

FINDINGS AND ORDER: Request to Stay Hearing Officer's Decision

IN THE MATTER OF THE APPEALS OF:

ELIZABETH HAMILTON,

Appellant/Respondent,

vs.

**FACILITIES PLANNING MANAGEMENT, DEPARTMENT OF GENERAL SERVICES,
DEPARTMENT OF PUBLIC WORKS,** and the City and County of Denver, a municipal
corporation,

Agency/Petitioner.

This matter is before the Career Service Board on the Agency's Request for a Stay of the Hearing Officer's Decision, dated September 17, 2010, which reversed the Agency's layoff of Appellant. The Board has reviewed the Agency's request and Appellant's response and **DENIES** the requested stay on the following grounds.

Pursuant to Career Service Rule (CSR) 19-66 B., the Board may stay a hearing officer's decision if the requesting party demonstrates that irreparable harm, injury or loss would occur if the stay is not granted. Here, the Agency argues that Appellant's position has been eliminated and reinstatement would require the Agency to create a new position for Appellant when her previous duties are currently being performed in another city agency. This is the same argument advanced by the agency in *Mestas, et al*, CSA 64-07, 61-07, 62-07, and 67-07. Consistent with our findings and order in *Mestas*, the elimination of an employee's position following a dismissal or a layoff is not a showing of irreparable harm for purposes of staying the hearing officer's decision. (CSB, 6/19/08, p. 1, Findings and Order on Motion to Stay).

ORDER

IT IS THEREFORE ORDERED that the Agency's Request to Stay the Hearing Officer's Decision is **DENIED**.

SO ORDERED by the Board on October 21, 2010, and documented this
21st day of October, 2010.

BY THE BOARD:

Felicity O'Hara
Co-Chair

Board Members Concurring:

Michelle Masby Neary
George
Call

Tom Bonner