

ORDER OF DISMISSAL

IN THE MATTER OF THE APPEAL OF:

JAY CASTLE, Appellant,

vs.

DEPARTMENT OF PUBLIC WORKS,
and the City and County of Denver, a municipal corporation, Agency.

Appellant has been ordered to show cause why this appeal should not be dismissed for lack of jurisdiction. Appellant timely filed his response on May 9, 2011.

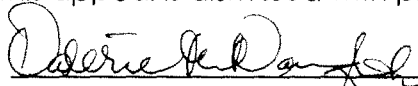
This is an appeal of the denial of Appellant's grievance alleging that the Agency failed to compensate him for overtime or standby pay, citing 29 CFR § 789.17 and CSR § 9-92. The Agency denied the grievance because Appellant is not eligible for overtime under CSR § 9-64 B.1 based on his FLSA classification is exempt from overtime.

Appellant argues in his response that his position requires him to be on-call from 3 pm to 6:30 am for seven days a month to conduct accident investigations, and that as a result he incurs expenses by use of his personal car. Appellant fails to assert any rule, charter section, or ordinance violated by this policy or practice, as required by CSR § 19-10 A.2.b.i and the order to show cause. Accordingly, Appellant did not establish that the Hearing Office has jurisdiction over this appeal.

ORDER

Based on the foregoing findings, this appeal is dismissed with prejudice.

DONE May 10, 2011.


Valerie McNaughton
Career Service Hearing Officer

I certify that on May 10, 2011, a correct copy of this Order of Dismissal Appeal was delivered to the following via email:

Jay Castle, jay.castle@denvergov.org
City Attorney's Office, diefiling.litigation@denvergov.org
HR Services, HRServices@denvergov.org

