

ORDER DISMISSING APPEAL

IN THE MATTER OF THE APPEAL OF:

PATRICIA ABRAHAM MUHAMMAD, Appellant,

vs.

DEPARTMENT OF GENERAL SERVICES, THEATERS AND ARENAS,
and the City and County of Denver, a municipal corporation, Agency.

This is an appeal of a "successful" Performance Enhancement Progress Report (PEPR) fully signed on December 9, 2010. Appellant filed a grievance on December 23, 2010 because the PEPR rating was changed from "Exceptional" to "Successful". Appellant argued that 1) the change in rating resulted in no merit increase, 1% maximum rating permitted as she in at the top of the pay scale for her classification, and 2) the evaluation of "Successful" rating eliminates the possibility of a pay increase for the 2010-2011 review period. This appeal followed.

Only a "failing" PEPR may be directly appealed. CSR §§ 19-10(b)(3); CSR § 18-40(E)(1). While any performance rating may be challenged by means of a grievance, only those matters that negatively affect pay, benefits or status may be appealed if a grievance is denied. CSR §§ 13-50(A); 18-40(E)(4). "An employee may not grieve or appeal any other aspect of the Performance Enhancement Program." CSR § 13-50(C).

This successful rating is not directly appealable under either CSR § 19-10 e). In addition, Appellant has alleged no negative effect on his pay, benefits or status, as required for an appeal of a grievance under CSR § 19-10(B)(2). No other basis for jurisdiction appears of record. Therefore, the appeal is dismissed based upon lack of jurisdiction.

DONE February 8, 2011.


Bruce A. Plotkin
Career Service Hearing Officer

I certify that on February 8, 2011, I delivered a correct copy of this Order to the following in the manner indicated:

Ms. Patricia Abraham Muhammad,
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