

State of Colorado



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State Personnel Board
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AGENDA PUBLIC BOARD MEETING August 18, 2020

A public meeting of the Colorado State Personnel Board will be held via webinar on Tuesday, August 18, 2020 at 9:00 a.m. The State Personnel Board will provide a Zoom link to allow the public access to the meeting.

If you wish to attend the meeting via webinar, please notify the Board by August 13, 2020 at 303-866-3300 or via email at dpa_state.personnelboard@state.co.us.

CALL TO ORDER

- Attendance.
- Disclosure of any potential conflicts of interest with regard to present Board business and notice of recusal, if applicable.

I. REPORT OF DEPARTMENT OF PERSONNEL AND ADMINISTRATION [DPA] AND REPORT OF THE DIVISION OF HUMAN RESOURCES [DHR]

Kara Veitch, Executive Director of DPA, will be providing a report.

II. REVIEW OF INITIAL DECISIONS OR OTHER FINAL ORDERS OF THE ADMINISTRATIVE LAW JUDGES ON APPEAL TO THE STATE PERSONNEL BOARD

There are no Initial Decisions on appeal or other final orders of the ALJ's for review.

III. REVIEW OF PRELIMINARY RECOMMENDATIONS OF THE ADMINISTRATIVE LAW JUDGES TO GRANT OR DENY PETITIONS FOR HEARING

- A. Laura A. Bufmack v. Department of Corrections, Colorado State Penitentiary, SPB 2020G073.

Complainant, a certified Teacher II, filed a petition for hearing with the Board, arguing that her corrective action violated pre-disciplinary procedures, and contending that the final grievance decision violated grievance procedures. As relief, Complainant seeks removal of the corrective action from her personnel file, removal of memoranda documenting the dispute from other Department of Corrections (DOC) employees' files, and the return of two hours of vacation time

to the individual balances of the other DOC employees who attended a luncheon giving rise to the corrective action.

Respondent asserts that the Board's jurisdiction to review Complainant's appeal is limited, that Complainant has failed to demonstrate a valid dispute that merits a hearing, and that Respondent's response to Complainant's grievance properly followed grievance procedures. As relief, Respondent requests the Board deny Complainant's petition for hearing and dismiss Complainant's appeal with prejudice.

On August 3, 2020, the ALJ issued a Preliminary Recommendation to deny a hearing and dismiss Complainant's petition for hearing.

B. Brian Flores v. Department of Human Services, State Veterans Community Living Center at Homelake, SPB 2020G075.

Complainant petitions the State Personnel Board (Board) to grant a hearing to review his appeal of his grievance. Complainant's grievance disputed a corrective action and denial of a "compression pay adjustment." As relief, Complainant requests that the corrective action be withdrawn and expunged, and that he receive the pay adjustment.

Respondent argues that Complainant failed to meet his burden to demonstrate that valid issues exist that merit an evidentiary hearing. As relief, Respondent requests that the Board deny Complainant's petition for hearing and dismiss Complainant's appeal with prejudice.

On July 28, 2020, the ALJ issued a Preliminary Recommendation to deny a hearing and refer the matter to the State Personnel Director for review of an alleged "allocation" of his position to a lower pay grade.

C. Bennie Tims v. Department of Regulatory Agencies, Division of Professions and Occupations, SPB 2020S034.

Complainant appeals his non-selection for a Division Data Analyst and Consultant position. Complainant contends Respondent discriminated against him on the basis of age and race/color. As relief, Complainant requests that a hearing.

Respondent asserts that Complainant has failed to establish the existence of issues that merit an evidentiary hearing. As relief, Respondent requests the Board deny Complainant's petition for hearing and dismiss the matter with prejudice.

On August 4, 2020, the ALJ issued a Preliminary Recommendation to deny a hearing and to refer the matter to the State Personnel Director for review of the comparative analysis process.

IV. INITIAL DECISIONS OR OTHER FINAL ORDERS OF THE ADMINISTRATIVE LAW JUDGES

An Administrative Law Judge is scheduled to issue an Initial Decision in Christian Barahona v. Department of Human Services (SPB 2020B052) on or before August 13, 2020. In order to preserve the Board's ability to review that Initial Decision pursuant to

C.R.S. § 24-4-105(14)(a)(II), the Board must vote on its own motion to defer its review of the Initial Decision to September 15, 2020.

V. REVIEW OF THE MINUTES FROM THE JULY 21, 2020 PUBLIC MEETING OF THE STATE PERSONNEL BOARD

VI. ADMINISTRATIVE MATTERS & COMMENTS

A. ADMINISTRATIVE MATTERS

- Status of Cases on Appeal to the Board and Appellate Courts.

B. OTHER BOARD BUSINESS

- Annual Whistleblower Report.

C. GENERAL COMMENTS FROM ATTORNEYS, EMPLOYEE ORGANIZATIONS, PERSONNEL ADMINISTRATORS, AND THE PUBLIC

VII. PROPOSED LEGISLATION AND/OR RULEMAKING

None scheduled at this time.

VIII. EXECUTIVE SESSION

ADJOURN

REGULARLY SCHEDULED BOARD MEETINGS - 9:00 a.m.

**Colorado State Personnel Board
1525 Sherman Street
1st Floor Conference Room 104
Denver, CO 80203**

September 15, 2020

***8:00 a.m.**

October 20, 2020

November 17, 2020

December 15, 2020

January 19, 2021

February 16, 2021

March 16, 2021

April 20, 2021

May 18, 2021

June 15, 2021

July 20, 2021

August 17, 2021