



NEWS RELEASE

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TENTH CIRCUIT COURT ISSUES DECISION

DENVER, Sept. 8 — The U.S. Court of Appeals, Tenth Circuit, has issued its decision in the appeal filed by Adrienne Anderson when a US Dept. of Labor Administrative Review Board ruled against her and for the Metro Wastewater Reclamation District on May 29, 2003.

The court's decision in case no. 03-9570, issued Sept. 2, said, "We are called upon to determine whether Anderson, as a political appointee to Metro's Board, was an 'authorized representative of employees' during her tenure as a Board director. The Administrative Review Board (ARB) of the United States Department of Labor (DOL) concluded she was not and therefore determined she lacked standing to sue under the employee protection provisions of the environmental statutes. We agree."

In its decision, the court addressed Anderson's claim that she was a whistle blower and therefore deserved special legal protection. The court said, "She has pointed to no case, and we can find none, layering whistle-blower protections on an overtly political process such as this. That is not surprising. Selectively providing the insulating blanket of whistle-blower protection to one political appointee on a public board might well disadvantage other board members and alter group dynamics; assuredly it would impact the Board's decision-making process. Anderson might embrace that as wholesome. But fairness, like beauty, is often a matter of perspective."

The court noted that "the essence of Anderson's complaints is that the Board would not listen to her. However, the record demonstrates numerous instances where Anderson was given the opportunity to be heard by the Board."

The Metro District is the wastewater treatment agency for most of metro Denver. It collects and treats about 140 million gallons of wastewater a day at its Central Treatment Plant five miles northeast of central Denver. This plant, which is rated for a design flow of 227 million gallons a day (30-day average), is the largest wastewater treatment facility in the Rocky Mountain West.

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