

DECISION AFFIRMING DISMISSAL

EMINA GEROVIC, Appellant,

v.

GENERAL SERVICES, FACILITIES MANAGEMENT, and the City and County of Denver, a municipal corporation, Agency.

I. INTRODUCTION

Appellant appeals her dismissal from employment with the Facilities Management division of the City's General Services (Agency) on November 27, 2017, for alleged violations of specified Career Service Rules. A hearing concerning this appeal was conducted by Bruce A. Plotkin, Hearing Officer, on March 2 and May 11, 2017. The Agency was represented by Shelby Fenton, Assistant City Attorney, while the Appellant was represented by Thalia Karny, Esq., and Karla Carrigan, Esq., of the 1626 Washington Law Firm. Agency exhibits 1-10, 13, 14, 17-3 through 17-12, and 24 were admitted. Appellant' exhibits E, G, I, and O-Q were admitted. The following witnesses testified for the Agency: HR Manager Anna Forsberg, Senior HR Business Partner Anne Carter, Senior Systems IT Analyst Amber Escobedo, Operations Supervisor Leroy Lemos, Deputy Director Kevin O'Neil, Executive Director Murphy Robinson, and Director James Williamson. The Appellant testified on her own behalf, and presented Sgt. Randy Steinke, Denver Police Dept.

II. ISSUES

The following issues were presented for appeal:

- A. whether the Appellant violated any of the following Career Service Rules: 16-29 A.; D.; G.1.; I.; or R.; or T.;
- B. if the Appellant violated any of the aforementioned Career Service Rules, whether the Agency's decision to dismiss her conformed to the purposes of discipline under CSR 16-41;
- C. whether the Agency's dismissal of Appellant was motivated by unlawful retaliation; or
- D. if Appellant established her retaliation claim, whether the Agency had a legitimate, non-retaliatory justification for her dismissal.

III. FINDINGS

The Appellant, Emina Gerovic, was a custodial worker for the Agency for three years. She had been disciplined for failing to take responsibility for her actions, being dishonest, and for conduct that may have brought disrepute on or compromised the integrity of the City. In 2015, she was disciplined for wearing a Denver Police Department sweatshirt while on duty. [Exh 1-4].

In her May 2017 written reprimand, Gerovic was cautioned to avoid gossip and consistently negative attitude toward her supervisors and to "treat your co-workers, including contract personnel and the public with respect and professionalism." She was also warned "[y]our continued failure to be honest, truthful and/or forthcoming with false and mis-directing statements will not be tolerated."

On July 7, 2017, Gerovic injured herself at work. As a result of her accident, she took FMLA leave from July 11 to August 14.

On September 11, 2017, Facilities Management Operations Supervisor LeRoy Lemos, Appellant's supervisor, was notified there were several pictures of Gerovic on her Facebook page in 2015, showing her wearing a Denver Police Department badge, hoodie sweatshirt, and police officer's hat, while listing her occupation as "Police Officer." One comment offered congratulations for Gerovic's apparent accession to the police force. There was no indication from any of the posts that the pictures or exchanges were intended as a joke. [Carter testimony]. The Facebook page continued to list Gerovic as a police officer and display the police officer uniform photographs until she was ordered to remove them in September 2017.

The Agency served Gerovic with a letter in contemplation of discipline on September 19, 2017. The next day, Lemos notified Gerovic her work location was being transferred from the Denver Police Department's District 5 offices to Denver Human Services. Gerovic complained about the change to several managers. The Agency, while maintaining its right to transfer Gerovic's work location, acceded to her request to keep the same work schedule as before. Lemos issued a notice on September 21, 2017, affirming Gerovic's transfer. [Exh. 4].

Gerovic's supervisors issued a "Memorandum of Expectations" on October 3, 2017, [Exh. 3], requiring Gerovic to go through a specified chain of command for "any questions or issues." The Memorandum also notified Gerovic "disruptive behavior (including inappropriate workplace conversations) will not be tolerated." Gerovic was also required to be truthful and forthcoming.

On October 5, 2017 and on October 11, 2017, Senior Systems IT Analyst Amber Escobel told Operations Supervisor LeRoy Lemos and Senior HR Business Partner Anne Carter she had several interactions the previous year with Gerovic that concerned her. She stated Gerovic engaged in lengthy, personal conversations, spoke derogatorily to two other employees, used vulgar language, and gossiped about the Agency management, stating they were going to lose their jobs and shared inappropriate comments about Lemos. The employee did not know Gerovic well and

the interactions made her uncomfortable, but she stated she needed Gerovic's help to accomplish her job.

