

DECISION MODIFYING TWO-WEEK SUSPENSION TO A WRITTEN REPRIMAND

IN THE MATTER OF THE APPEAL OF:

KIMBERLY NOVITCH, Appellant,

v.

DENVER INTERNATIONAL AIRPORT, DEPARTMENT OF FINANCE,
and the City and County of Denver, a municipal corporation, Agency.

I. INTRODUCTION

This is an appeal of Appellant's two-week suspension from employment with Denver International Airport for alleged violations of specified Career Service Rules. A hearing concerning this appeal was conducted by Bruce A. Plotkin, Hearing Officer, on January 21, 2016. The Agency was represented by Assistant City Attorneys John Sauer and Andrew Gomez, while the Appellant was represented by Sean Olson, Esq. Agency exhibits 1-20 were admitted. Appellant presented no additional exhibits. The Agency called the following witnesses: the Appellant; Mr. Quentin Jones; Ms. Tanya Portillo; and Senior Vice President for Operations Greg Hegerty. The Appellant presented the following additional witnesses: Mr. Robert Davis; and Ms. Carrie Holmestad.

II. ISSUES

The following issues were presented for appeal:

A. whether the Appellant violated any of the following Career Service Rules (CSRs): 16-60 B., D., O., or Y. via CSR 15-101, and 102¹.

B. if the Appellant violated any of the aforementioned Career Service Rules, whether the Agency's decision to suspend her for two weeks was reasonable and conformed to the purposes of discipline under CSR 16-10.

¹ Since this appeal was filed, the Career Service Rules have been revised. Because the previous version of the rules were in effect at the time discipline was assessed, that version controls the outcome in this appeal.

III. FINDINGS

The Appellant, Kim Novitch, has worked for the City for 23 years. She is a Materials Manager at the Agency. In that capacity, she is familiar with the Career Service Rules, and part of her duties include enforcement of those rules for her 21 subordinates. Her training has included "Respectful Workplace," and sexual harassment. In her previous 23 years with the City, she was never disciplined, and her work reviews have consistently ranked her highly.

Quentin Jones is also an Agency employee. Jones and Novitch have been work friends for 15 years. Both before and after the incident described below, they met and continue to meet at least weekly. They have the kind of easy relationship that includes joking with each other. [Jones testimony; Novitch testimony]. Novitch considers Jones to be like a little brother. [Novitch testimony]. Novitch has never been in Jones' chain of command, but holds a senior position to him.

On July 23, 2015, Jones and co-worker Tanya Portillo stopped by Novitch's office to pick up paperwork as part of their daily duties. Novitch had recently viewed a television show during which an employee played a prank on a co-worker by asking for a kiss on the cheek, then turning at the last moment so that their lips met in a kiss to the surprise of the co-worker. Novitch decided to repeat the scene with Jones.

Novitch greeted Jones and Portillo in Spanish. While Portillo gathered the paperwork she and Jones came for, Novitch asked Jones "un beso?" pointing toward her cheek. Portillo translated for Jones "she's asking you for a kiss on the cheek." Jones hesitated, but complied. Novitch then pointed toward her other cheek and asked for another kiss which Portillo translated. Jones asked "again, on the other cheek?" Novitch gleefully answered "si! si!" Jones leaned in to comply when Novitch turned her head quickly and kissed Jones on the lips. Novitch pointed to an overhead security camera, indicating the kiss was recorded. Jones said "oh no, that was on camera." Novitch laughed. Jones also laughed, but was embarrassed and hurried out of the office. [Jones testimony; Portillo testimony; Exhibit 5; Exhibit 4; Holmestad testimony]. Robert Davis, who was nearby and attracted to the laughter, saw Novitch, Jones and Portillo all laughing. He did not notice any evident embarrassment or discomfort by any of them. [Davis testimony]. Novitch, unaware of Jones' discomfort, then sought Davis' help to make a printout of the kiss from the Agency's security system. [Exhibit 8].

The following week, when Jones and Portillo returned to Novitch's office to pick up documents, Novitch was still in a jaunty mood about her prank the previous week. She reminded Jones about their kiss and handed him a screen-shot printout from the security camera which showed them kissing. [Exhibit 9]. Jones accepted the offer, but was a little embarrassed and nervous about it because he was "low man on the totem pole." [Exhibit 4; Jones testimony]. He thought he might "get in trouble" because of his lower rank. [Jones testimony; Exhibit 4; *see also* Exhibit 6]. Jones also explained he did not wish to be disrespectful by refusing a manager's request for a kiss.

