

**ORDER GRANTING AGENCY AND APPELLANT'S DISCOVERY MOTIONS**

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IN THE MATTER OF THE APPEAL OF:

**DAVID TENNISON**, Appellant,

vs.

**DEPARTMENT OF PUBLIC WORKS,**  
and the City and County of Denver, a municipal corporation, Agency.

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The Agency filed a motion for discovery on September 19, 2011, and Appellant did not respond to the request. After being granted an extension of time to attempt to resolve discovery disputes, Appellant filed a motion for discovery on September 22<sup>nd</sup>. The Agency did not respond to Appellant's request.

This is Appellant's direct appeal of his disqualification from employment as a Senior Utility Worker with the Department of Public Works on August 11, 2011. Appellant also claims disability discrimination.

Agency's Discovery Requests

The Agency requests 1) documents from Appellant's health care providers that Appellant plans to present as evidence, and 2) copies of job descriptions Appellant plans to offer at hearing to show he was improperly disqualified.

The requests for medical documents and job descriptions are discoverable on the issues presented by Appellant's claims, and their production during discovery instead of the amended pre-hearing statement will streamline the hearing process.

Appellant's Discovery Requests

Appellant seeks 1) job descriptions for two positions that Appellant asserts became available during his interactive process: a Fleet Maintenance Parts Clerk and a SWU Street Maintenance street patch worker; 2) the dates those positions opened and closed, and 3) the names of the individuals hired for each of these positions. The information requested is discoverable in both the disqualification and disability claims.

Order

Based on the foregoing findings, it is ordered that both the Agency and

Appellant's motions for discovery are GRANTED.

DONE September 28, 2011.

  
Valerie McNaughton  
Career Service Hearing Officer

I certify that on September 28, 2011, I delivered a copy of this Order to the following:

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