STATE PERSONNEL BOARD, STATE OF COLORADO
Case No. 2024G077

INITIAL DECISION OF THE ADMINISTRATIVE LAW JUDGE

NICKOLAS SEGURA,
Complainant,

v.

DEPARTMENT OF CORRECTIONS, DIVISION OF ADULT PAROLE
Respondent.

This matter came before the Colorado State Personnel Board for an evidentiary hearing on August 19-20, 2024. Complainant appeared by video conference with counsel, Mark Schwane, Esq. Respondent appeared by video conference, by and through counsel, Grace Chisholm, Esq. and Amanda Swartz, Esq. Respondent's advisory witness, Michele Cottingham, Director of Human Resources for the Department of Corrections (DOC), was also present. A list of the exhibits admitted into evidence and the witnesses who testified at hearing is attached as an appendix.

MATTER APPEALED

Complainant contends that Respondent's decision to reduce his salary and assert an overpayment was retaliation in violation of the Colorado State Employee Protection Act (the Whistleblower Act), as well as arbitrary, capricious and contrary to rule or law. He further contends that the Step II Grievance Decision violated his rights under the state or federal constitution. As relief, he requests reversal of the salary reduction, repayment of any amounts garnished, and attorney's fees and costs.

Respondent contends that Complainant's salary was entered incorrectly due to a technician's error. Respondent also contends the appointing authority did not authorize the salary amount paid to Complainant, and that the Fiscal Rules require the collection of the resulting overpayment. Respondent further contends that the DOC did not retaliate against Complainant for any disclosure of information. Respondent finally contends that the reduction in salary and assertion of an overpayment did not violate Complainant's rights under the state and federal constitution. Respondent requests that the Board affirm the actions of the appointing authority, deny all relief sought by Complainant, and dismiss Complainant's appeal with prejudice.

For the reasons discussed below, Respondent's action is **affirmed**.

ISSUES TO BE DETERMINED

- Was Respondent's decision to reduce Complainant's salary and assert an overpayment retaliation in violation of the Whistleblower Act?

- Was Respondent's decision to reduce Complainant's salary and assert an overpayment arbitrary, capricious, or contrary to rule or law?

- Did the Step II Grievance Decision violate Complainant's rights under the state or federal constitution?

FINDINGS OF FACT

Background

1. The DOC hired Complainant as a Correctional Officer I starting February 5, 2018. He is a certified state employee.

2. In May of 2020, Complainant was promoted to Correctional Officer II. As of July 1, 2021, he was paid a salary of $4,974 per month.

3. On June 5, 2022, Complainant applied for a Community Parole Officer (CPO) position.

4. The job application included Supplemental Question No. 1, which stated: "Although the entire pay range for this position is listed, the hiring rate for this position is $5023/month." In response, Complainant checked the box marked "I so acknowledge."

5. Assistant Director and Appointing Authority Travis Hadaway selected Complainant for the CPO position. The DOC did not provide Complainant with either verbal or written notice of his starting salary. Complainant was under the impression that it would be a 10% increase over his salary as a Correctional Officer II.

Complainant's Starting Salary as a CPO

6. Starting salaries within a classification range are in the discretion of the appointing authority. Starting salaries are usually at the minimum of the pay range but may be increased if the position is difficult to fill.

7. The appointing authority completes a referral, also called a requisition summary, which states the starting salary. The referral is the controlling document regarding salary. Referrals are completed for all positions regardless of whether the new employee is an external hire or internal promotion.

8. Hadaway signed a referral noting that Complainant's approved salary was $5023 per month, and that the effective date for the new salary was August 15, 2022. The referral accurately reflected Hadaway's intent to offer Complainant a starting salary of $5023 per month.

9. The HR technician mistakenly entered a 10% raise over Complainant's previous salary as a Corrections Officer II, which calculated to $5,324 per month, rather than the $5,023 per month authorized by Hadaway.

Complainant's Disclosures Regarding the Directive

10. On May 2, 2023, Hadaway issued a directive stating CPO's could not file criminal charges against parolees except for unauthorized absences and possession of a weapon by a previous offender (the Directive).

11. Complainant and his partner, Community Parole Officer Sunni Campbell, objected to the Directive because they believed it violated their statutory responsibilities as a peace officer. They disclosed their opposition during team meetings with their team lead, Jeff Wells, their supervisor, Wendy Kendall, and their office manager, Mark Allison. They also stated that they would not comply with the Directive.