On the other hand, Jones said he was not offended by the incident, [Jones answer to Hearing Officer's question], and told two others he thought it was funny, and not a big deal. [Novitch testimony; Holmestad testimony; *see also* Davis testimony; Exhibit 8]. Jones did not wish to report the incident, and wrote a report about the incident only in response to a directive to do so. Jones sought out Novitch after the incident, and told her he was sorry the incident had escalated into an investigation, and wanted her to know he had no part in escalating it. He gave the tearfully-apologetic Novitch a hug after she told him "I'm the one who should be apologizing to you." He testified Novitch has been "wonderful and very nice to me and my team." [Jones cross-exam].

The Agency convened a meeting in contemplation of discipline on September 16, 2015. Novitch attended with legal counsel. On September 30, 2015, the Agency served its notice of discipline on Novitch which assessed a two-week suspension, effective from October 4, 2015 through October 17, 2015. This appeal followed timely on October 14, 2015.

IV. ANALYSIS

A. Jurisdiction and Review

Jurisdiction is proper under CSR 19-10 A.1.b., as the direct appeal of a suspension. I am required to conduct a *de novo* review, meaning to consider all the evidence as though no previous action had been taken. Turner v. Rossmiller, 532 P.2d 751 (Colo. App. 1975).

B. Burden and Standard of Proof

In a disciplinary appeal, the agency retains the burden of persuasion, throughout the case, to prove the appellant violated one or more cited sections of the Career Service Rules, and to prove the level of discipline complied with CSR 16-20. The standard by which the Agency must prove its claims is by a preponderance of the evidence.

C. Career Service Rule Violations

Greg Hegerty is the Senior Vice President for Business Operations at the Agency. He co-signed the notice of discipline as the decision-maker in this case. [Exhibit 1; Hegerty testimony]. He convened a committee to decide on the violations and penalties in this case.

1. CSR 16-60 B. Carelessness in performance of duties and responsibilities.

A violation under this rule occurs for performing an important duty poorly. In re O'Meallie, CSA 92-09, 4 (6/18/10).

In response to being asked what duties and responsibilities Novitch performed carelessly, Hegerty responded it was "the act itself," and "it was poor judgment." He

said Novitch's idea of a practical joke was inappropriate, especially as a manager toward a subordinate. He concluded "it was just carelessness of her job duties as a manager." Hegerty's statements attribute a general sense of impropriety to Novitch's actions, but fail to identify a duty or responsibility that Novitch performed poorly.

The second source of evidence for this alleged violation was the Agency's notice of discipline. Where the notice referred to Novitch's duties, it merely recited those from her job classification. In its conclusion, the notice stated "[a]s a leader, you are held to a high standard of behavior." That statement identifies potential aggravation for the level of discipline but fails to establish what duty Novitch performed under par. In failing to identify what duty or responsibility Novitch performed poorly, the Agency failed to establish that Novitch violated this rule.

Finally, while not specifically identified by the Agency as such, Novitch acknowledged her duty as Manager to set a decorous tone for working relationships among her subordinates. "I understand that I need to maintain a high level of decorum and represent myself with a higher professional standard as a manager." [Exhibit 1-3]. She also acknowledged her actions toward Jones fell short of that duty, stating "I displayed poor judgment." [Id]. Novitch also acknowledged her kissing a subordinate at work, even if intended as a prank, was "unacceptable." [Id]. I deem Novitch's acknowledgments to be admissions that she was aware of her duty as a manager to set a high standard of conduct for her subordinates, and she exercised that duty carelessly when she kissed one of them, in violation of CSR 16-60 B.

2. CSR 16-60 D. Unauthorized operation or use of any vehicles, machines, or equipment of the City, or of any entity having a contract with the City, including, but not limited, the unauthorized use of the internet, email or telephones.

Novitch admitted her use of the Agency's security camera and recording system to print a screen shot of her kiss with Jones "was an inappropriate use of City property." [Exhibit 10; Exhibit 9; Novitch testimony]. This violation is established by Novitch's admission.

3. CSR 16-60 O. Failure to maintain satisfactory working relationships with co-workers, other City employees, or the public.

Asked to explain the inclusion of this rule, Hegerty testified this way.