The Agency served Appellant with a contemplation of discipline letter on October 18, 2017, [Exh. 2], then convened a pre-disciplinary meeting on October 31 which Gerovic attended with legal counsel. The Agency delivered its notice of dismissal to Gerovic on November 27, 2017. [Exh. 1]. This appeal followed timely on December 11, 2017.

IV. ANALYSIS

A. Jurisdiction and Review

Jurisdiction is proper under CSR §19-20 A.1.a., as the direct appeal of a dismissal. I review the evidence *de novo*, meaning I consider the evidence as though no previous action had been taken. [*Turner v. Rossmiller*, 532 P.2d 751 (Colo. App. 1975); CSR 19-55 A].

B. Burden and Standard of Proof

This case contains a mixed burden of proof. The Agency retains the burden of persuasion, throughout the case, to prove the Appellant violated one or more cited sections of the Career Service Rules, and to prove its decision to terminate Appellant's employment complied with CSR 16-41. [See CSR 19-55 A]. The Appellant retains the burden of persuasion to prove the Agency engaged in unlawful retaliation. [CSR 19-55 E]. The standard by which the moving party must prove its claims is a preponderance of the evidence.

C. Career Service Rule Violations

1. **CSR 16-29 A. Neglect of duty or carelessness in performance of duties and responsibilities.**

Facilities Management Director James Williamson, the Agency's decision maker testified Gerovic violated this rule for her failure, under two of the City's STARS values, to provide good service. He specified her actions toward a City employee who was offended by her language. [Williamson testimony].

The two Mayor's STARS [Service, Teamwork, Accountability, Respect, Safety] values cited by the Agency were "Teamwork" and "Respect for Self and Others." Teamwork is described as working "cooperatively with others to achieve team goals... foster[ing] commitment and team spirit and work[ing] with other to meet business objectives. Respect for self and others is defined as treating "others with consideration and high regard" as well as "respect[ing] differences that exist among fellow employees and recogniz[ing] that those differences are an important source of innovation, progress and interpersonal awareness." These aspirational goals fail to establish notice of an enforceable duty; thus, no violation is found by this claim.

Williamson also stated he found Gerovic neglected her duty to be honest, in violation of this rule. [Williamson cross-exam]. This allegation clearly implicates CSR 16-29 D., immediately below, without citing or inferring any other duty. Permitting such a practice would mirror other rule violations. Such redundancy of violations is not contemplated by the Career Service Rules. [See *In re Gordon*, CSA 10-14, FN 1 (11/28/14); see also *In re Wright*, CSA 40-14, 7 (11/17/14); *In re Marez*, CSA 58-16, FN 5 (1/26/17)]. No separate violation is established for this allegation.

2. CSR 16-29 D. Any act of dishonesty, which may include, but is not limited to, lying, or improperly altering or falsifying records, examination answers, or work hours.

At hearing, Williamson stated Gerovic lied in the following four ways:

a. Gerovic stated she was unaware how the designation of “police officer” as her occupation ended up on her Facebook home page. [Exh. 17-5, 17-6].

Gerovic’s Facebook page listed her employment as “police officer.” [Exh. 14]. When Lemos asked Gerovic about the entry, she told him “I assume it popped up automatically.” [Gerovic testimony]

Gerovic did not dispute that the Facebook page was hers, nor did she dispute that it listed her employment as “Police officer at Denver Police Department (Colorado).” [Exh. 17-5]. She disputed only that she was the one who posted that information, and argued it merely referred to her work location. She claimed to be unaware her employment was listed as police officer. While she did not directly implicate her daughter, Gerovic stated her daughter enters Facebook page posts for her, as she does not know how to.

The following factors indicate, by a preponderance of the evidence, that Gerovic was aware her employment was listed in Facebook as “police officer” before September 2017: she was aware of the photographs taken of her in various police clothing and insignia;¹ she acknowledged she frequented her Facebook page to view and post for family; [Gerovic testimony]; her daughter did not testify, therefore did not back Gerovic’s claims that her daughter mistakenly, or in jest, posted Gerovic’s profession as “police officer;” at the time her supervisors questioned her about it, Gerovic did not claim her daughter, or anyone else, posted the “police officer” entry; [Williamson testimony]; Gerovic did not explain the “police officer” occupation post during her pre-disciplinary meeting or in any pre-hearing document. Finally, Gerovic referred to herself as a Denver Police Department employee in her worker’s compensation referral to physical therapy.² Together these factors prove

¹ Gerovic testified at hearing that others posted photographs to her Facebook page: Specifically, she claimed Exh. 5-9 was taken by a retiring police officer at a party using her phone, who then also posted the picture on her Facebook page using her phone.

