MEMORANDUM

REVISION 32 SERIES D

TO: Holders of Career Service Rule Books

FROM: Career Service Board

DATE: October 20, 2017

SUBJECT: Addition of Career Service Rule 20 **DISCIPLINARY APPEALS TO THE CAREER SERVICE HEARING OFFICE FILED BY DEPUTY SHERIFFS**

The addition of Rule 20 was approved by the Career Service Board on October 19, 2017. Please insert the following pages in your rule book as soon as possible. Thank you.

RULE 20
DISCIPLINARY APPEALS TO THE CAREER SERVICE HEARING OFFICE FILED BY DEPUTY SHERIFFS

(Effective October 20, 2017; Rule Revision Memo 32D)

Purpose Statement:

The purpose of this rule is to provide a fair, efficient, and speedy administrative review of disciplinary actions of appointing authorities or an appointing authority's designee by the Career Service Hearing Office ("Hearing Office") filed by members of the Denver Sheriff Department ("DSD") in deputy sheriff classifications.

Section 20-5 Hearing Office Hours

The Hearing Office shall be open for business from 8:00 a.m. to 5:00 p.m., Monday through Friday, with the exception of holidays and days when City offices are closed or on modified hours due to inclement weather or a declared state of emergency.

Section 20-10 Definitions

A. Good cause: Except as otherwise stated in this Rule 20, good cause may be shown by circumstances beyond a party's control and does not generally include inadvertence, mistake, neglect or carelessness of the moving party. The lack of prejudice to the non-moving party does not constitute good cause. The good cause requirement may be waived by stipulation of the parties.

B. EDOS: Executive Director of the Department of Safety, including his or her designee.

C. Discipline or disciplinary action: The Departmental Order of Disciplinary Action issued by the EDOS or his or her designee.

Section 20-15 Alternative Dispute Resolution Available

A. A party may request mediation pursuant to Rule 18 **DISPUTE RESOLUTION** at any time during the appeal process. Parties are encouraged, but not required, to participate in mediation. Mediation will only be held if all parties agree to participate. Requesting mediation shall not suspend the time limitation for filing an appeal.

B. All mediation proceedings are private, confidential, and privileged unless the information disclosed is required to be reported under specific law. This confidentiality shall be specifically acknowledged and agreed to by each party at the beginning of the mediation.

C. The following shall not be admissible in any Career Service hearing for any purpose:

1. Testimony concerning discussions had during mediation regarding the subject in dispute in the appeal, with the following exceptions:

    a. All parties to the alternative dispute resolution proceeding and the mediator consent in writing;

b. The mediation communication reveals the intent to commit a felony, inflict bodily harm, or threaten the safety of a child under the age of eighteen (18) years; or

c. The mediation communication is required by statute to be made public.

2. Any writing signed by all parties as part of the mediation.

This does not bar admission of evidence discovered by a party outside of mediation.

Section 20-20 Actions Subject to Appeal

A. A current deputy sheriff who holds career status or a former deputy sheriff who held career status in the Career Service must file an appeal directly with the Hearing Office in order to challenge the following disciplinary actions of an appointing authority:

1. Dismissal;

2. Suspension or temporary reduction in pay; and

3. Involuntary demotion with an attendant loss of pay. Removal from an acting position is not a demotion. Removal of an employee from Senior Command Staff status (as defined in Rule 5 **APPOINTMENTS AND STATUS**) is not considered an involuntary demotion, and cannot be appealed.

B. All other grounds for an appeal permitted by the Career Service Rules not involving discipline (e.g., disqualifications, layoffs, Whistleblower Protection ordinance where the adverse action is not discipline, and grievances) must be filed in accordance with Rule 19 **APPEALS TO THE CAREER SERVICE HEARING OFFICE**.

Section 20-30 Form of Appeal

Every appeal shall be on the form prescribed by the Hearing Office and shall include:

A. The full name, mailing address, e-mail address, and telephone number of the employee ("appellant") filing the appeal;

1. If an attorney files the appeal on behalf of an employee, the appeal shall also contain the full name, mailing address, e-mail address, telephone number, and bar registration number of the attorney.

B. The action which is the subject of the appeal;

C. The reason for the appeal including, but not limited to, why the employee disagrees with the action which is the subject of the appeal and how the action violates state or federal law, the Rules, the City Charter, ordinances, executive orders or written agency policies; and

D. A statement of the remedy sought.

The appeal may be dismissed with prejudice if the appellant fails to comply with these requirements.