12. The Directive was contentious and almost universally opposed by the CPOs and supervisors throughout the state. Hadaway was aware of the frustrations with the Directive in general, but he did not discuss the issue directly or indirectly with Complainant. He was not aware of any disclosures made by Complainant regarding the Directive.

13. David Wolfsgruber, the Director of Adult Parole Services, began his position in November of 2023. He testified the Directive was an error, and not an accurate reflection of the DOC's policy. Wolfsgruber was not aware of any disclosures made by Complainant regarding the Directive.

14. Cottingham and Melissa Bellew, HR Manager, were not aware of any disclosures made by Complainant regarding the Directive.

Complainant's Disclosures Regarding Training and Equipment

15. Campbell made disclosures regarding perceived deficiencies in CPO training and equipment since she joined the office in 2017.

16. After Complainant began working as a CPO, he also voiced concerns regarding deficiencies in training and equipment, particularly after he witnessed the death of a colleague on September 28, 2024 during a field operation. Campbell and

Complainant made these disclosures regarding training and equipment during team meetings with Wells, Kendall, and Allison.

17. Hadaway was aware that Complainant had concerns regarding training and equipment after his colleague's death. These concerns were shared by multiple other employees within the Division of Adult Parole, including Complainant's supervisor, Kendall and teammates.

18. Wolfsgruber was aware that multiple CPOs had concerns regarding training and equipment, but he never met with or discussed the issue with Complainant. He was not aware of any disclosures made by Complainant regarding training and equipment.

19. Cottingham and Bellew were not aware of any disclosures made by Complainant regarding training and equipment.

Complainant's Purported Refusal to be Interviewed by the Inspector General (IG)'s Office

20. The IG's Office opened an investigation into the death of Complainant's colleague. The purpose of the investigation was to determine what happened and whether any policy changes could be made to prevent future incidents. It was not a professional standards investigation.

21. Campbell met with Inspector General Danny Lake and informed him that she would not participate in the investigation because she felt it might interfere with the ongoing criminal case against the parolee who charged with killing her colleague. Complainant was not present for this conversation, and Lake does not recall Campbell mentioning Complainant's name. The Inspector General's office ultimately decided not to interview Campbell or Complainant.

22. Lake did not discuss his conversation with Campbell with anyone outside the IG's Office.

23. Complainant did not notify anyone at DOC that he was refusing to participate in an interview with the IG's Office.

24. Wolfsgruber, Hadaway, Cottingham and Bellew were not aware of Complainant's purported refusal to be interviewed by the IG's office.

Discovery of the Salary Error

25. In November of 2023, Andrew Zavaras, Assistant Director of Parole, was conducting research to determine appropriate salaries for new CPOs.

26. Zavaras has never met or worked with Complainant. Zavaras was not aware of any disclosures made by Complainant regarding training or equipment, the Directive, or Complainant's purported refusal to be interviewed by the IG's Office.

27. As part of his research, Zavaras reviewed a spreadsheet of all CPO salaries. He noticed that there was a discrepancy between Complainant's salary and another CPO who started at the same time. He also noticed that Complainant's salary was higher than CPOs who had more experience in the position.

28. Zavaras notified Cottingham of the discrepancy. Cottingham asked Bellew to investigate.

29. Bellew reviewed Complainant's records, including the signed referral for the CPO I position, the employee history report, the personnel change report, the personnel update form, and the personnel action request. After reviewing these documents, Bellew determined that Complainant's salary should have been $5,023 per month per the referral signed by Hadaway.

30. On November 22, 2023, Cottingham sent a letter to Complainant notifying him that the DOC had overpaid him by $499 per month since August 15, 2022, and that it needed to correct his salary.

31. The letter stated the DOC would forgive the overpayment, but the DOC later determined that it did not have authority to do so. The DOC verbally requested the State Controller to forgive the overpayment, but this request was denied.

32. On January 23, 2024, Cottingham sent a second letter to Complainant stating he was required to repay $7,992.06 in overpaid salary.

33. An audit found two other salary errors within the Division of Adult Parole. The DOC reduced the salary and asserted an overpayment in both of the other cases.

34. On January 29, 2024, Complainant filed a Step II Grievance form requesting that the salary reduction and the overpayment be reversed. On March 7, 2024, Wolfsgruber issued a written decision denying the requested relief.

