

ORDER ON APPELLANT'S REQUEST FOR SUBPOENAS

IN THE MATTER OF THE APPEAL OF:

JUAN NORTHCROSS, Appellant,

vs.

CLERK AND RECORDER'S OFFICE

and the City and County of Denver, a municipal corporation, Agency.

Appellant has moved for six subpoenas, and the Agency objects to five of the requests on the grounds that the persons have no knowledge relevant to this appeal and Appellant failed to support his motion.

This is an appeal of a layoff and subsequent demotional appointment of the Agency's Staff IT Developer to an Administrative Support Assistant III. The appeal challenges the adequacy of the layoff plan, the budgetary need for the layoff, the continuing need for the operations and skills Appellant provided as a Staff IT Developer, and the failure of the Agency to apply the special qualification provision of the Career Service Rules.

The Agency does not object to issuance of a subpoena for Juan Guzman, who will provide testimony about the special project, and the continuing need for technical support from Appellant. Appellant also seeks a subpoena for Jo Ann Keys on several subjects, including the Agency's core services, the activities log, and the Agency's continuing need for MS Access, Visual Basic and database technical support. Those subjects appear to be relevant to Appellant's theory of the case.

Appellant also moves to compel the attendance of former Clerk and Recorder Stephanie O'Malley on the Agency history, background, operations, core functions, and the significance and cost of the Staff IT Developer position as well as the cost of outsourcing the functions provided by that position. This testimony is likewise relevant to the issues in this appeal.

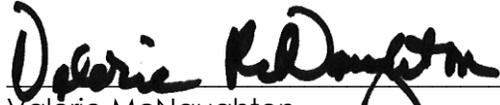
Lisa Sandoval is proposed for testimony about the new Public Trusts project to integrate vendor MDS and Appellant's databases, and to testify that the Agency has no alternative to providing the removed technical support. These appear to be subjects both relevant to the appeal and not duplicated by other approved witnesses.

As the proposed testimony of David Johnson and Vic Vigil are covered by other approved witnesses, those requests for subpoenas are unnecessary.

ORDER

1. The motion for subpoenas for Juan Guzman, Jo Ann Keys, Stephanie O'Malley and Lisa Sandoval are GRANTED. The subpoenas are now ready for pickup at the hearing office.
2. The motion for subpoenas for David Johnson and Vic Vigil are DENIED.

DONE March 12, 2012.


Valerie McNaughton
Career Service Hearing Officer

I certify that on March 12, 2012, I delivered a correct copy of this Order to the following:

Juan Northcross, hearing@northcross.US
City Attorney's Office at Dlefilling.litigation@denvergov.org
HR Services, HRServices@denvergov.org

(via email)
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Stacy Hoel