² It seems unlikely the Agency would have misidentified Gerovic to the Worker’s Compensation doctor as a DPD employee; on the other hand, given Gerovic’s affinity for affiliating herself with DPD, it seems more likely the misinformation originated with her. [See Exh. 18-54 (identifying Gerovic as a Denver Police Dept. employee in her medical referral from the “Ouchline,” a service for self-reporting of on-the-job injuries); Gerovic testimony; Exh. 17-3 through 17-12].

Gerovic was aware of her Facebook posting describing her profession as a police officer, contrary to her claim otherwise, in breach of CSR 16-29 D.

b. Facebook photos of Gerovic in police attire were a joke; Gerovic did not represent herself as a police officer.

The totality of circumstances does not support Gerovic's claim that her Facebook photos showing her dressed in Denver Police Department attire were a joke. Gerovic claimed she was ordered to pose for one or more of the photos by a police officer, [Exh. 1-4], while claiming the photographs with her dressed in police attire were "for fun," [Exh. 1-4]. Being ordered to pose for a picture is incongruous with posing for fun or as a joke.

Facebook comments responsive to the photographs of Gerovic dressed as a police officer, included: congratulations; that the jacket looks good; and wishing her lots of luck, to which Gerovic responded "thanks." There was no indication that the posting or responses were intended as a joke.

Gerovic felt a strong connection between her identity and working at the police department.³ Gerovic denied posting the photographs shown in Exhibits 17-9 and 17-10, but acknowledged posting those in 17-8, 17-11 and 17-12 showing her in a blue hoodie with a DPD patch, a tee shirt with a DPD patch, and a service placard with her image and a DPD badge below it. [Gerovic testimony].

The preponderance of the evidence proves Gerovic's posting of herself wearing Denver Police attire was intended to represent herself as a police officer, contrary to her representations to the contrary. Such misrepresentation violated CSR 16-29 D.

c. October 5, 2017 vulgar language and disrespectful exchange with City employee.

While the Agency charged Gerovic with this violation in its notice of discipline, [Exhibit 1-7], it provided no evidence of the exchange at hearing. The allegedly-affected employee was not called to testify and no other evidence tended to support the hearsay allegations. [See Indus. Claims App. Office v. Flower Stop Marketing Corp., 782 P.2d 13 (Colo. 1989)]. Gerovic's testimony denying the allegation was sufficient rebuttal evidence to overcome the allegation. This violation remains unproven.

³ For example, when O'Neil informed Gerovic that her work location was being moved, Gerovic's first response was not, as she later claimed, out of concern for being unable to pick up her grandson from school, but "NO! You can't do this! Why are you taking away my station?" It was only after reflecting for some time that she mentioned her grandson. [Exh. 1-5; O'Neil testimony]. She also claimed, with evident falsity, that she had been promised a permanent placement at the District 5 police station. [Id]. When she met with Robinson, she warned him she would file an EEOC complaint unless the Agency made her "happy" again, evidently referring to remaining at the police station.

d. Promised permanent position cleaning DPD Dist. 5 admin office

The Agency claimed, and Gerovic acknowledged, that when she was told about her impending transfer to clean another facility, Gerovic protested that her previous supervisor, Custodial Supervisor Tony Rios, promised her a permanent placement in the DPD District 5 Station. Gerovic's only evidence for her assertion was her testimony. Williamson denied anyone is promised a permanent shift. [Williamson testimony], and his authority would supersede that of Gerovic's immediate supervisor. Moreover, the Agency's rules clearly state "[t]he supervisor is responsible for establishing daily work assignments... [w]ork locations may also be altered in order to meet business needs." [Exh. 9-9]; Gerovic claimed "many" co-workers were never moved from their assigned location, [Gerovic testimony], but she did not produce any witness, document or other evidence to support her assertion. Finally, Rios did not testify.

Moreover, Gerovic acknowledged when she told O'Neil that Rios promised her a permanent assignment, O'Neil answered it would depend on business needs. [Gerovic testimony]. Finally, Gerovic's job specification states incumbents of that position perform duties "as assigned or requested." [Exh. 10-2].