35. Complainant filed this appeal on March 15, 2024.

ANALYSIS

A. Did Respondent Retaliate Against Complainant in Violation of the Whistleblower Act?

The Colorado State Personnel Board has jurisdiction over appeals alleging violations of the Whistleblower Act. C.R.S. § 24-50.5-104 and Board Rule 8-24.

The Whistleblower Act protects state employees from retaliation when an employee discloses actions by state agencies that are not in the public interest. C.R.S. § 24-50.5-101(1) and § 24-50.5-103. In order to establish a *prima facie* case of whistleblower retaliation, an employee must establish: 1) that he disclosed information pertaining to a matter of public interest; 2) that he was disciplined as defined by the Whistleblower Act; and 3) that the disciplinary action occurred on account of the disclosure of information. C.R.S. § 24-50.5-103(1), *Ward v. Indus. Comm'n*, 699 P.2d 960, 966-68 (Colo. 1985). If the employee makes such a showing, the burden shifts to the Respondent to prove that it would have reached the same decision even in the absence of the employee's protected conduct. *Id.*

First Element of a *Prima Facie* Case of Whistleblower Retaliation:

To establish the first element of a *prima facie* case of whistleblower retaliation, an employee must show that he made a "disclosure of information," defined as "the written provision of evidence to any person, or the testimony before any committee of the general assembly, regarding any action, policy, regulation, practice, or procedure, including, but not limited to, the waste of public funds, abuse of authority, or mismanagement of any state agency." C.R.S. § 24-50.5-102(2). To warrant protection under the Whistleblower Act, the disclosure must involve a matter of public concern. *Ferrel v. Colorado Dep't of Corrections*, 179 P.3d 178, 186 (Colo. App. 2007). "Whether a disclosure falls within the whistleblower statute is a question of fact." *Id.* at 185.

In this case, Complainant alleges three separate disclosures involving: 1) deficiencies in training and equipment; 2) the Directive not to file criminal charges against parolees except in limited circumstances; and 3) his refusal to be interviewed as part of the IG investigation due to its potential to interfere with an ongoing criminal case.

The disclosures regarding deficiencies in training and equipment and the Directive were made to Complainant's supervisor and team lead. These disclosures involve matters of public concern because they potentially involve the safety of not only CPOs, but the community as well. The lack of training and equipment could lead to incidents like the one involving the death of Complainant's colleague, while the failure to charge parolees for subsequent criminal violations could leave violent offenders on the streets. It follows that Complainant's disclosures regarding training and equipment, as well as the Directive, are matters of public concern.

However, the purported refusal to participate in the IG investigation is not disclosure. First, the purported refusal is an action and not a verbal or written disclosure of information. Second, Complainant did not speak to Lake or anyone else at the DOC regarding the investigation. Campbell told Lake she was concerned that her participation in the investigation could interfere with the ongoing criminal case, and Lake later agreed. Complainant did not participate in this conversation, nor does Lake recall his name being mentioned. Complainant did not discuss is purported refusal with Lake or anyone else at

the DOC. As a result, Complainant's purported refusal to cooperate in the IG's investigation does not fall within the protection of the whistleblower statute. Moreover, even if Complainant refused to participate in the investigation and even if such action constitutes a disclosure, it is not a protected under the Whistleblower Act because there is no evidence the investigation was a waste of public funds, an abuse of authority, or mismanagement.

Based on the above analysis, Complainant has established the first element of a *prima facie* case of whistleblower retaliation as to his disclosures regarding deficiencies in training and equipment, as well as his disclosures regarding the Directive. He has not established this element as to his purported refusal to participate in the IG investigation.

Second Element of a *Prima Facie* Case of Whistleblower Retaliation:

To establish the second element of a *prima facie* case of whistleblower retaliation, an employee must show that he was disciplined. The Whistleblower Act defines "disciplinary action" as, "any direct or indirect form of discipline or penalty, including, but not limited to, dismissal, demotion, transfer, reassignment, suspension, corrective action, reprimand, admonishment, unsatisfactory or below standard performance evaluation, reduction in force, or withholding of work, or the threat of any such discipline or penalty." C.R.S. § 24-50.5-102 (1). Here, the DOC reduced Complainant's base pay. While this action was administrative rather than disciplinary, it could be considered an indirect form of discipline or penalty for Complainant's disclosures if he were to prove a causal connection between the disclosures and the pay reduction. Based on the above analysis, Complainant has established the second element of a *prima facie* case of whistleblower retaliation.

