

Discretionary Board Hearings Diagram

See Chapter 8, Part A, Section IV. The language in the Board Rules is controlling.

Employee or applicant must file an appeal with the Board using the Consolidated Appeal/Dispute Form within **10 days** of receipt of the written notice of the action, or if no notice was required, no later than **10 days** after the employee knew or should have known of the alleged improper action. Part A, Section I.

The Board may use its discretion to grant a hearing for certain appeals even when there is not a right to a hearing. In general, grievance appeals, CADA discrimination appeals, and whistleblower appeals are subject to a discretionary hearing.

Some discretionary appeals do not proceed immediately to Preliminary Review:

- Discrimination appeals may proceed to investigation at the Colorado Civil Rights Division ("CCRD").
- Whistleblower appeals are sent to the department for a response.

ALJ will issue a Notice of Preliminary Review. Part A, Section IV.

The parties must disclose information to the other side **15 days** from the Notice of Preliminary Review.

The parties file Information Sheets with the Board as follows:

- Complainant files Information Sheet within **25 days** of the Notice of Preliminary Review.
- Respondent files Information Sheet within **10 days** of its receipt of Complainant's Information Sheet.
- Complainant may file a reply within **5 days** of Complainant's receipt of Respondent's Information Sheet.

The Board has a template Information Sheet on its website.

ALJ issues a Preliminary Recommendation to either grant or deny an evidentiary hearing.

The Board reviews the Preliminary Recommendation and decides whether to grant or deny an evidentiary hearing.

Hearing

GRANTED

DENIED

Case is set for an Evidentiary Hearing. Part A, Section VI.

Board notifies the employee or applicant of right to appeal to the Colorado Court of Appeals.