

State of Colorado



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State Personnel Board
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AGENDA PUBLIC BOARD MEETING November 17, 2020

A public meeting of the Colorado State Personnel Board will be held via webinar on Tuesday, November 17, 2020 at 8:30 a.m. A joint rulemaking hearing with the Statewide Chief Human Resources Officer will be held via webinar at 9:30 a.m. The State Personnel Board will provide a Zoom link to allow the public access to both the Board meeting and the joint rulemaking hearing.

If you wish to attend the Board meeting or the joint rulemaking hearing via webinar, please notify the Board by November 12, 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 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. Shannon Dye v. Department of Corrections, Youthful Offender System, Clinical Services Department, SPB 2021G003.

Complainant filed a petition for review of Respondent's issuance of a Level I Performance Rating on Complainant's 2019-2020 Year-End Performance Evaluation. Complainant asserts Respondent issued the Level I Performance Rating in violation of the Whistleblower Act. As relief, Complainant requests she

be evaluated pursuant to Individual Performance Objectives specified in her Performance Evaluation Document and that management responsible for her 2019-2020 Performance Evaluation be held accountable for their actions.

Respondent argues that Complainant failed to demonstrated valid issues that merit an evidentiary hearing. As relief, the Respondent requests that the Board deny Complainant's request for a hearing.

On November 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. Eric Scholl v. Department of Corrections, Colorado Territorial Correctional Facility, SPB 2020B053.

On **October 25, 2020**, the Senior Administrative Law Judge issued the Initial Decision. The ALJ affirmed Respondent's termination of Complainant's employment. The ALJ dismissed the matter from the Board with prejudice.

V. REVIEW OF THE MINUTES FROM THE OCTOBER 20, 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 6 (Performance), Chapter 8 (Dispute Resolution), and Chapter 9 (Fair Employment Practices) is tentatively scheduled for January 19, 2021.

VIII. EXECUTIVE SESSION

IX. JOINT RULEMAKING HEARING REGARDING CHAPTER 7 (SEPARATION)

Discussion of proposed changes to Chapter 7 (Separation) with the Statewide Chief Human Resources Officer; Board deliberation regarding proposed changes to the State Personnel Board Rules in Chapter 7 (Separation); adoption of initially proposed changes; adoption of proposed changes as amended; and rejection of any proposed changes.

ADJOURN

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

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

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

September 21, 2021

October 19, 2021

November 16, 2021