Third Element of a *Prima Facie* Case of Whistleblower Retaliation:

To establish the third element of a *prima facie* case of whistleblower retaliation, an employee must establish that the protected disclosure was a substantial or motivating factor for the adverse action. *Ward v. Industrial Com'n*, 699 P.2d 960 (Colo. 1985). Here, Complainant fails to establish a causal connection between his disclosures and Respondent's actions for multiple reasons. The first and most important reason is that there is no evidence that anyone involved in correcting Complainant's salary and asserting an overpayment was aware of the protected disclosures. Bellew, Cottingham, Wolfsgruber, and Duca were involved in the DOC's decision-making process. This ALJ credits their testimony that they did not know of Complainant's disclosures regarding training and equipment, the Directive, or his purported refusal to participate in the IG investigation. Because the decision makers did not know about Complainant's disclosures of information, these disclosures could not have been a substantial or motivating factor for the salary correction and/or the assertion of an overpayment.

The second reason Complainant fails to establish a causal connection between his disclosures and Respondent's actions is that Complainant was not the only employee

making such disclosures. Many of his co-workers and supervisors made the exact same complaints regarding training and equipment and the Directive. In fact, the latter policy was almost universally despised, yet there is no credible evidence that anyone was disciplined or otherwise penalized because of their complaints. The DOC had no reason to target Complainant for the disclosures so many other employees were making, including Complainant's partner, teammates, and supervisor.

The third reason that Complainant fails to establish a connection between his disclosures and Respondent's actions is that the alleged retaliation is not consistent with the Respondent's subsequent behavior. It makes no sense for Respondent to advocate for forgiveness of the overpayment if it were in retaliation for Complainant's disclosures. Wolfsgruber testified that he tried to do the 'right thing" but was constrained by the State Controller from forgiving the overpayment.

Complainant argues that Respondents decision to correct his salary and assert an overpayment was made soon after his purported refusal to participate in the IG's investigation. While this is true, correlation does not always equal causation, and there is nothing in the record to support any connection between the two events other than coincidental timing.

Based on the above analysis, Complainant has not established the third element of a *prima facie* case of whistleblower retaliation, and his claim must therefore fail.

Respondent would have reached the same decision regarding Complainant's salary and overpayment even in the absence of Complainant's disclosures:

Even if Complainant established a *prima facie* case of whistleblower retaliation, Respondent has proven that it would have reached the same decision even in the absence of the employee's protected conduct. Respondent treated Complainant exactly the same as two other employees in the Adult Parole Division who were alleged to be overpaid. While Complainant argues that these other cases were used as "cover" for Respondent's retaliation against him, he offers no evidence of such a conspiracy.

B. Was Respondent's Action in Reducing Complainant's Salary and Asserting an Overpayment Arbitrary and Capricious, or Contrary to Rule or Law?

I. Respondent's Action in Reducing Complainant's Salary and Asserting an Overpayment was Not Arbitrary and Capricious

Complainant bears the burden to prove by a preponderance of the evidence that Respondent's decision to reduce his pay and assert an overpayment was arbitrary, capricious, or contrary to rule or law. C.R.S. §24-50-103(6). *Velasquez v. Dep't of Higher Educ.,* 93 P.3d 540, 542-44 (Colo. App. 2004).

In determining whether an agency's decision is arbitrary or capricious, the Board

must determine whether the agency has: 1) neglected or refused "to use reasonable diligence and care to procure such evidence as it is by law authorized to consider in exercising the discretion vested in it," 2) failed "to give candid and honest consideration of the evidence before it on which it is authorized to act in exercising its discretion," or 3) exercised "its discretion in such manner that after a consideration of the evidence before it as clearly to indicate that its action is based on conclusions from the evidence such that reasonable persons fairly and honestly considering the evidence must reach contrary conclusions." *Lawley v. Dep't of Higher Educ.,* 36 P.3d 1239, 1252 (Colo. 2001).

In this case, Respondent did not neglect or refuse to use reasonable diligence in procuring the relevant evidence. Zavaras noticed a salary discrepancy involving Complainant while researching compensation levels for new hires. He then forwarded the information to Bellew, who conducted additional research and obtained all of the relevant documents. These documents included the signed referral for the CPO position, the employee history report, the personnel change report, the personnel update form, and the personnel action request. Accordingly, Bellew used reasonable diligence to procure the relevant evidence.