O'Neil memorialized his meeting with Gerovic on September 21, 2017. In his contemporaneous memorandum, he responded to Gerovic that no one is guaranteed or would ever be guaranteed a permanent shift assignment. [Exh. 24]. In consequence of the evidence, Gerovic's assertion, that she was promised a permanent assignment at DPD District 5, was a false representation, knowingly made in the employment context in violation of CSR 16-29 D. [See In re Marez, CSA 58-16 (1/26/17), citing In re Rodriguez, CSA 12-10, 7 (10/22/10)].

3. CSR 16-29 G. Failing to meet established standards of performance including either qualitative or quantitative standards.

As it pertains to:

2017 Performance Management/Goals:

STARS Values/Goals

Teamwork: Works cooperatively with others to achieve team goals. Actively fosters commitment and team spirit, and works with others to meet business objectives.

Accountability and Ethics: Follows through on commitments made, and takes ownership for results and subsequent outcomes. Contributes to maintaining the integrity of the organization and displays high standards of ethical conduct.

Respect for Self and Others: Treats others with consideration and high regard. Demonstrates respect for the differences that exist among fellow employees

and recognizes that those differences are an important source of innovation, progress and interpersonal awareness.

Performance Goals:

Respectful Workplace: Ensures all interactions with the public, peers, supervisors/management and customer/tenants are conducted in a professional and courteous manner.

and:

2016 Performance Management/Outcomes (includes STARS values):

Ethics and Accountability: Follows both the letter and the spirit of all the City of Denver, General Services and Facilities Management, Ethic codes, Career Service rules, Administrative Policies and all other Departmental and Management directives.

Respect for Self & Others: Treats all people in a professional and courteous manner including subordinates, peers, supervisor and the public.

Williamson testified Gerovic violated the City's STARS values under this rule because she was not a team player. [Williamson testimony]. He also pointed to the performance expectation of custodian as including ethics, accountability and respect for others. [*Id.*]. It was unclear from this testimony what conduct was alleged to have violated a specified rule. This violation remains unproven. [See In re Schofield, CSA 08-17 (10/9/17)].

4. CSR 16-29 I. Failure to maintain satisfactory working relationships with co-workers and other individuals the employee interacts with as part of his or her job.

Williamson determined Gerovic violated CSR 16-29 I. in slandering her supervisor, Lemos, by denigrating his activism. [Williamson testimony]. However, on cross-examination, Williamson acknowledged he did not know if Gerovic's statements about Lemos were true. Consequently, this violation remains unproven. Similarly, his secondary claim that, even if the statements were true, they were disrespectful, without more, fail to establish a violation under this rule.

5. CSR 16-29 R. Conduct which violates...written departmental or agency regulations, policies or rules.

The Agency claimed the Appellant violated the following written policies.

Facilities Management Administrative Policies, February 2014

EMPLOYEE CONDUCT

As a representative of General Services/Facilities Management and the CCD, you are a public servant and a role model for all community members. That means that you are held to a high standard of excellence and professionalism. All Division staff are expected to comply with the CCD standard at all times.

- **Every City employee shall conscientiously fulfill the duties and responsibilities of their position. The conduct of every employee shall reflect credit on Career Service and the CCD during work hours or at any time while representing the agency, Division, or CCD.**
- **Employees must not disturb other City employees or the public. While employees are expected to be pleasant to building tenants and the public, they should not initiate lengthy personal conversations with other City employees or the public, except where all parties are on scheduled lunch periods or breaks. Loud talking, loud laughing and/or noise, swearing, inappropriate jokes and/or remarks are prohibited at all times.**
- **Employees are expected to behave in a professional manner at all times, whether during their regular shift or overtime, and treat the public, building tenants, their co-workers and supervisors with respect. Arguments, constant complaining, gossip and/or a consistently negative attitude toward the job, supervisors or other employees is not appropriate.**

Amber Escobedo described encounters with Gerovic as using “interesting and maybe a little rough” language, including a “lot of vulgarity,” without providing specific examples. Escobedo stated a co-worker was offended by Gerovic’s language and left the room. Escobedo denied Gerovic appeared to be joking. [Escobedo cross-exam].

Williamson found Gerovic’s vulgarity violated the Agency’s respectful workplace policy, above.

Gerovic claimed her lack of familiarity with the English language could have caused misunderstandings. Every Agency witness stated her communication was clear and unambiguous. [Carter testimony; Escobedo cross-exam; Lemos testimony; Williamson testimony]. During her meetings with her supervisors she never brought or requested an interpreter. Her testimony at hearing was clear and comprehensible. Gerovic’s use of vulgar language toward another City employee was prohibited by the Agency’s policy, above, and therefore was a breach of CSR 16-29 R as it pertains to the Facilities Management Administrative Policy regarding employee conduct.