It was the relationship I think that she had with Mr. Jones, right? That that type of behavior can tarnish or disrupt that type of relationship. I think that with Ms. Portillo, the same thing is in that case; and then, you know, any witnesses to it as well, right? I just think that, that's what we were trying to call out there, is that, by having such inappropriate behavior, it causes, you know, damage to peoples' relationships.

[Hegerty testimony].

Neither Jones nor Portillo described any negative effect on their working relationship with Novitch. Jones continues to enjoy a warm relationship with Novitch. He told supervisor Carrie Holmestad, and co-worker Tanya Portillo the incident was “no big deal” and was “in good fun.” [Exhibit 7; Jones testimony]. While Portillo described her initial reaction as “shock,” she did not say the incident affected her working relationship with Novitch negatively.

Robert Davis was present for the incident. He did not see Novitch’s kiss but heard the reaction, saw and heard the parties immediately afterward, and later viewed the video of the entire incident. Asked for his perception of Jones’ reaction to the kiss, Davis testified “it was an immediate response of the laughter,” and “there was an element of surprise, but nothing that appeared to be off-kilter or abnormal.” [Davis’ response to Hearing Officer question]. There was no evidence Davis was at all offended by the incident, nor did he describe any consequent negative affect on his relationship with Novitch.

The Agency submitted evidence that Jones stopped going to Novitch’s office to pick up documents after the 7/23/15 incident. [Portillo testimony; Jones testimony]. However, Jones explained he was directed not to go to Novitch’s office for a short time by his supervisor, rather than out of any negative sentiment he felt toward Novitch. [Jones cross-exam].

While Hegerty’s testimony alluded to some other person or persons who might have been negatively affected by the incident, there was no evidence of it. The Agency failed to establish any basis for this claim beyond Hegerty’s projection of hypothetical harm, thus the Agency failed to prove this claim.

4. CSR 16-60 Y. Conduct which violates the Rules, the City Charter, the Denver Revised Municipal Code, Executive orders, or any other applicable legal authority.

The Agency’s notice of discipline specified the following Career Service Rules allegedly violated by Novitch’s conduct.

CSR 15- Code of Conduct

15-100 Harassment and/or Discrimination

15-101 Policy (Revised January 22, 2010; Rule Revision Memo 44C):

It is the policy of the Career Service Board (“Board”) that all employees have a right to work in an environment free of discrimination and unlawful harassment. The City maintains a strict policy of prohibiting discrimination, sexual harassment and harassment because of race, color, creed, religion, national origin, gender, sexual orientation, marital status, military status, age, disability, or political affiliation, or any other status protected by federal, state, or local laws.

All such harassment or discrimination is unlawful. The Board's anti-harassment policy applies to all persons involved in the operation of the City and prohibits unlawful harassment or discrimination by any employee of the City, including supervisors and co-workers. Unlawful harassment in any form, including verbal, physical, and visual conduct, threats, demands and retaliation is prohibited.

15-102 Types of Harassment (Revised January 22, 2010; Rule Revision Memo 44C)

Unlawful harassment because of race, color, creed, religion, national origin, gender sexual orientation, marital status, military status, age, disability, or political affiliation, or any other status protected by federal, state, or local laws includes but is not limited to:

- A. Verbal conduct such as epithets, derogatory comments, slurs, unwanted sexual advances, invitations, or comments;
- B. Visual conduct such as derogatory posters, photographs, cartoons, drawings, or gestures;
- C. Physical conduct such as assault, unwanted touching, blocking normal movement or interfering with work directed at an employee because of the employee's sex or race or any other protected basis;
- D. Threats or demands to submit to sexual requests in order to keep a job or avoid some other loss, and offers of job benefits in return for sexual favors;
- E. Retaliation for having reported or threatened to report harassment.

Hegerty determined subsections A, B, C, and D - verbal, visual, physical conduct, and threats or demands - all applied to Novitch's conduct.

The Career Service Rules' prohibition against workplace harassment casts a wider net than a Title VII² action for federal workers. Unlike under Title VII, a Denver city employee is not required to prove the act or behavior was severe or pervasive enough to create a hostile work environment. In re Gallo, 63-09A., 5 (CSB 3/17/11). CSR 15 includes sexual harassment, and other forms of harassment based on other protected statuses, as described above. While the scope of protection under CSR 15 is broader than its federal counterpart, the Agency must, nonetheless, prove Novitch's behavior was motivated by some animus toward a protected status, Gallo at p.5,

² 42 U.S.C.A. §§ 2000e *et seq.*

presumably Jones' sex. In re Hernandez, CSA 03-06, 10 (5/3/06). The Career Service Rules define "Sexual Harassment" as follows.

Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, when:

- A. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or**
- B. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual ; or**
- C. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive environment.**

[CSR 1-8, Effective March 22, 1984; Rule Revision Memo 60B].

Under the circumstances of this case, it is not evident by preponderant evidence that Novitch's request for a kiss on the cheeks, including turning one of them into a kiss on the lips, contained the animus of an "unwelcome sexual advance." Those circumstances include: Novitch and Jones were and remain friends; there was conflicting evidence whether Jones was embarrassed³ about the incident, or to what degree; and it was extremely unlikely the incident, under the circumstances here, would disrupt or cause legal liability to the Agency or to the City.

Even assuming Novitch's kiss on Jones' lips was an "unwelcome sexual advance," there was no evidence Novitch explicitly or implicitly made the kiss a term or condition of Jones' employment under subsection A; no evidence she used the kiss as a basis for any employment decision regarding Jones under subsection B.; and no evidence the kiss unreasonably interfered with Jones' work, or created an intimidating, hostile, or offensive environment under subsection C. The evidence, to the contrary, indicates their friendship and good working relationship has continued unabated, and without harm. Consequently, the Agency failed to prove Novitch's conduct amounted to sexual harassment under CSR 15.

Hegerty testified at hearing that he considered Novitch's conduct specifically violated CSR 15-102 A., B., C., and D. In addition, the Agency's notice of discipline alleged Novitch also violated subsection E. I address each in turn.

15-102 Types of Harassment (Revised January 22, 2010; Rule Revision Memo 44C).

The measure of whether harassment occurred under CSR 15 must be measured by the totality of circumstances in each case, including both subjective and objective

³ While harassment must be viewed from an objective standard [In re Gutierrez, 65-11A (CSB 4/4/13)], rather than from the perspective of the alleged victim, the objective standard should not be applied in a vacuum. [*See* CSR 15-102 C]. It must include the totality of the circumstances, which, in turn, includes the subjective perception of the recipient of the conduct.

factors.⁴ *In re Gutierrez*, 65-11A (CSB 4/4/13). The Agency specified Novitch harassed Jones under each of the following subsections of CSR 15-102.

A. Verbal conduct such as epithets, derogatory comments, slurs, unwanted sexual advances, invitations, or comments;

Hegerty specified Novitch's asking for a kiss was an unwanted sexual advance or invitation toward Jones under this subsection A. Even assuming Novitch's request was unwanted, it was not tantamount to a sexual advance, invitation, or comment under the circumstances of this case.⁵

B. Visual conduct such as derogatory posters, photographs, cartoons, drawings or gestures;

Referring to the print-screen image Novitch obtained from the security camera, Hegerty testified the image "is somewhat what we were pointing to in that instance." At times, Jones indicated the print-out made him feel uncomfortable. At other times, he considered the entire episode all "in good fun." Regardless, the printout was not objectively or subjectively "derogatory" or otherwise "demeaning" within the meaning of CSR 15-102 B, on the basis of sex.

C. Physical conduct such as assault, unwanted touching, blocking normal movement, or interfering with work directed at an employee because of the employee's sex or race or any other protected basis;

Hegerty stated the focus of the Agency's case under this rule was this subsection C., specifically, that Novitch's kiss was "unwanted touching" under this rule. For reasons stated above, it is not clear by a preponderance of the evidence that - even if Jones was embarrassed by Novitch's action - her kiss was motivated by some animus because of his sex.

Unlike other elements of CSR 15-102, the determination of whether conduct was "unwanted touching" is decidedly subjective. To that end, Jones was conflicted about the incident. He testified the act was "probably not appropriate for the workplace" because it was "intimate." [Jones testimony]. In addition, he said he didn't refuse to kiss Novitch a second time because Novitch is a Manager, and he didn't want to say 'no.' He thought the incident might cause him trouble because "on the totem pole, I'm pretty low... having that interaction with a manager." [Jones testimony]. That testimony was consistent with his contemporaneous written statement that "I thought I was going to get in trouble for kissing a manager." [Exhibit 4].

On the other hand, Jones volunteered that the first kiss on Novitch's cheek was done "in a joking, fun manner," and "it was all in good fun." [Jones testimony; Exhibit

⁴ See note 3.