Respondent gave candid and honest consideration of the evidence. Cottingham and Bellew reviewed and considered all of the documents in their possession. Based on their review of these documents, they determined an HR technician had made a mistake in entering a 10% increase over Complainant's prior salary, instead of the salary authorized by the appointing authority. There is no evidence that Bellew and Cottingham were not candid or honest in their assessment of the evidence. Duca also gave candid and honest consideration of the documentary evidence and the Fiscal Rules, as well as meeting with the State Controller, before determining that the DOC had no other option than to collect the overpayment.

This is not a case where reasonable persons fairly and honestly considering the evidence must reach contrary conclusions. This ALJ understands that this is a disgraceful situation. The DOC has placed Complainant in a difficult financial position through no fault of his own. It is particularly unfortunate given the trauma Complainant had already experienced after witnessing the death of his co-worker. The DOC should never have made the mistake in the first place or should have caught it before an overpayment accrued. Nevertheless, once it finally discovered its mistake, the DOC could not ignore it because of its responsibility to its other employees. If Complainant's salary were not reduced, he would be receiving significantly more money than other employees in his position with the same or more experience. This would raise a fairness issue as to Complainant's co-workers, as well as a potential violation of the Equal Pay for Equal Work Act. Under the circumstances, a reasonable person would understand that the DOC had no choice but to correct its mistake and assert an overpayment.

II. Respondent's Action in Reducing Complainant's Base Salary and Asserting an Overpayment was not Contrary to Rule or Law

Complainant argues that Duca failed to follow the Fiscal Rules because he did not submit a written request for forgiveness of the overpayment from the State Controller.

Fiscal Rule 2.1 defines an overpayment as "any payment that results from overstating the rate of pay . . . or any other payments to which the employee is not entitled." Rule 3.2 states that "if a state employee is paid more than the amount due, provisions **shall be made** for the repayment of the overpayment (emphasis added)." Rule 8.1 states that a "debt may be forgiven by a written request to the Office of the State Controller, who may approve the request, request further information, or disapprove the request."

Here, the DOC was not required to request forgiveness for Complainant's overpayment, so the failure to do so in writing does not violate the Fiscal Rule. In addition, the DOC made a verbal request, but once the State Controller made it clear that he was denying it, there was no point in pursuing it further. This ALJ has neither authority over the State Controller's exercise of discretion, nor the power to order an equitable remedy. Like the DOC, this ALJ is bound to apply the law.

In summary, the DOC did not violate any rule or law when correcting Complainant's salary and asserting the overpayment.

C. Respondent's Step II Grievance Decision Does Not Violate Complainant's Rights Under the Federal or State Constitution

Pursuant to C.R.S. § 24-50-123, the Board has jurisdiction over a grievance decision only if the decision violates an employee's rights under the federal or state constitution, violates the Colorado Anti-Discrimination Act, violates the Whistleblower Act or violates the Board's Grievance rules or a department's grievance procedures. In the absence of statutory authority, the Board does not have jurisdiction to determine whether a grievance decision was arbitrary, capricious or contrary to rule or law.

Here, Complainant asserted in his Consolidated Appeal and Dispute that Respondent's Step II Grievance Decision violated his rights under the state or federal constitution. Complainant does not, however, identify any specific constitutional right that was violated. Because Complainant has not presented any evidence or argument as to this issue, he has failed to establish that Respondent violated his constitutional rights.

D. Complainant's Request for Attorney's Fees and Costs

C.R.S. § 24-50-125.5(1) provides for the award of attorney's fees and costs if Respondent's personnel action was "instituted frivolously, in bad faith, maliciously, or as a means of harassment or was otherwise groundless . . . ." A frivolous personnel action

is an action for which "no rational argument based on the evidence or law was presented." Board Rule 8-51(B)(1). Personnel actions that are "in bad faith, malicious, or as a means of harassment" are actions "pursued to annoy or harass, made to be abusive, stubbornly litigious, or disrespectful of the truth." Board Rule 8-51(B)(2). A groundless personnel action "means that despite having a valid legal theory, a party fails to offer or produce any competent evidence to support the theory." Board Rule 8-51(B)(3).

In this case, Respondent's decision to reduce Complainant's salary and assert an overpayment was not frivolous, in bad faith or harassment. Respondent's arguments during the hearing were rational and based on law and fact. The award of attorney's fees therefore is not warranted.

