

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

Appeal No. 60-07

FINDINGS AND ORDER

IN THE MATTER OF THE APPEAL OF:

ANTHONY SULLIVAN,

Appellant/Petitioner,

vs.

DEPARTMENT OF SAFETY, DENVER SHERIFF'S DEPARTMENT, and the City and County of Denver, a municipal corporation,

Agency/Respondent.

This matter is before the Career Service Board ("Board") on Appellant's Petition for Review. The Board has reviewed and considered the full record before it and **AFFIRMS** the Hearing Officer's Decision dated September 19, 2007, on the grounds outlined below.

FINDINGS

Appellant challenges the Agency's failure to pay holiday premium pay for July 4, 2007. On August 10, 2007, Appellant presented to the Agency two separate grievances: one entitled "Career Service Grievance" and the other entitled "Collective Bargaining Grievance." The Agency denied both grievances. Appellant then appealed the denial of the career service grievance to the career service hearings office. The Hearing Officer found that she had no jurisdiction to determine whether the Agency's action was in violation of a collective bargaining agreement and dismissed Appellant's appeal.

Appellant frames his argument before the Board as seeking the "fair administration" of two arbitration awards relating to the payment of holiday pay. However, Denver City Charter §9.9.3 specifically provides that deputy sheriffs shall have the right to bargain collectively with the City as to compensation, fringe benefits, the collection of union dues, and a grievance procedure for resolving any disputes regarding these issues. Appellant acknowledges that the arbitration awards he relies upon arose out of Article 21 of the collective bargaining agreement, which creates a grievance procedure to resolve compensation disputes between the Sheriff's Department and its deputy

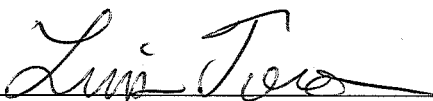
sheriffs. (Ex. 8, p.3, attached to Petition for Review). Therefore, the proper forum for addressing Appellant's compensation dispute is through the grievance and arbitration provisions of the collective bargaining agreement, as authorized by the Charter, not the career service appeal process. The Board agrees with the Hearing Officer's jurisdictional findings.

ORDER

IT IS THEREFORE ORDERED that Appellant's Petition for Review is **DENIED**, and the Hearing Officer's Decision of September 19, 2007 is **AFFIRMED**.

SO ORDERED by the Board on January 17, 2008, and documented this
1st day of February, 2008.

BY THE BOARD:



Co-Chair

Board Members Concurring:

Tom Bonner
Nita Henry
Ashley Kilroy
Kit Williams

CERTIFICATE OF SERVICE

I hereby certify that a copy of this **FINDINGS AND ORDER** was sent to the following on February 4, 2008:

Anthony Sullivan, Anthony.Sullivan@denvergov.org
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