⁵ "Unwanted sexual advance" is not defined under the Rules. The non-exclusive examples surrounding "unwanted sexual advances" provide some guidance as to the nature of the proscribed conduct, such as the "epithets," "derogatory comments," "[derogatory] slurs," "[derogatory] invitations," and "[derogatory] comments."

4]. Later, at hearing, Jones stated the entire incident was “in good fun.” [Jones testimony]. In between, he told others he found the entire incident funny and “no big deal.” Jones’ descriptions of Novitch’s conduct, whether by interview, written report, or under oath at hearing, never rose to the level of “unwanted touching.” His responses varied from “probably not appropriate” (emphasis added) to “no big deal” and his answers seemed to depend at least as much on his audience as his actual sentiment on July 23, 2015. Jones’ equivocation renders the Agency’s assessment, that Jones felt Novitch’s kiss was “unwanted touching,” unproven by a preponderance of the evidence.

D. Threats or demands to submit to sexual requests in order to keep a job or avoid some other loss, and offers of job benefits in return for sexual favors;

One of the most scathing accusations an agency can make is to accuse a supervisor of making a *quid pro quo* sex-for-job threat or demand against a subordinate. It is therefore incumbent on decision-makers to be certain the evidence justifies such a serious charge.

Hegerty was asked “do you think, as for D., that it [Novitch’s request to be kissed] was ‘threats or demands to submit to sexual requests in order to keep a job or avoid some other loss, and offers of job benefits in return for sexual favors?’” He answered:

I think we were pointing to some of that to some degree, that this unwanted solicitation in touching, associated with it, you know, could be looked at in that area as well.

[Hegerty testimony].

Under the circumstances found above, Novitch’s request to be kissed on the cheeks does not amount to a threat or demand as contemplated by this subsection. Even if, stretching this rule to the extreme, Novitch’s request could be considered a demand to submit to a sexual request, there was no evidence whatsoever that Novitch demanded that Jones submit to her in exchange for: keeping his job; avoiding some other loss; or that Novitch demanded the kiss as a “sexual favor” in exchange for some job benefit.

Jones’ vague apprehension that he might “get in trouble” over his unintentional kiss of a manager was that some unknown authority – not Novitch - would discipline him for kissing Novitch. There was no actual or implied “threat” or “benefit” as intended under this section beyond Jones’ general disquiet.

E. Retaliation for having reported or threatened to report harassment.

Despite including this subsection in the Agency’s notice of discipline, Hegerty testified it did not apply in this case. Therefore, no violation is found under this subsection, or any other subsection of CSR 15-102.

V. DEGREE OF DISCIPLINE

The purpose of discipline is to correct inappropriate behavior if possible. Appointing authorities are directed by CSR 16-20 to consider the severity of the offense, an employee's past record, and the penalty most likely to achieve compliance with the rules. CSR § 16-20.

A. Severity of the Proven Offenses.

Without Novitch's admissions, the Agency would not have proven any of the violations it alleged. The only proven violations were relatively minor.

As a Manager charged with training others and enforcing workplace rules, Novitch should have been particularly sensitive to inappropriate workplace behavior. She acknowledged "[t]his type of behavior is unacceptable, especially since I am in a leadership position." [Exhibit 10]. However, her actions did not rise to the level of sexual harassment claimed by the Agency. What is left, then, is an ill-conceived prank played by a supervisor on a subordinate friend, without considering consequences or the subordinate's potential embarrassment in advance. What may have seemed like a clever idea on television translated poorly to the real workplace. In other words, it was a careless mistake rather than a nefarious undertaking.

The Agency found both Jones and Portillo "stood in shock" by Novitch's action, but Jones did not use that language in his report 18 days after the incident. However, he was embarrassed and thought he could "get in trouble for kissing a manager."

While Jones was embarrassed at the time, he remained unoffended by the incident. He even consoled Novitch when an investigation ensued. Novitch and Jones continue to have a friendly relationship. However, this case is as much about objectively-untoward conduct by an upper level supervisor toward a subordinate as it is the subjective perception of a particular subordinate.

B. Prior Record.

Before this case, Novitch had no discipline in her 23-year employment.

