

**HEARING OFFICER, CAREER SERVICE BOARD
CITY AND COUNTY OF DENVER, COLORADO**
Appeal No. 33-10

ORDER DENYING STAY OF SUSPENSION

IN THE MATTER OF THE APPEAL OF:

LORETTA JAMES, Appellant,

vs.

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

Appellant has filed a motion to stay her 60-day suspension pending the outcome of this appeal. The Agency has filed a response objecting to the motion.

The Career Service Rules authorize hearing officers "to hear and decide all appeals [and] perform the functions necessary to implement and maintain a fair and efficient process for appeals." CSR § 19-30. The rules limit the relief that may be granted by a hearing officer to affirming, modifying or reversing agency action after close on the record. CSR § 19-55. The granting of any relief before such a hearing is not provided for in the rules and is inconsistent with the clear intent of the rules governing these proceedings. See CSR § 19-66 B. (permitting stay of hearing officer's decision pending petition for review); CSR § 19-42 C. (providing that appeal proceedings may be stayed for good cause). If the Career Service Board intended to authorize the hearing office the power to grant temporary relief similar to an injunction or temporary restraining order in state civil courts, it would have specifically included a rule setting forth the procedures and grounds for ruling on issue. See e.g. C.R.C.P. Rule 65.

Because the Career Service Hearing Office lacks the power to suspend operation of an agency disciplinary action under the rules, the motion for stay of the suspension pending completion of the hearing is denied.

Done this 18th day of May, 2010.


Valerie McNaughton
Career Service Hearing Officer

I certify that on May 18, 2010, I delivered a correct copy of this Order to the following in the manner indicated:

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