

FINDINGS AND ORDER: Interlocutory Appeal

IN THE MATTER OF THE APPEALS OF:

GREGORY HILL,

Appellant,

vs.

TECHNOLOGY SERVICES, ENTERPRISE BUSINESS APPLICATIONS, and the City
and County of Denver, a municipal corporation,

Agency.

This matter is before the Career Service Board on the Agency's interlocutory appeal of the Hearing Officer's jurisdiction to hear this case. We find the Hearing Officer has jurisdiction under CSR 19-10 A. 2, which provides:

- A. An employee who holds career status may appeal the following:
 2. Appeal of Complaint or Grievance: An employee may file an appeal following a formal complaint or grievance as described below:
 - a. Discrimination, Harassment, or Retaliation: Any action, that is not subject to a direct appeal, of any supervisor/manager or employee resulting in alleged discrimination, harassment or retaliation because of race, color, religion, national origin, gender, age, political affiliation, sexual orientation, disability, or any other status protected by federal, state or local law may be appealed if, after filing a formal complaint as required by Rule 15 CODE OF CONDUCT, the disposition of such complaint has not resulted in stopping or otherwise addressing the alleged discrimination, harassment or retaliation.

Although the merits of this appeal are not before us, the following facts from the Hearing Officer's order are relevant to the jurisdictional question and fall within the Rule quoted above: 1) Appellant filed a formal complaint of discrimination/harassment; 2) an investigation into Appellant's complaint was conducted by an investigator hired by the Agency; 3) the investigator concluded that Appellant's allegations were unsupported, and 4) following the investigation, the Agency dismissed Appellant's complaint.

ORDER

IT IS THEREFORE ORDERED that the Agency's Petition for Interlocutory Appeal is **DENIED** and this matter is **REMANDED** for further proceedings.

SO ORDERED by the Board on December 2, 2010, and documented this 6th day of January, 2011.

BY THE BOARD:



Co-Chair

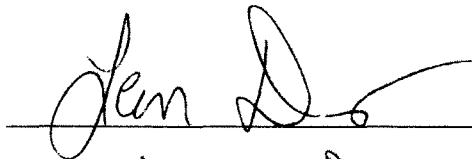
Board Members Concurring:

- Patti Klinge
- Colleen M. Rea
- Felicity O'Herron
- Nita Henry
- Tom Bonner

CERTIFICATE OF DELIVERY

I certify that I delivered a copy of the foregoing **FINDINGS AND ORDER: Interlocutory Appeal** on January 7, 2011, to the following:

- Gregory Hill Gregory.hill@denvergov.org (via email)
- Molly Rauzi molly.rauzi@denvergov.org (via email)
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- CSA Hearing Office CSAHearings@denvergov.org (via email)



Leon Duran