

State of Colorado



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State Personnel Board
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AGENDA PUBLIC BOARD MEETING October 20, 2020

A public meeting of the Colorado State Personnel Board will be held via webinar on Tuesday, October 20, 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 October 15, 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. Kervyn Dimney v. Governor's Office of Information Technology, SPB 2020G074.

Complainant petitions for a hearing to review Respondent's final grievance response. Complainant asserts Respondent retaliated against him in violation of the Whistleblower Act. As relief, Complainant seeks to maintain his position, a written apology from supervisor, a notation of his grievance in supervisor's file, a group meeting that addresses providing service to DOC, Respondent to end the hostile work environment, Respondent to stop retaliation, freedom to voice concerns and attorney fees.

Respondent argues that Complainant has not demonstrated grounds for a hearing. As relief, the Respondent requests that the Board dismiss Complainant's appeal with prejudice.

On October 7, 2020, the ALJ issued a Preliminary Recommendation to grant Complainant's petition for hearing.

- B. Mamadou Wattara v. Department of Human Services, Office of Community Access & Independence, Division of Regional Center Operations, Wheat Ridge Regional Center, SPB 2021G006.

Respondent terminated Complainant from his probationary employment of July 7, 2020. Complainant alleges retaliation and discrimination on basis of national origin/ancestry. As relief, Complainant requests reinstatement and that his supervisor cease verbal abuse.

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

On October 6, 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

- A. Gary Christopher Ward v. Department of Corrections, SPB 2019G075(c).

On **September 21, 2020**, the Administrative Law Judge issued the Initial Decision. The ALJ denied Complainant's claim of unlawful discrimination in violation of the Colorado Anti-Discrimination Act. The ALJ dismissed the matter from the Board with prejudice.

- B. Lariena Roberts v. Department of Corrections, Limon Correctional Facility, SPB 2020B060.

On **September 21, 2020**, the Senior Administrative Law Judge issued the Initial Decision. The ALJ reversed a demotion. The ALJ reinstated Complainant to her former position as a Sergeant (CO II) and awarded damages.

- C. Kirsten Gregg v. Department of Revenue, Gaming Division, SPB 2020G009.

On **September 21, 2020**, the Administrative Law Judge issued the Initial Decision. The ALJ found Respondent violated the Whistleblower Act. The ALJ reinstated Complainant to her former position within the Division of Gaming and awarded costs, including attorney fees. The ALJ denied Complainant's claim of unlawful discrimination in violation of the Colorado Anti-Discrimination Act.

- D. Gu Kim v. Department of Public Safety, Colorado State Patrol, SPB 2020B047.

On **September 28, 2020**, the Administrative Law Judge issued the Initial Decision. The ALJ affirmed a demotion. The ALJ dismissed the matter from the Board with prejudice.

- E. Amy Vincze v. Department of Revenue, Legislative Services, SPB 2020B016.

On **October 2, 2020**, the Administrative Law Judge issued the Initial Decision. The ALJ affirmed a termination. The ALJ dismissed the matter from the Board with prejudice.

- F. Oswaldo Nunez v. Department of Human Services, Office of Children, Youth & Families, Division of Youth Services, Lookout Mountain Youth Services, SPB 2020B036.

On **October 5, 2020**, the Administrative Law Judge issued the Initial Decision. The ALJ denied Complainant's claim of unlawful discrimination for the basis of Complainant's alleged coerced/forced resignation. The ALJ dismissed the matter from the Board with prejudice.

V. REVIEW OF THE MINUTES FROM THE SEPTEMBER 15, 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

Joint rulemaking hearing with the Statewide Chief Human Resources Officer regarding Chapter 7 (Separation) is scheduled for November 17, 2020. The joint rulemaking will start immediately after the Board completes its regularly scheduled agenda items.

VIII. EXECUTIVE SESSION

- For the purpose of receiving legal advice pursuant to C.R.S. Sec. 24-6-402(3) regarding a pending court action, specifically McCaughey v. Department of Revenue, SPB No. 2014B061; Court of Appeals No. 20CA1244.

ADJOURN

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

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

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

September 21, 2021

October 19, 2021