USE OF WORK/BREAK TIME

All employees must make necessary arrangements to transact their personal business outside of scheduled work hours.

The Division encourages you to take your authorized breaks away from the work area to give you some time to re-energize and to minimize disruption and distractions to others. You are encouraged to use the City break room areas and not use other agency facilities (courtrooms, conference rooms, etc.).

It was unclear what evidence the Agency intended to prove a violation under these policies. If the Agency intended to refer to her attendance at a Denver Police Officer's retirement party, along with the photographs of her in police attire at that party, Gerovic countered that her attendance took place during her lunch hour. No violation is established under these Agency policies.

6. CSR 16-29 I. Conduct which is or could foreseeably:

- 1. Be prejudicial to the good order and effectiveness of the department or agency;**
- 2. Bring disrepute on or compromise the integrity of the City; or**
- 3. Be unbecoming of a City employee**

Williamson testified Gerovic violated "especially the 'conduct unbecoming' subsection of this rule." He specified Gerovic's conduct resulting in previous discipline and continuing through this case was not in accordance with the City's STAR values. Regarding subsection 1., above, Williamson testified Gerovic demonstrated "disruptive behavior," "a lot of gossip," and approaching people "to try to get her position back." [Williamson testimony]. These allegations fail to identify a connection between conduct and the alleged rule violations. Similarly, the notice of discipline did not connect any particular behavior with this rule. No violation was established under this rule.

D. Appellant's Retaliation Claim

In order to prove her retaliation claim, Gerovic must prove: (1) she engaged in a protected activity; (2) the Agency took an action that a reasonable employee would have found materially adverse; and (3) a causal connection between the protected activity and the adverse action. [In re Koonce, CSB 36-13A, 2 (10/16/14); Metzler v. Federal Home Loan Bank of Topeka (10th Cir. 2006)].

Gerovic claimed, and I find, her FMLA leave, from July 11 to August 13, was a protected activity. She claimed the timing of the Agency's dismissal established a causal connection between her FMLA and her ultimate dismissal. To that end, Gerovic returned to work from her FMLA leave on August 13, 2017; discipline was assessed November 27, 2017, approximately three months later. While Gerovic claimed only three weeks separated her return to work from the Agency's awareness of her Facebook postings, such awareness is not an adverse action, nor was the Agency's contemplation letter. [See In re Thomas, CSA 13-10 (Order 3/15/10)].

Next, Gerovic claimed the Agency's requirement that she transfer job assignments was tantamount to an adverse action. I disagree. Gerovic acknowledged she lost no pay, no benefits, and presented no evidence the new

location objectively carried any less status than the previous assignment.⁴ She acknowledged the new location was closer to her home, and otherwise failed to prove the change in location was materially adverse. Moreover, the Agency, as noted above, acted within its policy to transfer her based on its business needs. Under its policy, duty assignments are not guaranteed to be permanent and may include change of location. [Exh. 9-9]. While Gerovic disputed the transfer was based on any business needs, I find her transfer, following substantial allegations of impersonating an officer and the investigation of Career Service Rule violations was a valid business basis for that action.⁵

Notably, at the same time Gerovic told Robinson she was not being treated fairly, she acknowledged "I know what I did was a mistake," but told him she would file an EEOC complaint unless he made her "happy. [Exh.1-6]. Gerovic testified that, after the Agency accommodated her request to keep her same shift, she felt ok about working at the Castro Building. [Gerovic testimony].

These indicia prove the transfer was not an adverse agency action as required to establish an unlawful retaliatory action.

Next, Gerovic charged Lemos retaliated against her for taking FMLA leave, but Lemos had no authority to discipline Gerovic. [Carter testimony; O'Neil testimony; Williamson testimony]. In addition, in a meeting with several supervisors on September 21, 2017 concerning her work location transfer, Gerovic did not mention Lemos, her worker's compensation case, or her FMLA leave. She later told Carter that she misspoke at the September 21st meeting, apologized, and promised Carter would receive positive reports about her new assignment.

Finally, The Agency requested an extension to consider discipline following its pre-disciplinary meeting with Gerovic. The request for additional time to consider the evidence was an additional indication that the Agency did not have a retaliatory motive. Based on the evidence, above, Gerovic failed to prove her retaliation claim by a preponderance of the evidence.