20-31 Filing Deadlines

A. All appeals of disciplinary actions pursuant to this Rule 20 shall be filed with the Hearing Office within fourteen (14) calendar days after the date of notice of the discipline being appealed.

B. The period of time for filing the appeal starts on the day after the date of the written notice of the disciplinary action, which shall be the date shown in the certificate of delivery or service.

C. Compliance with these filing deadlines is required to confer jurisdiction over the appeal to the Hearing Office.

20-32 Filing and Service Requirements

A. Except for the appeal form, all documents that are required by this Rule 20 to be filed with the Hearing Office shall also be served on all parties to the appeal, or, if represented, to their representative(s). Such service shall be made on the same date and, when possible, by the same method the document is filed with the Hearing Office.

B. If the final date of the period allowed for filing of a document required by this Rule 20 falls on a day the Hearing Office is not open for business, the due date is the next business day. The period for filing ends at 5:00 p.m. on the due date. In the event a document is received after normal business hours, it will be considered to have been filed on the next business day.

C. The filing of documents required by this Rule 20 shall be made by:

1. Hand delivery;

2. First class or more restrictive U.S. mail service or other commercial delivery service;

3. Electronic mail (“e-mail”). If documents are filed by e-mail, the party filing by e-mail shall retain both an electronic and a hard copy of the e-mail including sender, date, subject, and the address to which the e-mail was sent; or

4. Facsimile.

D. Filing and service shall be made to the address or e-mail address provided:

1. By the party (or the party’s representative); and

2. By the Hearing Office on its website.

20-33 Representation of Parties

A. Appellants may:

1. Represent themselves;

2. Be represented by an attorney; or

3. Be represented by a non-attorney as authorized by law and the Hearing Officer.

B. If an appellant is represented, a designation signed by the representative shall be promptly filed.

Section 20-40 Prehearing Procedures

All parties must adhere to the deadlines set forth in this Rule 20 and in the Notice of Hearing and Prehearing Order, as well as any other deadlines ordered by the Hearing Office.

20-41 Setting the Hearing Date, Length of Hearing, Continuances, and Stays

A. After an appeal is filed, the Hearing Officer shall:

1. Review the appeal for jurisdiction. If the Hearing Officer does not have jurisdiction, the Hearing Officer shall dismiss the appeal with prejudice. If jurisdiction is in dispute, the Hearing Officer may issue a show cause order to determine whether jurisdiction exists.

2. Set a hearing date that is no more than seventy (70) calendar days after the date the appeal was filed. Within fourteen (14) days of the Prehearing Order, either party may request that a new hearing date be set to accommodate the availability of a party, a party's representative, or a key witness. The new hearing date shall be set within the original seventy (70) calendar days.

3. Nothing in this rule prohibits any party from raising jurisdictional issues at any time during the appeal.

B. Length of hearing

1. The presumptive length of a hearing shall be no more than two days for the appeal of a dismissal, and one day for all other appeals. Longer hearings may be granted by the Hearing Officer only by the agreement of all parties or for good cause shown.

a. Any party requesting that the hearing be scheduled for longer than the presumptive length must state with specificity how much additional time is needed to present evidence that is material and relevant, and is not duplicative of other evidence.

b. Good cause, for purposes of extending the length of the hearing, requires a specific showing that the presumptive length of the hearing will be insufficient to present evidence that is material and relevant to the issues presented, and not cumulative. The Hearing Officer may delay a ruling on whether good cause exists to extend the length of the hearing until the parties have made good faith efforts to stipulate to uncontested facts, the admissibility of exhibits, and the issues presented, and may deny such a request if the requesting party has not made such efforts in good faith.

c. The fact that the discipline being appealed is based on several events or types of alleged misconduct or that an appeal involves several issues or claims does not in and of itself establish good cause for extending the length of a hearing.

2. If two or more appeals are consolidated for hearing, the length of the hearing may be extended proportionately.

C. Continuances

1. Upon motion by either party, the Hearing Officer may grant a continuance of the hearing for good cause shown. Motions for a continuance filed less than fourteen (14) days prior to the hearing are discouraged.

