant's involvement in a traffic accident with a city vehicle on Feb. 23, 2006. Appellant filed a grievance of the reprimand on March 17, 2006. [Appeal form attachments, pp. 1 - 2.] The appeal does not include a response to the grievance. The grievance states that Appellant was charged with driving without a driver's license on his person, and that the ticket is set for a court hearing on April 6, 2006. This appeal alleges that the imposition of the grievance was inconsistent with the evidence and constituted retaliation.

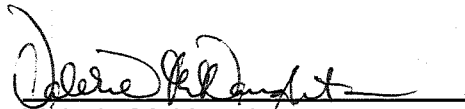
Appellant was ordered to indicate that Appellant exhausted his internal remedies by filing a complaint of retaliation as mandated by CSR § 19-10 B) 1). The order also requested that Appellant show that the grievance of the reprimand "negatively impacts the employee's pay, benefits or status", as required to establish jurisdiction under CSR § 19-10 B) 2) a).

In response to the exhaustion issue, Appellant argues that the reprimand was imposed in retaliation for his 2005 EEOC complaint. Appellant does not assert that he filed a complaint of retaliation, and the grievance itself does not allege the discipline was retaliatory. [Appeal, pp. 2-3.] Since the grievance claim is not ripe for appeal until after the employee requests internal remedies under CSR § 15-103, the retaliation claim is therefore premature.

Appellant also argues that the discipline was unfair and in violation of the Career Service Rules, but he does not make a showing that the reprimand affected his pay, benefits of status. Jurisdiction under CSR § 19-10 (B)(2)(a) is therefore absent. Appellant presents no other basis for the exercise of jurisdiction under the Career Service Rules, and none appears of record.

Based on the foregoing findings, it is ordered that this appeal is dismissed.

DONE this 3rd day of May, 2006.


Valerie McNaughton
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** by depositing it in the U.S. mail, postage prepaid, this 3rd day of May, 2006, addressed to:

Vincent Macieyovski
5014 West 36th Avenue
Denver, CO 80212

I further certify that I have forwarded a true and correct copy of the foregoing **ORDER** by depositing it in interoffice mail this 3rd day of May, 2006, addressed to:

Christopher M.A. Lujan
City Attorney's Office
Litigation Section
201 West Colfax Avenue Dept. 1108
Denver, CO 80202

Luis A. Colón
Department of General Services

Dan Barbee
Facilities Management