V. DEGREE OF DISCIPLINE

The purpose of discipline is to correct inappropriate behavior if possible. Appointing authorities must consider the severity of the offense, an employee's past record, and the penalty most likely to achieve compliance with the rules. [CSR § 16-41].

⁴ Gerovic identified closely with her work as custodian at the Denver Police Department, but this association was highly personal, and no other evidence tended to establish the work she did at the DPD location objectively carried more status than her subsequent assignment. Moreover, the evidence established that Gerovic's identification of her work at DPD carried impermissibly over to identifying her as working for DPD. That association was at the core of the charges against Gerovic, and undermined any "status" argument.

⁵ That the impersonating allegations were never prosecuted was immaterial to the Agency's charges against Gerovic.

A. Seriousness of the proven offenses

Lemos credibly testified he was alarmed that a custodian under his supervision was representing herself as a police officer. He stated it was a safety issue for her and others who could be misled or confused by the uniform.

Williamson stated Gerovic's dishonesty regarding her Facebook post declaring herself to be a police officer was the most important factor in his decision to dismiss Gerovic. [Williamson testimony]. It is unlikely Gerovic's posting of pictures indicating she was a police officer and her failure to correct comments related to her position via Facebook would, alone, have resulted in dismissal. It was clear her dismissal resulted from repeated dishonesty. [See Williamson testimony].

B. Prior Record

In 2015 Gerovic was disciplined for wearing a DPD sweatshirt while on duty. She claimed at the time she wore it because she was proud to work for the DPD and was admonished she is not a DPD employee, and her representation could cause problems if she were misidentified as a police officer. [Exh. 1-4]. That prior incident, while minor, proved Gerovic knew she was not to represent herself as a DPD employee since 2015, while her displays and representations on Facebook to the contrary continued until September 2017.

This discipline was the second involving dishonesty within four months. Gerovic's May 2017 written reprimand specified "[m]ost important, you are expected to be truthful and forthcoming when asked for information or a report on an incident... [y]our continued failure to be honest, truthful and/or forthcoming with false and misdirecting statements will not be tolerated." [Exh. 6-7; 2-3].

Gerovic disputed the underlying basis for the May reprimand. Regardless of the legitimacy of the underlying charges, she was on notice that dishonesty would not be tolerated and any further dishonesty would be treated severely. [*Id.*].

Gerovic was counselled on March 16, 2017, [Exh. 7] for failing answer her work cell phone. By itself that counselling was not noteworthy; however, she failed to correct the issue and was counselled again in April 1, 2017 for the same thing. [Exh. 8].

Gerovic provided a commendation from 2014 regarding her custodial work. Her work review in 2014 was "exceeds expectations under a different supervisor; [Exh. O]; her rating in 2015 was "successful" under another supervisor; [Exh. P]; her 2016 rating was "exceeds expectations. [Exh. Q].

C. Likelihood of Reform

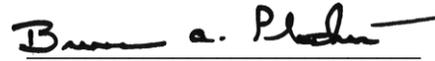
Throughout the disciplinary process and appeal, Gerovic denied any knowledge of or responsibility for her Facebook post which stated she was employed as a police officer. She also denied all other wrongdoing. A preponderance of the evidence

also indicated Gerovic was unwilling to resolve issues within the existing framework of supervision. Given her continuing denial of all wrongdoing, prior counselling and discipline for the same conduct as in this case, particularly as it relates to dishonesty, it appears unlikely a lesser discipline would resolve the proven inappropriate conduct.

VI. ORDER

The Agency's termination of the Appellant's employment on November 27, 2017, is AFFIRMED.

DONE June 1, 2018.



Bruce A. Plotkin
Hearing Officer
Career Service Board

NOTICE OF RIGHT TO FILE PETITION FOR REVIEW

You may petition the Career Service Board for review of this decision, in accordance with the requirements of CSR § 21-20 et seq., within fourteen calendar days after the date of mailing of the Hearing Officer's decision, as stated in the decision's certificate of delivery. See Career Service Rules at www.denvergov.org/csa. All petitions for review must be filed with the:

Career Service Board

c/o OHR Executive Director's Office
201 W. Colfax Avenue, Dept. 412, 4th Floor
Denver, CO 80202
FAX: 720-913-5720
EMAIL: CareerServiceBoardAppeals@denvergov.org

Career Service Hearing Office

201 W. Colfax, Dept. 412, 1st Floor
Denver, CO 80202
FAX: 720-913-5995
EMAIL: CSA Hearings@denvergov.org.

AND opposing parties or their representatives, if any.