



DENVER
THE MILE HIGH CITY

Career Service Authority
Denver's Human Resource Agency

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MEMORANDUM

REVISION 30 SERIES C

TO: Holders of CSA Rule Books
FROM: Career Service Board
DATE: August 29, 2008
SUBJECT: Revision to Career Service Rules

The Career Service Board has approved the revision of Career Service Rule 19-55 Decision of Hearing Officer. The effective date of this revision is August 29, 2008.

| | <u>Page Number</u> | <u>Issuance Dates</u> |
|----------------|---------------------------|------------------------------|
| Remove | 19-8 | January 1, 2006 |
| Replace | 19-8 | August 29, 2008 |

PLEASE INSERT IN YOUR RULE BOOK AS SOON AS POSSIBLE. THANK YOU.

19-54 Public or Private Hearing

- A. The hearing shall be open to the public except that the Hearing Officer may, at the request of an interested party, conduct the hearing in private, if it serves the interests of the parties and the public.
- B. Witnesses shall be sequestered at the request of either party or when the Hearing Officer decides sequestration is appropriate.

19-55 Decision of Hearing Officer

(Revised effective August 29, 2008; Rules Revision Memo 30C)

The Hearing Officer shall issue a decision in writing affirming, modifying, or reversing the action, which gave rise to the appeal within forty-five (45) calendar days after the date on which the record is closed, or as soon as practicable thereafter. This decision shall contain findings on each issue necessary to resolve the appeal and shall be binding upon all parties.

Section 19-60 Petition for Review to the Board of a Hearing Officer's Decision

19-61 Grounds for Petition for Review

A party may petition that the Board review a Hearing Officer's decision only on the following grounds:

- A. New evidence: New and material evidence is available that was not available when the appeal was heard by the Hearing Officer;
- B. Erroneous rules interpretation: The Hearing Officer's decision involves an erroneous interpretation of the Rules;
- C. Policy-setting precedent: The Hearing Officer's decision is of a precedential nature involving policy considerations that may have effect beyond the appeal at hand;
- D. Insufficient evidence: The Hearing Officer's decision is not supported by the evidence. The Board may only reverse a decision on this ground if the Hearing Officer's decision is clearly erroneous; or
- E. Lack of jurisdiction: The Hearing Officer does not have jurisdiction over the appeal. A party may file an interlocutory appeal on this ground and if such interlocutory appeal is filed, the appeal before the Hearing Officer shall be stayed until the Board decides the interlocutory appeal.