

**HEARING OFFICER, CAREER SERVICE BOARD
CITY AND COUNTY OF DENVER, COLORADO**
Appeal No. 48-07

ORDER OF DISMISSAL

IN THE MATTER OF THE APPEAL OF:

CAREY M. MUHLHAUSER,
Appellant,

vs.

DEPARTMENT OF SAFETY, DENVER POLICE DEPARTMENT
and the City and County of Denver, a municipal corporation,
Agency.

On August 22, 2007, Appellant was ordered to show cause why this appeal should not be dismissed for lack of jurisdiction. Appellant timely responded to the order on August 23, 2007. The Agency filed its response on August 27, 2007, arguing that Appellant lacks career service status to file this appeal.

The appeal form lists a layoff and a grievance as the two bases for the appeal. Appellant's Aug. 8, 2007 submittal attached to the appeal indicates that Appellant was employed for 39 hours a week under a one-year contract. If so, Appellant is a part-time limited employee serving a six-month probationary period. CSR §§ 5-32, 5-33, 5-42.

The Order to Show Cause directed Appellant to indicate her employment status, state whether discrimination was alleged, identify the type of separation, and state whether a grievance had been filed. Appellant responded that she was unable to provide information on her status and the nature of the separation because the Agency had not responded to her request for records. The Agency filed its own response, asserting that Appellant was an on-call employee. The personnel form attached to the Agency response shows that Appellant was either an on-call or a regular employee who was employed with the Denver Police Department for less than two months at the time of her separation.

If Appellant was on-call, she would not serve a probationary period, and could not attain career status "for the duration of the appointment." CSR § 5-42 D. If Appellant was hired as a regular or contract employee, she would have been on probation at the time of her separation, two months after her hire date.

Probationary employees may only challenge Agency action on the ground of discrimination. CSR §§ 5-61 2) and 5-64 2) and § 19-10. Neither the appeal nor Appellant's response shows Appellant alleges discrimination as a ground for the appeal.

As to the grievance issue, Appellant admits in her response that she did not file a written grievance.

Order

Accordingly, this appeal is hereby DISMISSED with prejudice for lack of jurisdiction.

Dated this 29th day of August, 2007.


Career Service Hearing Officer

I hereby certify that I have forwarded a copy of the foregoing as indicated below:

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