C. Likelihood of Reform.

It was evident that Novitch was mortified by her actions and was contrite. She has maintained an apologetic response throughout this case, including from the first time she was notified she was under investigation, again during her pre-disciplinary meeting, [Exhibit 10], and again during hearing. She described her actions as "a dumb mistake," "a bad choice" and "sorry for all the trouble I've caused." At her pre-disciplinary meeting, Novitch declared:

I displayed poor judgment. I am very sorry for my actions. This type of behavior is unacceptable, especially since I am in a leadership position. I understand that I need to maintain a high level of decorum and represent myself with a higher

professional standard as manager. I apologize for any distress that I've caused to all involved. I accept any discipline that you decide. I just ask that you take my previously-unblemished past into account, and realize that I will not conduct myself in this type of behavior ever again.

[Exhibit 10].

As co decision-maker, Hegerty was convinced of Novitch's sincerity. He recognized she "took absolute ownership" of her actions, and believed it was an isolated incident. [Hegerty testimony].

D. Additional Factors.

Reasonable administrators have the difficult task of balancing the need to enforce rules for bad conduct or poor performance along with the primary purpose of Career Service disciplinary rules, to repair bad behavior or performance when possible. Thus, a reasonable administrator may, and should, assess a substantial penalty for substantially bad conduct or performance. At the same time, in keeping with the philosophy of the Career Service Rules, a reasonable administrator should assess minimal penalties for easily-correctable actions or performance which cause minimal harm, and where no prior bad conduct or performance justifies a more significant penalty.

This is a rare case in that the appellant took immediate and full responsibility for her actions, has an otherwise unblemished, meritorious record and, to those in authority, the likelihood of her repeating similar conduct appeared virtually nil. Under those circumstances, and because the proven violations were relatively minor, the principal purpose of discipline under the Career Service Rules, to correct inappropriate behavior or performance, if possible, is not served by more than a minimal penalty. In re Lacombe, 10-14A (CSB 7/16/15).

Hegerty decided on the degree of discipline by committee. He consulted with: his chief financial officer; a Career Service human resource professional; the chief operating officer; and another human resource professional who leads the Agency's HR division. HR looked for "any cases in which there was a similar occurrence" throughout the City, and apparently found none, since they tied the severity of discipline in this case to a failure to report a traffic violation. [Hegerty testimony]. Nonetheless, HR informed Hegerty "most of these cases [result in] dismissal." [Hegerty testimony].

The degree of discipline under the Career Service Rules does not depend upon comparable cases. Even if comparative discipline were proper, the cases to which the Agency alluded were not comparable. A determination of the degree of discipline under the Career Service Rules must, primarily, assess the likelihood of reform, taking into consideration the seriousness of the proven offenses, and the appellant's past record. CSR 16-20. Hegerty's consideration of unrelated acts by employees in entirely different agencies, and an unrealistic assessment of Novitch's wrongdoing, failed to follow the 3-part analysis required of a reasonable administrator

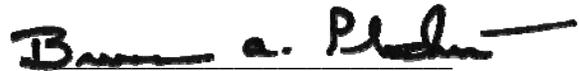
under CSR 16-20.

For the reasons stated above, the Agency's choice of discipline in this instance was clearly excessive, an abuse of discretion, fell substantially outside the range of penalties available to a reasonable administrator, and, therefore, must be modified accordingly. In re Leyba, 59-14A (CSB 2/5/16); In re Lacombe, 56-14A (CSB 7/16/15).

VI. ORDER

The Agency's two-week suspension of the Appellant's employment, assessed on September 30, 2015 is MODIFIED to a written reprimand. The Agency is ordered to remove any reference to the originally-imposed suspension from Appellant's personnel file, and is ordered to pay the appropriate back pay and other benefits under the Career Service Rules no later than two pay periods after the date of this Decision.

DONE February 23, 2016.

A handwritten signature in black ink that reads "Bruce A. Plotkin" with a horizontal line extending to the right.

Bruce A. Plotkin
Career Service Hearing Officer

NOTICE OF RIGHT TO FILE PETITION FOR REVIEW

A party may petition the Career Service Board for review of this decision in accordance with the requirements of CSR § 19-60 et seq. within fifteen calendar days after the date of mailing of the Hearing Officer's decision, as stated in the certificate of mailing below. The Career Service Rules are available at [www.denvergov.org/csa/career service rules](http://www.denvergov.org/csa/career%20service%20rules).

All petitions for review must be filed by mail, hand delivery, or fax as follows:

BY MAIL OR PERSONAL DELIVERY:

Career Service Board
c/o Employee Relations
201 W. Colfax Avenue, Dept. 412
Denver CO 80202

BY FAX:

(720) 913-5720

Fax transmissions of more than ten pages will not be accepted.