

ORDER DISCHARGING SHOW CAUSE

IN THE MATTER OF THE APPEAL OF:

MITRA FALLAHI-ZENHARI, Appellant,

vs.

DEPARTMENT OF HUMAN SERVICES, DIVISION OF CHILD WELFARE AND YOUTH SERVICES,
and the City and County of Denver, a municipal corporation, Agency.

On January 28, 2014, Appellant was ordered to show cause why her national origin and sex discrimination claims should not be dismissed. Appellant filed a response on January 29, 2014. The Agency replied to Appellant's response on February 7, 2014, in which it urged dismissal of Appellant's national origin and sex discrimination claims for failure to establish a prima facie case on either claim.

Appellant is a female of Iranian origin. In response to the order, Appellant asserts that she was harassed by co-workers as a result of her accent. Appellant complained to former Director Allen Pollack, who agreed there may be "language barrier" issues but took no action. She also claims that, despite her status as a bi-lingual former refugee, she was denied the assignment of working with refugees in favor of a social worker who lacked her experience and skills. Appellant does not state when either action occurred, or who denied her the assignment.

Appellant also alleges that she was disciplined, denied promotions, and subjected to unfair scrutiny after she rejected a sexual advance by her previous supervisor, Tracy Neely. She states that Mr. Neely asked her if she was "with me or against me", grabbed her hands, pulled her towards him, and tried to kiss her. When she rejected his advance, Neely told her she would regret it if she left the room, and that he would make sure she was fired.

The Agency argues that these allegations fail to identify the dates of these events or otherwise assert a logical connection between these acts and the discipline. I find that the allegations are sufficient to assert each element of a prima facie case of discrimination. Appellant will bear the burden at hearing of persuading the fact-finder that the action taken was motivated by her sex and/or national origin.

Order

Based on the foregoing findings and conclusions, the order to show cause is discharged. The appeal will proceed to hearing on all claims.

DONE February 10, 2014.


Valerie McNaughton
Career Service Hearing Officer