2. Good cause for a continuance generally means any cause not attributable to a party or a party's representative's act or omission. Good cause for a continuance will normally include a pending settlement or the sudden unavailability of a party, a party's representative, or a key witness due to his or her own or an immediate family member's illness, injury or death.

3. Good cause for a continuance will normally not include: unavailability of a key witness if the witness's testimony can be taken by telephone or deposition; a party obtaining representation less than two (2) weeks prior to the hearing; or failure of a party or a party's representative to timely prepare for the hearing.

D. Stays

A Hearing Officer may stay a matter for good cause shown including, but not limited to, mutual agreement by the parties, a pending dispositive motion, a pending interlocutory appeal or a pending settlement.

20-42 Motions

The filing of motions shall be governed by the following:

A. Prior to the filing of a motion, the party or the party's representative filing a motion should confer with the opposing party or the opposing party's representative. The motion shall, at the beginning, contain a certification that the party filing the motion has conferred in good faith with the opposing party or the opposing party's representative about the motion. If no conference has occurred,

the reason why shall be stated. If the relief sought in the motion has been agreed to by the parties or will not be opposed, the motion shall so state.

B. Except as otherwise stated in this Rule 20, the responding party shall have seven (7) days from the date of the motion to file a response. If there are less than seven (7) days before the hearing, the responding party may provide a written or oral response at the hearing. No reply from the moving party shall be permitted unless requested by the Hearing Officer. Motions in excess of ten (10) pages are discouraged.

C. Motions shall be determined promptly after the filing of the response, if any. However, the Hearing Officer may order expedited responses, oral argument or a hearing at his or her discretion or upon request of a party. The Hearing Officer shall not issue an order on an opposed motion until a response is filed or the response deadline has passed.

D. An opposed motion shall be deemed confessed upon failure of a party to file a response. If any party fails to appear at oral argument or hearing on the motion, without a prior showing of good cause for non-appearance, the Hearing Officer may proceed to hear and rule on the motion.

20-43 Discovery

Discovery is the process whereby parties exchange relevant documents, names of witnesses, and other information they may use during the hearing.

A. Discovery shall be narrowly limited to the material issues of fact that are in dispute and relevant to the appeal.

B. Initial Disclosures

1. Within fourteen (14) days of the date the appeal was filed, each party shall, without awaiting a discovery request, provide to the other party:

   a. The name and, if known, the address and telephone number of each individual the party may call to testify regarding the material issues of fact in dispute, identifying who the person is and the subjects of the information;

   b. A listing, together with a copy of, all documents, data compilations, and tangible things in the possession, custody, or control of the party which may be used by the party at hearing that are relevant to the material issues of fact in dispute and are not privileged or protected from disclosure.

2. Within fourteen (14) days of the date the appeal was filed, the DOS shall provide the entire Internal Affairs Bureau (“IAB”) file to the appellant. The DOS is permitted to redact names and other personal identifying information relating to minors or victims, redact any witnesses’ or third-parties’ personal identifying information, and redact or remove documents that are or contain information that is privileged or confidential by law.

The DOS shall provide a privilege log to the appellant with respect to any documents redacted or removed from the IAB file based on the asserted privilege no later than seven (7) days after providing the IAB file.

C. Expert Disclosures

1. Within thirty-five (35) days of the date the appeal was filed, a party shall disclose to the other parties the identity of any person who may provide expert testimony at hearing.

2. The opposing party shall disclose to the other parties, no later than fourteen (14) days prior to hearing, the identity of any person who may provide rebuttal expert testimony at hearing.

3. Expert disclosures shall be accompanied by a written report or summary containing a complete statement of all opinions to be expressed and the basis and reasons therefor; the data or other information considered by the witness in forming the opinions; any exhibits to be used as a summary of or support for the opinions; the qualifications of the witness, including a list of all publications authored by the witness within the preceding ten years; the compensation for the study and testimony; and a listing of any other cases in which the witness has testified as an expert at trial or by deposition within the preceding four years.

D. Written Discovery Requests

1. Written discovery requests shall be served no later than twenty-one (21) days after the date the appeal was filed. Extensions of time to submit written discovery requests may be granted only on a showing of good cause.

   a. Each party may submit up to five (5) requests for production of documents and five (5) interrogatories, including all discrete subparts.

   b. Each written discovery request must be narrowly tailored to seek specific information or documents. Overbroad requests such as requests for “all e-mails exchanged between the employee, the employee’s supervisor, and the decision maker for the last six months” shall not be permitted or enforced.

