

ORDER OF DISMISSAL

IN THE MATTER OF THE APPEAL OF:

GLENN SCHULTZ, Appellant,

vs.

DENVER ZOOLOGICAL FOUNDATION, INC.,
and the City and County of Denver, a municipal corporation, Agency.

The Appellant was ordered to show cause why this appeal should not be dismissed for lack of jurisdiction. The Appellant filed his response on April 7, 2009. Having considered the response and the entire file, it is hereby found and ordered as follows:

Factual Background and Analysis

This appeal raises the following claims: 1) a direct appeal based on a suspension or temporary loss of pay dated Jan. 21, 2009 under CSR § 19-10 A.1. b., and related discrimination claims, 2) discrimination based on age, political activity, and disability, harassment based on supervisor, and retaliation based on supervisor, which claims were asserted to have been raised in a complaint dated Feb. 5, 2009, and based on an Agency response made that same date.

The Order to Show Cause asked Appellant to respond to the show cause order by providing the following information:

- 1) Attach a copy of the Agency's disciplinary notice of temporary reduction in pay,
- 2) Attach a copy of the complaints of harassment, discrimination, and retaliation you filed with the Agency, as well as the Agency's response thereto,
- 3) Identify the protected activity you took that caused the Agency to take the alleged retaliatory action, including the nature and date of your activity, and how your activity was made known to the Agency, and
- 4) Identify the rules you believe the Agency violated by denying your grievance.

In his response, Appellant asserts that the appeal is actually based on Agency actions dated Jan. 23, 2009, consisting of an allegation of theft by his supervisor Art Benton, along with 218 pages of documents related to his employment over the course of the last four years. Appellant did not include a copy of any notice of suspension or temporary loss of pay. The only documents related to pay appear to be dated in 2005. [Attachments 11 – 13.] There was also no complaint, grievance or response to grievance included regarding Appellant's remaining claims.

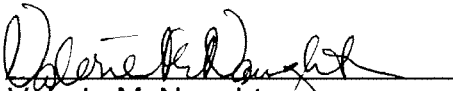
Absent proof that the Agency took any appealable action within fifteen days of the date of the appeal, the Hearing Office lacks jurisdiction to proceed in this appeal.

Order

Based on the foregoing findings and analysis, the following orders are entered herein:

- 1) The direct appeal of a suspension or temporary reduction of pay is dismissed,
- 2) The discrimination, harassment and retaliation claims are dismissed, and
- 3) The appeal of a grievance denial is dismissed.

Done this 13th day of April, 2009.


Valerie McNaughton
Career Service Hearing Officer