

State of Colorado



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State Personnel Board
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Denver, Colorado 80203
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AGENDA PUBLIC BOARD MEETING December 15, 2020

A public meeting of the Colorado State Personnel Board will be held via webinar on Tuesday, December 15, 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 December 10, 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]

Report not scheduled at this time.

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 or other final orders on appeal for review.

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

A. Christina Heltzel v. Department of Natural Resources, Colorado Water Conversation Board, SPB 2021G013.

Complainant petitions for a hearing to review Respondent's handling of a grievance protesting a meeting with her supervisor and follow-up email. Complainant also alleges that Respondent discriminated against her on the basis of age in violation of the Colorado Anti-Discrimination Act (CADA), § 24-34-401, *et seq.*, C.R.S., and retaliated against her for making disclosures concerning issues of public concern protected under the State Employee Protection Act (Whistleblower Act), § 24-50.5-101, *et seq.*, C.R.S.

Respondent argues that Complainant failed to establish grounds that merit a hearing. Respondent denies that it discriminated or retaliated against Complainant and requests that the Board deny Complainant's petition for a hearing and dismiss Complainant's petition with prejudice.

On November 25, 2020, 2020, the ALJ issued a Preliminary Recommendation to deny Complainant's petition for hearing

B. Peter Kodjo v. Department of Human Services, Division of Financial Services, SPB 2021G008.

Complainant filed a petition for hearing with the Board, arguing that Respondent's decision to terminate his probationary employment was unprofessional, unwarranted, and based on false allegations. Complainant also claims that Respondent discriminated against him on the basis of perceived disability. As relief, Complainant seeks reinstatement, back pay, and an apology.

Respondent asserts that it was justified in terminating Complainant's employment during his probationary period because of unsatisfactory job performance. Respondent argues that Complainant has failed to establish a *prima facie* case of discrimination. As relief, Respondent requests that the Board deny Complainant's petition for hearing and dismiss this matter with prejudice.

On December 1, 2020, the ALJ issued a Preliminary Recommendation to deny Complainant's petition for hearing.

C. Kehinde Samson Ogunlowo v. Department of Corrections, Sterling Correctional Facility, SPB 2021G015.

Respondent terminated Complainant from his probationary employment on July 28, 2020. Complainant alleges discrimination on the bases of national origin/ancestry and race/color. As relief, Complainant requests to be re-employed and an investigation.

Respondent argues that Complainant failed to demonstrate valid issues that merit a hearing. Respondent requests that a hearing be denied.

On December 2, 2020, the ALJ issued a Preliminary Recommendation to deny Complainant's petition for hearing.

IV. INITIAL DECISIONS OR OTHER FINAL ORDERS OF THE ADMINISTRATIVE LAW JUDGES FOR POTENTIAL REVIEW UNDER § 24-4-105(14)(a)(II), C.R.S.

A. Holly Cappello v. Department of Human Services, Office of Behavioral Health, Colorado Mental Health Institute at Fort Logan, SPB 2020B046(c).

On **November 23, 2020**, the Administrative Law Judge issued the Amended Initial Decision. The ALJ reversed a disciplinary action. The ALJ reinstated Complainant to her former position and awarded damages.

V. REVIEW OF THE MINUTES FROM THE NOVEMBER 17, 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

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

VII. PROPOSED LEGISLATION AND/OR RULEMAKING

A. Joint rulemaking hearing with the Statewide Chief Human Resources Officer regarding Chapter 8 (Resolutions of Appeals and Disputes) is tentatively scheduled for January 19, 2021 at 9:00 a.m.

- a. Board vote to set a joint rulemaking hearing regarding Chapter 8 for January 19, 2021 at 9:00 a.m. and file the notice with the Secretary of State.

B. Joint rulemaking hearing with the Statewide Chief Human Resources Officer regarding Chapter 6 (Performance) is tentatively scheduled for March 16, 2021 at 9:00 a.m. A Board rulemaking hearing regarding Chapter 9 (Fair Employment Practices) is tentatively scheduled for May 18, 2021 at 9:00 a.m.

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**

January 19, 2021

*** 8:00 am**

February 16, 2021

March 16, 2021

April 20, 2021

May 18, 2021

June 15, 2021

July 20, 2021

August 17, 2021

September 21, 2021

October 19, 2021

November 16, 2021

December 21, 2021