2. Responses to discovery requests must be provided within fourteen (14) days after the certificate of mailing of the requests.

3. A party that disputes the sufficiency of discovery responses or the validity of objections asserted in responses to discovery may file a Motion to Compel no later than fourteen days after the date the discovery responses are received. The responding party has seven (7) days thereafter to file a response to the motion. As soon as practicable thereafter, the Hearing Officer shall issue an oral ruling in a telephone conference which shall be recorded.

E. The party producing discovery may condition its production on the payment of reproduction costs at the rate of 25 cents per page. The Hearing Officer may waive or reduce the payment of such costs if the appellant demonstrates financial hardship.

F. Parties and Hearing Officers shall not request or compel the production of documents by any non-party to the appeal, such as the Office of the Independent Monitor ("OIM").

G. Parties shall not be permitted to take depositions unless an order is entered by the Hearing Officer in accordance with subparagraph 20-45 F.

H. All discovery shall be completed at least fourteen (14) days prior to hearing.

20-44 Prehearing Statements

A. The parties shall file their prehearing statements at least fourteen (14) calendar days before the hearing date listing final witnesses (including a detailed summary of their offered testimony and the estimated time required for direct examination), final exhibits relevant to the issues being appealed, and any agreed upon stipulations of the parties.

B. Failure to file a Prehearing Statement:

1. Except in the case of extraordinary circumstances, if an appellant fails to timely file a prehearing statement, the appeal shall be considered abandoned and shall be dismissed with prejudice.

2. Except in the case of extraordinary circumstances, if the Department of Safety ("DOS") fails to timely file a prehearing statement, the Hearing Officer shall impose appropriate non-monetary sanctions which may include reversal of the disciplinary action being appealed.

C. Evidence that was not disclosed timely by a party in a prehearing statement shall not be admissible at hearing absent a showing of good cause.

20-45 Subpoenas

Subpoenas to compel the attendance of witnesses at hearing, whose testimony is determined by the Hearing Officer to be relevant and necessary to the appeal, may only be issued by the Hearing Officer upon the motion of either party and supported by an offer of proof as to the material facts that will be provided by the witness.

A. Such motions shall be filed within thirty-five (35) calendar days of the date the appeal was filed and shall describe with particularity the substance of the anticipated testimony sought from the non-party witness. The responding party has seven (7) days thereafter to file a response to the motion. The Hearing Officer shall, if practicable, issue an order regarding the motion within seven (7) days of the date the responding party files a response to the motion, if any.

B. Subpoenas shall be served on the witness to whom it is directed in the same manner as subpoenas served in proceedings in the district courts for the State of Colorado pursuant to Colorado Rule of Civil Procedure (C.R.C.P.) 45. A subpoena for testimony at a hearing shall be served at least seven (7) calendar days before the first day of hearing. Immediately following service of a subpoena, the party who requested the subpoena shall serve a copy of the return of service on all parties.

C. Any non-party or a representative thereof may move to quash or modify a subpoena.

D. Appointing authorities shall make available for attendance at the hearing employees who have been properly and timely served with a subpoena issued by the Hearing Officer.

E. Subpoenas properly and timely served on an individual may be enforced in accordance with the Denver City Charter.

F. If it is not feasible for a subpoenaed witness to appear at the hearing in person, upon motion the Hearing Officer may require the witness to answer written interrogatories, to appear at a deposition, or to testify remotely by telephone or other means. The Hearing Officer shall require that the costs of such a deposition be paid by the party requesting the witness' testimony.

Section 20-50 Hearing Process

The Hearing Officer shall conduct the hearing in as informal a manner as is consistent with a fair, efficient, and speedy presentation of the appeal.

20-51 Evidence Allowed

To the extent practicable, the Colorado Rules of Evidence (C.R.E.) applicable to civil cases apply to all hearings before the Career Service Hearing Office. Unless the context otherwise requires, whenever the word "court," "judge," or "jury" appears in the C.R.E., such word shall be construed to mean the Hearing Officer.

While the Colorado Rules of Evidence should not be strictly applied, evidentiary principles still apply, including but not limited to the following:

A. Evidence must be relevant to be admitted at hearing. Relevant evidence is evidence that may make the existence of any material fact more probable or less probable than it would be without the evidence.

