

State of Colorado



Jared Polis
Governor

Michelle Palmquist
Board Chair

Rick Dindinger
Board Director

State Personnel Board
1525 Sherman Street, 4th Floor
Denver, Colorado 80203
Phone (303) 866-3300
Fax (303) 866-5038

AGENDA PUBLIC BOARD MEETING DECEMBER 17, 2019

A public meeting of the Colorado State Personnel Board will be held on Tuesday, December 17, 2019 at 1525 Sherman Street, 1st Floor Conference Room 104, Denver, Colorado 80203. The public meeting will commence at 9:00 a.m.

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 303-866-3300 by December 12, 2019.

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

Complainant alleges that Respondent's decision to transfer her was motivated by retaliation for engaging in activity protected by the State Employee Protection Act (Whistleblower Act), 24-50.5-101, C.R.S., *et seq.*, and the Colorado Anti-Discrimination Act (CADA), § 24-34-402, C.R.S., *et seq.* Complainant seeks a return to her prior position, compensatory and consequential damages, appropriate disciplinary action taken against those responsible for retaliation, injunctive or declaratory relief, and reimbursement of attorney fees and costs.

Respondent argues that Complainant has failed to establish a *prima facie* case of retaliation under either the Whistleblower Act or CADA. As relief, Respondent requests that Complainant's petition for hearing be denied and dismissed with prejudice.

On December 2, 2019, the Senior ALJ issued a Preliminary Recommendation to grant Complainant's petition for hearing.

B. Hayder Hasan v. Department of Corrections, SPB 2019G017

Complainant petitions the Board to grant a discretionary hearing to adjudicate three claims: (1) Respondent discriminated against him based on his race/color, national origin, and religion, in violation of CADA; (2) a co-worker created a hostile work environment that Respondent failed to remedy; and (3) Respondent retaliated against Complainant for his opposition to the alleged discrimination and hostile work environment by failing to address his complaints, suggesting that Complainant transfer to a different facility, and ultimately separating him from his employment for his purported job abandonment viewed as a *de facto* resignation. As relief, Complainant seeks back pay and benefits, front pay, attorney's fees and costs, and compensatory and punitive damages.

Respondent argues that Complainant has not demonstrated the existence of issues that warrant a hearing. As relief, Respondent requests that the Board deny Complainant's petition for hearing and dismiss this matter with prejudice.

On December 4, 2019, the ALJ issued a Preliminary Recommendation to deny Complainant's petition for hearing.

C. Lisa Fitzgerald v. Department of Corrections, Sterling Correctional Facility, SPB 2020G025

Complainant disputes Respondent's final grievance decision. Complainant asserts Respondent failed to follow the grievance procedures. As relief, Complainant requests that Respondent fully grant her Step 2 grievance, that Warden Long acknowledge that there were false accusations in the Discretionary Performance Review, and that Respondent not retaliate against her as a result of the false accusations in the Discretionary Performance Review.

Respondent argues Complainant is appealing the substance of her grievance decision and failed to demonstrate the existence of a valid issue regarding a violation of her rights under the grievance process. Respondent requests that the Board deny Complainant's petition for hearing and dismiss it with prejudice.

On December 3, 2019, 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

There are no Initial Decisions or other Final Orders of the ALJ's for review.

V. REVIEW OF THE MINUTES FROM THE NOVEMBER 19, 2019 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

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**

January 21, 2020

February 18, 2020

March 17, 2020

April 21, 2020

May 19, 2020

June 16, 2020

July 21, 2020

August 18, 2020

September 15, 2020

October 20, 2020

November 17, 2020

December 15, 2020