

**HEARINGS OFFICER, CAREER SERVICE BOARD
CITY AND COUNTY OF DENVER, COLORADO**

Appeal No. 49-05

ORDER DISMISSING APPEAL

IN THE MATTER OF THE APPEAL OF:

BRIAN GIBBONS, Appellant,

vs.

Community Planning and Development, Agency,
and the City and County of Denver, a municipal corporation.

This matter comes before the Hearings Officer following the issuance of his Order to Show Cause, dated May 24, 2005. The Appellant filed a timely response on June 2, 2005. Having considered the Appellant's response, and being otherwise informed in this matter, the Hearings Officer now rules as follows.

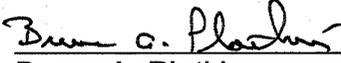
The Appellant alleges on October 1, 2001 he was assigned to the position of Acting Construction Chief Inspector, a higher job classification, which he held until July 1, 2003. The Appellant alleges he should now receive back pay for the dates in which he held the higher position, pursuant to Career Service Rule 7-80.

CSR 18-12 2) provides a grievance shall be filed with the immediate supervisor within ten calendar days from the date of notice of action. The date of notice of the Agency's action, which is the Agency's failure to give him a 6.9% pay increase, would have been the first pay check received by Appellant, after the 31st day of assignment to the higher classification. Appellant's grievance was therefore due sometime in November of 2001, ten days from the date of the first pay check he would have received after being in the higher classified position for over 30 days. Appellant did not file his grievance until April 4, 2005, nearly three and a half years later.

Appellant responds he "did ask 3 times during this period for the pay increase, but was denied." This response only serves to affirm the Appellant had notice of the action he complains of years before his appeal.

The Hearings Officer therefore finds the Agency action which is the subject of this appeal occurred during November, 2001. The Hearings Officer further finds the Appellant had notice of that action during November, 2001, but filed his appeal May 13, 2005. In light of these findings, the Hearings Officer must conclude the appeal is untimely pursuant to CSR 18-12 2), and CSR 19-22 a). Accordingly, this Appeal is DISMISSED WITH PREJUDICE.

DONE this 17th day of August, 2005.



Bruce A. Plotkin
Hearings Officer
Career Service Board