

MEMORANDUM

REVISION 253, SERIES B

TO: Holders of CSA Rule Books

FROM: CS Board

DATE: October 29, 2004

SUBJECT: Personnel Rule Revision – Rule 19-43 Transcript under Rule 19 Appeals

The Career Service Board has adopted an amendment to Rule 19-4 that was published as Rule Proposal 347B. The effective date of this revision is October 29, 2004.

	<u>Page Number</u>	<u>Effective Dates</u>
Remove	19-11	
Replace	19-11	October 29, 2004

PLEASE INSERT IN YOUR RULE BOOK IMMEDIATELY. THANK YOU.

19-43 Transcript

If the Career Service Board reopens the case, it shall order a transcript to be made of all proceedings before the Hearings Officer, or such portion of the proceedings as the parties may deem relevant, at the expense of the party requesting the opening. However, the requirement that a transcript be ordered shall not apply if the Board determines that its review is limited to a pure question of law or that a transcript is otherwise unnecessary for resolution of the appeal. (Rule Rev. 253B, 10/29/04)

19-44 Reconsideration of Decision of the Hearings Officer

The Career Service Board shall review the record of the proceedings and all written representations (exhibits, request for reopening and reconsideration of the decision of the Hearings Officer, response). At its option, the Career Service Board may order oral argument by the representatives of the respective parties. In requests alleging new and material evidence, the Career Service Board may receive additional testimony. A subpoena may be issued upon the authority of the Personnel Director where a case has been reopened by the Board on the grounds of new or material evidence, in accordance with requirements of Paragraph 19-23 b) Subpoenas.

19-45 Decision of the Career Service Board

If the Career Service Board has granted reopening of a decision of the Hearings Officer pursuant to paragraph 19-31 a), b), or c), the Board shall Issue a written decision which shall be binding upon all parties, affirming, modifying, or reversing the decision of the Hearings Officer, and shall direct the proper action to be taken if its decision is other than one of affirmance.

A decision of the Board shall be concurred in by at least three (3) members of the Board.

Section 19-50 Finality of Career Service Board Decision

If the Career Service Board has reopened a decision of the Hearings Officer for reconsideration, the appellate decision rendered by the Board shall constitute the final decision for purposes of requesting judicial review.

Section 19-60 Enforcement of Subpoenas

Subpoenas issued by the Career Service Board's Hearings Officer or by the Career Service Board shall be enforced in accordance with Section C6.12 of the Charter of the City and County of Denver.