B. Evidence of compromise or settlement negotiations regarding the dispute being litigated shall not be admissible.

C. Common evidentiary privileges apply, including but not limited to the following privileges and doctrines:

1. Attorney-client privilege;

2. Attorney work product doctrine; and

3. Deliberative process privilege.

D. Hearsay is admissible to prove an element of a rule violation if there are additional indications that the statement is reliable, trustworthy, and relevant. The factors to be considered in determining the reliability and trustworthiness of a hearsay statement include (1) whether the statement was written and/or signed; (2) whether the statement was sworn by the declarant; (3) potential bias or lack of bias of the witness; (4) whether the hearsay statement is corroborated or contradicted by other evidence; (5) whether the declarant is credible; (6) whether the case turns on credibility of the witness; (7) whether the party against whom the hearsay is used had access to the statements prior to the hearing or the opportunity to subpoena the declarant. Hearsay is also admissible if it is subject to an exception by the Colorado Rules of Evidence.

20-52 Exhibits

An exhibit is a tangible piece of evidence presented at hearing.

A. Each party to the appeal is responsible for deciding what exhibits to use and admit into evidence in support of its case. Parties shall not be compelled to submit evidence.

B. Except for purposes of impeachment and/or rebuttal, a party may only introduce exhibits at hearing which have been identified in the party's prehearing statement. Any exhibit listed in a prehearing statement is considered as offered for admission at the hearing, and the opposing party may stipulate to its admission. In such situations, the exhibit shall be admitted into evidence. In consolidated appeals, stipulated exhibits are only deemed admitted by the stipulating parties.

C. Other than the IAB file which may be listed and offered by the DOS as a single exhibit, an exhibit shall typically consist of one document, such as a manual, an e-mail string, or a memorandum. Multiple documents shall not be combined or identified as a single exhibit.

D. Each party must provide a copy of its exhibits to the opposing party no later than the deadline for the filing of prehearing statements. If a party fails to provide a copy of an exhibit to the opposing party by this deadline, that party shall not be permitted to introduce the exhibit at hearing absent a showing of good cause. However, if the parties stipulate to an exhibit after this deadline, the exhibit shall be admitted.

20-53 Witnesses

A. Each party to the appeal is responsible for deciding which witnesses to call in support of its case.

B. Except for purposes of impeachment and/or rebuttal, a party may only call witnesses to testify at hearing who have been identified in that party's prehearing statement.

C. A rebuttal witness may only be called to rebut specific material testimony or evidence admitted in the opposing party's case-in-chief that could not be reasonably anticipated based on the opposing party's prehearing statement.

20-54 Submission on Briefs

In cases where the material facts are undisputed and the appellant's only dispute is with the level of discipline imposed and not the facts underlying the disciplinary action, the parties may agree to submit the matter to the Hearing Officer on written briefs, in lieu of conducting an appeal hearing. The Hearing Officer and the parties shall establish a briefing schedule and the Hearing Officer shall decide the appeal based exclusively on the facts (including exhibits) stipulated by the parties and arguments contained in the briefs submitted by the parties.

20-55 Conduct of Hearing

A. Any stipulated exhibits and facts shall be admitted into evidence at the beginning of hearing.

B. IAB File and Order of Discipline: The Order of Discipline and any non-privileged relevant document or other relevant material in the IAB file shall be presumptively admissible and admitted into evidence upon proffer or motion by either party, subject to the limitations on admission of recommendations for appropriate discipline as provided in subparagraph C below.

1. The Hearing Officer shall not consider any objection to the admissibility of any Internal Affairs file document or other material on any basis other than relevance, privilege, and/or privacy.

2. The DOS may, but is not required to, supplement its initial offering of evidence from the IAB case with testimonial and/or documentary evidence.

C. Any recommendations made during the investigative/disciplinary process shall not be admissible.

D. Matrix: If discipline has been imposed pursuant to a disciplinary matrix, the matrix in effect at the time the misconduct occurred and any writings adopted by the EDOS in explanation of that matrix shall be given deference by the Hearing Officer. If the Hearing Officer modifies the disciplinary penalty imposed by the EDOS, the modified penalty must be consistent with the principles of the matrix.

E. The appellant shall proceed first and may call witnesses and seek the admission of evidence. The DOS shall proceed second and may call witnesses and seek the admission of additional evidence. Witnesses may be called out of order as determined by the Hearing Officer. The appellant may present rebuttal evidence at the close of the DOS's case.

