

State of Colorado



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State Personnel Board
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AGENDA PUBLIC BOARD MEETING June 21, 2022

A public meeting of the Colorado State Personnel Board will be held via webinar on Tuesday, June 21, 2022 at 9:00 a.m. A rulemaking hearing will also be held via webinar. The rulemaking hearing will start at the earlier of either the conclusion of the regularly scheduled business or 10:00 a.m.

A Zoom link for both the Board meeting and rulemaking hearing is posted on the Board's website at: <https://spb.colorado.gov/board-meetings>.

Reasonable accommodation will be provided upon request for persons with disabilities. If you are a person with a disability who requires an accommodation to participate in this meeting, please notify Board staff at 303-866-5002 by June 16, 2022.

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 THE DEPARTMENT OF PERSONNEL & ADMINISTRATION (DPA) AND REPORT OF THE DIVISION OF HUMAN RESOURCES (DHR)

Report not scheduled at this time.

II. MATTER ON REMAND FROM COLORADO COURT OF APPEALS

- A. Doris McCauley v. Department of Revenue, Division of Motor Vehicles, SPB 2014B061.

On February 24, 2022, the Colorado Court of Appeals issued its Opinion. On May 16, 2022, the Court of Appeals issued a Mandate. The Court of Appeals directed the Board to remand the case to the ALJ to amend the Initial Decision in conformance to the Court of Appeals' Opinion.

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

- A. Leanna Bernabei v. Department of Corrections, Colorado State Penitentiary, SPB 2022B013.

On **January 21, 2022**, the Administrative Law Judge issued an Initial Decision affirming Respondent's termination of Complainant's employment but ordering Respondent to reimburse Complainant for lost wages from the date of her termination to the date of the hearing.

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

- A. Chris Furlong v. Department of Local Affairs, Division of Housing, SPB 2022G051.

On June 2, 2022, the Administrative Law Judge issued a Preliminary Recommendation to deny Complainant's petition for hearing.

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

There are no Initial Decisions or Other Final Orders of an ALJ for potential review under C.R.S. § 24-4-105(14)(a)(II).

VI. REVIEW OF THE MINUTES FROM THE MAY 17, 2022 PUBLIC MEETING OF THE STATE PERSONNEL BOARD

VII. 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

VIII. RULEMAKING HEARING

Discussion of proposed changes to Rules found at 4 CCR 801-1, Chapter 1-Organization, Responsibilities, Ethics, Payroll Deduction, and Definitions; Chapter 8-Resolution of Appeals and Disputes; and Chapter 9-Fair Employment Practices. Board deliberation regarding proposed changes; adoption of initially proposed changes; adoption of proposed changes as amended; and rejection of any proposed changes.

The Rulemaking Hearing will start at the earlier of the conclusion of the agenda items listed above or 10:00 a.m.

IX. EXECUTIVE SESSION

- For the purpose of receiving legal advice pursuant to C.R.S. § 24-6-402(3) regarding C.R.S. § 24-50-1110. In particular, C.R.S. § 24-50-1110's applicability to the Partnership Agreement (a/k/a Collective Bargaining Agreement) between

the State of Colorado and Colorado Workers for Innovative and New Solutions (a/k/a Colorado WINS).

- Potential executive session to receive legal advice pursuant to C.R.S. § 24-6-402(3) regarding the Colorado Court of Appeals' Opinion and/or Mandate in McCauley v. DOR, SPB 2014B061.

ADJOURN

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

Colorado State Personnel Board

July 19, 2022

August 16, 2022

September 20, 2022

October 18, 2022

November 15, 2022

***December 13, 2022**

January 17, 2023

February 21, 2023

March 21, 2023

April 18, 2023

May 16, 2023

June 20, 2023

July 18, 2023

August 15, 2023

September 19, 2023