

**HEARING OFFICER, CAREER SERVICE BOARD
CITY AND COUNTY OF DENVER, COLORADO**
Appeal No. 15-07

ORDER OF DISMISSAL

IN THE MATTER OF THE APPEAL OF:

RAY S. STEVENSON,
Appellant,

vs.

DEPARTMENT OF PUBLIC WORKS – STREET MAINTENANCE,
and the City and County of Denver, a municipal corporation,
Agency,

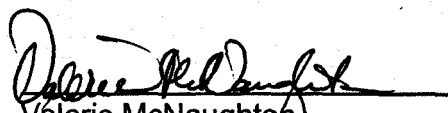
Appellant has timely responded to the April 10, 2007 Order to Show Cause. The Agency has not filed a response.

Appellant asserts that on April 4, 2007 he served a copy of the appeal form on the Agency and the Auditor's Office, and that the Agency was thus aware of the dispute within the fifteen days required for the filing of a grievance under Career Service Rules. Appellant states that on March 30th, he spoke with CSA Employee Relations about this matter. He was later mailed a copy of an appeal form, but was not advised to first file a grievance before submittal of the appeal. He requests that this action "stand as a grievance form and to allow processing accordingly."

CSR § 19-10 B. 2. provides jurisdiction over an appeal of an agency's denial of a grievance. A grievance is properly filed by delivering a completed CSA grievance form to the department or agency within 15 days of notification of the action or inaction being grieved. CSR § 18-40 B. The purpose of this rule is "to provide a process to resolve workplace issues at the lowest possible level." The process anticipates that employees and supervisors will use it "in good faith". Rule 18, Purpose Statement. Appellant's failure to use the official grievance form does not nullify his efforts to make the Agency aware of the dispute in order to allow it to investigate and resolve it at the lowest level, as encouraged by Rule 18. The Agency had actual notice of the nature of the dispute, and thus Appellant is in substantial compliance with the grievance procedure set out in Career Service Rule § 18-40. See In re Boden, CSA 86-06, 2 (Order 11/22/06).

This appeal is dismissed without prejudice to allow the Agency to process the matter presented in the appeal form as a grievance. Appellant may file an appeal of the Agency's disposition of the matter under CSR § 19-10 B. 2.

DONE this 17th day of April, 2007.


Valerie McNaughton
Hearing Officer for the
Career Service Board

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CERTIFICATE OF DELIVERY

I hereby certify that I have forwarded a true and correct copy of the foregoing **ORDER** this 17th day of April, 2007 to the following:

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