

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

Appeal No. _____

APPELLANT'S PRE-HEARING STATEMENT

_____, Appellant [your name],

vs.

_____, [your department/agency name]
and the City and County of Denver, a municipal corporation, Agency.

You may use this form or create your own document that meets the requirements of the "Notice of Hearing and Pre-hearing Order."

1. CERTIFICATE OF COMPLIANCE WITH DUTY TO CONFER: I met with/called the City Attorney (Agency representative) on _____. We decided the following:

a) Claims¹ and defenses² in this appeal are: _____

b) The City Attorney identified the specific conduct supporting each rule violation in the disciplinary letter. Yes/No/Not Applicable [Circle one]

c) We exchanged our list of witnesses and exhibits. Yes/no [Circle one]

d) Stipulations of fact:³ We agree the following facts are undisputed:

e) Stipulations as to exhibits:⁴ We agree that the following **exhibits** may be admitted

¹ Claims are the bases for your appeal according to CSR 19-10 A or B, for example: dismissal, suspension, layoff, discrimination, retaliation, whistleblower, or denial of grievance.

² Defenses are the reasons you believe the other party's claim or argument should be rejected by the Hearing Officer, for example 1) I did not do what the agency wrote in the disciplinary letter because... 2) my conduct did not violate the Career Service Rule alleged because..., or 3) my behavior was not serious enough to justify the degree of discipline imposed because...

³ A stipulation of fact is the parties' recognition that a fact is not disputed. A stipulated fact is taken as true by the hearing officer, so that no further evidence about it will be taken at hearing.

without objection: _____

f) Stipulations as to witnesses:⁵ We agree that the following **witnesses** may testify without objection: _____

2. EXPECTED PROOF: Summarize what you expect to prove at hearing for all remaining issues. Include who is responsible for the action you are appealing, the date of the action, and why you believe the Agency's action is incorrect.

3. APPELLANT'S WITNESSES: [Note: List all of your witnesses. For each, describe what you expect them to say that will help your case. Give your best estimate of how long each will take to testify. Separate the witnesses that WILL testify from those that MAY testify. Include the information requested below for EACH witness. **Do not list more than one witness to testify about the same thing. Add entries to include all of your witnesses.**]

a) The witnesses I WILL CALL at hearing are:

Name _____ Time needed for testimony _____
Address _____
Summary of testimony _____

b) The witnesses I MAY CALL at hearing are:

Name _____ Time needed for testimony _____
Address _____
Summary of testimony _____

4. APPELLANT'S EXHIBITS: The exhibits I intend to present at hearing are listed below:
NOTE: Submit TWO copies of each exhibit in paper form to the Hearing Office, and give

⁴ An exhibit stipulation is an agreement that the exhibit relates to an issue in the appeal. It is not an admission that the content of the exhibit is correct. Even if you stipulate to an exhibit, you may present your own evidence about the issue,

⁵ A witness stipulation is an agreement that the witness has information about an issue in the appeal. It is not an admission that the testimony is correct. Even if you agree that a witness may testify, you still have the right to present your own evidence disproving that testimony, and the right to cross-examine the witness.

another copy with your pre-hearing statement to the Agency. Mark your exhibits by letters, in alphabetical order, and number each page. (For example, A-1, A-2, etc.) Both sides must provide their own audio/visual equipment at hearing, if needed]. **Add entries as needed to include all of your exhibits.**

Letter (A, B, etc.)	Title or Description of Exhibit
_____	_____
_____	_____
_____	_____
_____	_____

5. SETTLEMENT EFFORTS: I have made the following efforts to settle this appeal with the Agency, for example, I called on X date to speak with Y and left a message with Z but Y didn't call back, or I met Y for an hour on X date: **[Important: do not state any offers or what was discussed]**.

Appellant's signature

Appellant's Representative

Date

CERTIFICATE OF DELIVERY

I certify that I delivered a copy of this **PREHEARING STATEMENT** and two copies of my exhibits by _____ [email, US mail, fax, personal delivery] on _____ [date] to the following:

City Attorney's Office, Dfiling.litigation@denvergov.org, or 201 W. Colfax Ave., Dept. 1108 (11th floor), Denver CO 80202.
Career Service Hearing Office, CSAHearings@denvergov.org, or 201 W. Colfax Ave., Dept. 412 (1st floor), Denver CO 80202.

[Signature of person making delivery]