F. The parties may present evidence and witnesses, and may cross-examine the other party's witnesses. No further examination of a witness may be made beyond re-cross-examination.

1. Testimony shall be given under oath or affirmation.

2. At the request of the opposing party, the Hearing Officer may require an offer of proof before beginning the testimony of any witness to establish the witness's testimony is necessary to the resolution of the issues on appeal.

3. A party may examine any hostile witness with leading questions.

4. The Hearing Officer shall promptly rule on all objections and may examine witnesses when necessary to establish a complete record.

5. No witness shall be badgered, abused, insulted, or berated. The Hearing Officer may cut short any examination being conducted in an unproductive or unprofessional manner. The Hearing Officer may examine that witness or direct the examiner to inquire only about topics germane to the resolution of the appeal.

20-56 Burden of Proof

A. Disciplinary appeals to the Career Service Hearing Office are not de novo hearings. The appellant bears the ultimate burden of proof in disciplinary appeals to show that the decision by the EDOS was clearly erroneous and/or that the application of the disciplinary matrix was clearly erroneous.

B. In reviewing the disciplinary action:

1. The Hearing Officer shall give due weight to the EDOS's need to maintain administrative control of the Department.

a. The Hearing Officer shall not substitute his or her judgment for that of the EDOS concerning any policy considerations underlying the discipline, to include the interpretation of Departmental rules and regulations, and may only reverse or modify the EDOS's decision concerning policy considerations when it is shown to be clearly erroneous. The Hearing Officer shall not substitute his or her judgment for that of the EDOS in determining the appropriate level of penalty to be imposed for a sustained violation, and may only modify the disciplinary penalty imposed when it is shown to be clearly erroneous.

b. The Hearing Officer may reverse or modify the EDOS's order of discipline on the basis of issues raised by the appellant concerning policy considerations, a sustained rule violation or an imposed penalty, only when it is shown to be clearly erroneous.

c. Discipline shall be deemed to be "clearly erroneous," in whole or in part, in the following circumstances:

i. The decision, although supported by the evidence, is contrary to what a reasonable person would conclude from the record as a whole;

ii. If the EDOS fails to follow the applicable Departmental guidelines, rules or regulations, an applicable matrix or its associated guidelines, and absent such failure the discipline imposed would not have resulted; or

iii. If the EDOS otherwise exceeds his or her authority.

C. In rendering a decision, the Hearing Officer should consider the following: the interests of the individual employee and the safety, health, welfare, and liability interests of the Department, other employees, inmates, and the citizens of the City and County of Denver.

D. If an appellant raises the issue of violation of the City's "Whistleblower Protection" ordinance in connection with the disciplinary action, the appellant has the burden of proof by a preponderance of the evidence on that issue.

E. For burden of proof issues not specifically addressed herein, the appellant has the burden of proof by a preponderance of the evidence.

20-57 Record of Hearing

Only one record of the hearing shall be made. The record may be made by court reporter or any reliable recording device approved by the Hearing Officer. Parties, their representatives, and observers are prohibited from recording the hearing. Parties and their representatives may obtain a copy of the record through the Hearing Office at the requesting party's expense.

20-58 Public or Private Hearing

A. The hearing shall be open to the public except that the Hearing Officer may, upon the motion of an interested party, conduct the hearing or some part of the hearing in private if doing so serves the interests of the parties and the public.

B. All witnesses, except the DOS's advisory witness, shall be sequestered until completion of the hearing. Attorneys for the DOS may consult with their clients regarding the testimony presented by other witnesses even if these clients may also be called as witnesses.

20-59 Decision of Hearing Officer

The Hearing Officer shall issue a written decision which includes findings of fact and conclusions of law affirming, modifying, or reversing the action which gave rise to the appeal within forty-nine (49) calendar days after the date on which the record is closed, or as soon as practicable thereafter. The decision shall address each violation of departmental rules and regulations, and each respective penalty imposed, as may be a subject of the appeal. This decision shall be binding upon all parties, although subject to appeal, and shall contain findings on each issue necessary to resolve the appeal. The Hearing Officer's decision shall include a Notice of Appeal Rights advising the parties of the right of appeal to the Career Service Board in accordance with Rule 21 **APPEALS TO THE CAREER SERVICE BOARD**.