

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

Appeal No: 96-06

ORDER DISMISSING APPEAL

IN THE MATTER OF THE APPEAL OF:

SHIRLEY VALDEZ,
Appellant

vs.

**OFFICE OF ECONOMIC DEVELOPMENT, DIVISION OF WORKFORCE
DEVELOPMENT,**
and the City and County of Denver, a municipal corporation,
Agency.

The Appellant was previously ordered to show cause why this appeal should not be dismissed for lack of jurisdiction, specifically under Career Service Rule (CSR) 19-10 B. 2. e. The Appellant filed a timely response on November 16. Having reviewed the Appellant's response and being otherwise informed in this matter, the Hearing Officer now finds and orders as follows.

CSR 19-10 sets forth the types of matters that may be appealed, and is jurisdictional. This means if the matter complained of is not one of the subjects listed within the rule, or the remedy sought is not one which the Hearing Officer has authority to grant, then the Hearing Officer has no authority to consider the arguments or merits of the appeal. CSR 19-10 B. 2. e. states, in its essence, that written reprimands may not be appealed. In other words, a written reprimand is not a matter the Hearing Officer has authority to hear, or over which he has authority to grant relief.

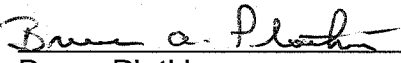
The Appellant appears to misunderstand the nature of jurisdiction, as her response outlines the merits of her case. For example she states: the incident underlying the appeal did not happen as described by the Agency; that she did not engage in workplace violence as alleged by the Agency; and that the reprimand was an overreaction. Even assuming these assertions are true, CSR 19-10 B. 2. e. makes it clear it is not within the Hearing Officer's province to consider these claims because the subject encompassing them is a written reprimand.

In some cases, the Hearing Officer has jurisdiction to consider claims of a hostile work environment, and claims of unethical conduct by Agency co-workers and supervisors as alleged by the Appellant. CSR 19-10 B. 1. However, when those claims

are encompassed by a matter outside his jurisdiction, the Hearing Officer is prohibited from considering and granting relief for such claims, even if true.

For reasons stated above, the Hearing Officer finds he lacks subject matter jurisdiction over the Appellant's claims. Therefore this appeal is ordered to be DISMISSED WITH PREJUDICE.

DONE this 16th day of November, 2006.



Bruce Plotkin
Hearing Officer
Career Service Board

CERTIFICATE OF MAILING

I certify I have forwarded a correct copy of the foregoing **ORDER DISMISSING APPEAL**, by depositing it in the U.S. mail, postage prepaid, this 16th day of November, 2006, addressed to:

Ms. Shirley A. Valdez
2306 S. Fenton Drive
Lakewood, CO 80227

I further certify I have forwarded a correct copy of the foregoing **ORDER DISMISSING APPEAL**, by depositing it in interoffice mail this 16th day of November, 2006, addressed to:

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

