

STATE PERSONNEL BOARD, STATE OF COLORADO
Case No. 2020G071

ORDER OF THE STATE PERSONNEL BOARD DENYING THE PETITION FOR HEARING

HAUOLI ULRICH,
Complainant,

v.

**DEPARTMENT OF HUMAN SERVICES, OFFICE OF BEHAVIORAL HEALTH, COLORADO
MENTAL HEALTH INSTITUTE AT PUEBLO,**
Respondent.


This matter is before the Colorado State Personnel Board ("Board") at its public meeting held on September 15, 2020. During this public meeting, the Board considered the Preliminary Recommendation of the Administrative Law Judge.

Based upon its review and consideration of the Preliminary Recommendation, the Board did not find sufficient basis to adopt the Preliminary Recommendation of the Administrative Law Judge. As a result, the Board did not grant Complainant's petition for hearing.

The Board disagreed with the Preliminary Recommendation because the information showed reasonable attempts by Respondent to engage in the interactive process, the requirement to use masks applied to all staff in all patient areas, the requirement to wear masks was for the safety of patients, and the termination letter identified issues relating to Complainant's unsatisfactory work performance to support the termination. The Board expressed other concerns with the Preliminary Recommendation during the public meeting. The Board concluded that Complainant did not establish valid issues that merited a hearing.

IT IS HEREBY ORDERED that the Preliminary Recommendation of the Administrative Law Judge is rejected, and that the petition for hearing is **DENIED** and referred to the State Personnel Director for review.

Dated this 15th day
Of September 2020.


Nora Kelly, Board Chair
State Personnel Board
1525 Sherman Street, 4th Floor
Denver, CO 80203

NOTICE OF APPEAL

1. To abide by the decision of the State Personnel Board; or
2. To appeal this decision to the Colorado Court of Appeals within 49 days pursuant to Section 24-50-125.4(3), C.R.S., in the method described at Section 24-4-106(11), C.R.S., and in accordance with applicable Colorado Appellate Rules.

In the event this decision is appealed, the party filing the appeal with the Court of Appeals must name in the appeal and serve such appeal upon the State Personnel Board and all other parties who have appeared as parties to this action. See Section 24-4-106(11)(d), C.R.S. The State Personnel Board can be served at: 1525 Sherman Street, 4th Floor, Denver, Colorado 80203.

CERTIFICATE OF SERVICE

This is to certify that on the _____ day of **September 2020**, I electronically served a true copy of the foregoing **ORDER OF THE STATE PERSONNEL BOARD DENYING THE PETITION FOR HEARING** as follows:

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