CONCLUSIONS OF LAW

Based on the above analysis, this ALJ concludes that Respondent's decision to reduce Complainant's salary and assert an overpayment was not retaliation in violation of the Whistleblower Act and was not arbitrary, capricious, or contrary to rule or law. This ALJ further concludes that Respondent's Step II Grievance decision did not violate Complainant's constitutional rights. This ALJ finally concludes that Complainant is not entitled to attorney's fees and costs.

ORDER

IT IS THEREFORE ORDERED: that Respondent's decision to reduce Complainant's salary and assert an overpayment is affirmed. Complainant's Consolidated Appeal and Dispute is dismissed with prejudice.

Dated September 27, 2024 by:

/s/ [redacted]
Charlotte A. Veaux
Administrative Law Judge
State Personnel Board
1525 Sherman Street, 4th Floor
Denver, CO 80203

CERTIFICATE OF SERVICE

This is to certify that on the 27th day of September, 2024, I electronically served a true and correct copy of the foregoing **INITIAL DECISION OF THE ADMINISTEATIVE LAW JUDGE** as follows:

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[redacted]

APPENDIX

Complainant's Witness:

- Travis Hadaway, Assistant Director, Division of Adult Parole
- Sunni Campbell, Community Probation Officer, Division of Adult Parole
- Nickolas Segura, Community Probation Officer, Division of Adult Parole

Complainant's Admitted Exhibits:

A-B, K-U, W-AA

Respondent's Witnesses:

- Travis Hadaway, Assistant Director, Division of Adult Parole
- Andrew Zavaras, Assistant Director, Division of Adult Parole
- Michele Cottingham, Director of Human Resources, DOC
- Melissa Bellew, Human Resources Manager, DOC
- David Wolfsgruber, Director, Division of Adult Parole
- Danny Lake, Inspector General, DOC

Respondent's Admitted Exhibits:

1-10, 12-21

NOTICE OF APPEAL RIGHTS

EACH PARTY HAS THE FOLLOWING RIGHTS:

To abide by the decision of the Administrative Law Judge ("ALJ").

To appeal the decision of the ALJ to the State Personnel Board ("Board"). To appeal the decision of the ALJ, a party must file a designation of record with the Board within twenty (20) calendar days of the date the decision of the ALJ is served to the parties. § 24-4-105(15), C.R.S. and Board Rule 8-53(A)(2).

Additionally, a written notice of appeal must be filed with the State Personnel Board within thirty (30) calendar days after the decision of the ALJ is served to the parties. §§ 24-4-105(14)(a)(II) and 24-50-125.4(4), C.R.S. The appeal must describe, in detail, the basis for the appeal, the specific findings of fact and/or conclusions of law that the party alleges to be improper and the remedy being sought. Both the designation of record and the notice of appeal must be received by the Board no later than the applicable twenty (20) or thirty (30) calendar day deadline referred to above. *Vendetti v. Univ. of S. Colo*., 793 P.2d 657 (Colo. App. 1990) and § 24-4-105(14) and (15), C.R.S.

RECORD ON APPEAL

The cost to prepare the electronic record on appeal in this case is $5.00. This amount does not include the cost of a transcript, which must be paid by the party that files the appeal. Board Rule 8-53(C). That party may pay the preparation fee either by check or, in the case of a governmental entity, documentary proof that actual payment already has been made to the Board through COFRS. A party that is financially unable to pay the preparation fee may file a motion for waiver of the fee. That motion must include information showing that the party is indigent or explaining why the party is financially unable to pay the fee.

Any party wishing to have a transcript made part of the record is responsible for having the transcript prepared. To be certified as part of the record, an original transcript must be prepared by a disinterested, recognized transcriber and filed with the Board within 59 days of the date of the designation of record. See Board Rule 8-53(A)(5) – (7). For additional information contact the State Personnel Board office at (303) 866-3300 or email at: dpa_state.personnelboard@state.co.us.

BRIEFS ON APPEAL

When the Certificate of Record of Hearing Proceedings is served to the parties, signifying the Board's certification of the record, the parties will be notified of the briefing schedule and the due dates of the opening, answer and reply briefs and other details regarding the filing of the briefs, as set forth in Board Rule 8-54.

ORAL ARGUMENT ON APPEAL TO THE BOARD

In general, no oral argument is permitted. Board Rule 8-55(C).

MOTION FOR RECONSIDERATION

Motions for reconsideration are discouraged. See Board Rule 8-47(K).