

State of Colorado



John W. Hickenlooper
Governor

Neil Peck
Board Chair

Dana Shea-Reid
Board Director

State Personnel Board
1525 Sherman Street, 4th Floor
Denver, Colorado 80203
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AGENDA PUBLIC BOARD MEETING September 18, 2018

A public meeting of the Colorado State Personnel Board will be held on Tuesday, June 19, 2018 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 September 13, 2018.

CALL TO ORDER

- Attendance.
- Introduction of new Board Counsel Amy Lopez.
- 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]

Quarterly report scheduled for December

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 for review.

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

- A. George Arge v. University of Colorado Denver, Facilities Management, State Personnel Board case number 2018G071.

Complainant, a certified employee holding the position of Labor, Trades, and Crafts (LTC) Operations 1, Facilities Management, filed a petition for a hearing on April 27, 2018, arguing that his supervisors have been retaliating against him because of his knowledge of alleged misconduct committed by a department supervisor, and that he has been discriminated against on the basis of age and

perceived disability, as well as subjected to a hostile work environment. As relief Complainant requests that Respondent remove a November 2017 coaching memorandum and a Letter of Instruction from his personnel file. Complainant also seeks relief from alleged discrimination, retaliation, and harassment as well as attorneys' fees and all other legal and equitable relief within the Board's authority.

Respondent argues that this matter should not be set for hearing due to Complainant's failure to establish grounds that merit a hearing. As relief, Respondent requests this Board deny Complainant's petition for hearing, deny his requested relief and dismiss Complainant's appeal with prejudice.

On September 4, 2018 the Administrative Law Judge issued a Preliminary Recommendation denying the 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 Administrative Law Judges for review.

V. REVIEW OF THE MINUTES FROM THE AUGUST 21, 2018 PUBLIC MEETING OF THE STATE PERSONNEL BOARD

VI. ACKNOWLEDGMENTS

DECISIONS OF THE STATE PERSONNEL BOARD MADE AT ITS AUGUST 21, 2018 PUBLIC MEETING:

- A. Cassandra Singleton v. Department of Corrections, State Personnel Board case number 2017B078.

The Board voted to adopt the findings of fact and conclusions of law in the Initial Decision of the Administrative Law Judge and made an Order of the Board. The Board voted to remand this matter back to the ALJ to determine the amount of back pay with statutory interest, all lost benefits due to Complainant, and to determine the amount of reasonable attorney fees and costs incurred by Complainant.

- B. Barbara Bloem v. Department of Health Care Policy & Finance, State Personnel Board case number 2016G011(c).

The Board voted to adopt the findings of fact and conclusions of law in the Initial Decision of the Administrative Law Judge affirming the disciplinary action of termination and made an Order of the Board. The Board voted to reverse the ALJ's findings of fact and conclusions of law in the award of back pay to Complainant; finding that a Board Rule 6-10 meeting was conducted and the meeting was generally consistent with the procedures defined by Board Rule 6-9 and Board Rule 6-10, and that the conduct of the Rule 6-10 meeting was not so flawed as to deprive Complainant of due process and of a full and fair review of the factors enumerated in Board Rule 6-9.

- C. Kory Bond v. University of Colorado at Colorado Springs, Student Financial Services, State Personnel Board case number 2018G079.

The Board voted to adopt the Preliminary Recommendation of the ALJ and deny the petition for hearing.

- D. Janevere Idika v. Department of Human Services, State Personnel Board case number 2018G064.

The Board voted to adopt the Preliminary Recommendation of the ALJ and deny the petition for hearing and referred the matter to the State Personnel Director for a Director's review.

- E. Tasha Dobbs v. Department of Corrections, State Personnel Board case number 2018S051.

The Board voted to adopt the Preliminary Recommendation of the ALJ and deny the petition for hearing and referred the matter to the State Personnel Director for a Director's review.

- F. Jason Purdue v. Department of Regulatory Agencies, Division of Professions & Occupations, State Personnel Board case number 2018G047(c).

The Board voted to adopt the Preliminary Recommendation of the ALJ and deny the petition for hearing.

- G. Diana Ricci v. Department of Military and Veteran's Affairs, Division of Veteran Affairs, State Personnel Board case number 2018B019.

No formal action taken.

VII. ADMINISTRATIVE MATTERS & COMMENTS

A. ADMINISTRATIVE MATTERS

- Status of Cases on Appeal to the Board and Appellate Courts:
- Gieck v. GOIT appealed 9/4/2018 to Court of Appeals and record will be certified 11/6/2018;
- Ricci v. Department of Veterans & Military Affairs appealed the Initial Decision on 8/10/2018. Board review is scheduled for 12/18 Board meeting.

B. OTHER BOARD BUSINESS

Mr. Peck will not be in attendance at the October 16 Board meeting and Ms. Palmquist will serve as Board Chair for that meeting.

Director's Report:

- The FY2017-18 Whistleblower Report to the Governor has been issued. Copies provided to the Board as well as the State Personnel Director and the State's Chief HR Officer.
- Update on the e-filing project: Staff continues to work on testing for the e-filing system with varying degrees of success. Sign off for the project has been delayed until problem areas for SPB have been corrected.

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

VIII. PROPOSED LEGISLATION AND/OR RULEMAKING

IX. EXECUTIVE SESSION

ADJOURN:

2018 REGULARLY SCHEDULED BOARD MEETINGS - 9:00 a.m.

January 16, 2018	Colorado State Personnel Board 1525 Sherman Street, 1st Floor Conference Room 103 Denver, CO 80203
February 20, 2018	Colorado State Personnel Board 1525 Sherman Street, 1st Floor Conference Room 104 Denver, CO 80203
March 20, 2018	Colorado State Personnel Board 1525 Sherman Street, 1st Floor Conference Room 104 Denver, CO 80203
April 17, 2018	Colorado State Personnel Board 1525 Sherman Street, 1st Floor Conference Room 104 Denver, CO 80203
May 15, 2018	Colorado State Personnel Board 1525 Sherman Street, 1st Floor Conference Room 104 Denver, CO 80203
June 19, 2018	Colorado State Personnel Board 1525 Sherman Street, 1st Floor Conference Room 104 Denver, CO 80203
July 17, 2018	Colorado State Personnel Board 1525 Sherman Street, 1st Floor Conference Room 104 Denver, CO 80203
August 21, 2018	Colorado State Personnel Board 1525 Sherman Street, 1st Floor Conference Room 104 Denver, CO 80203
September 18, 2018	Colorado State Personnel Board 1525 Sherman Street, 1st Floor Conference Room 104 Denver, CO 80203
October 16, 2018	Colorado State Personnel Board 1525 Sherman Street, 1st Floor Conference Room 104 Denver, CO 80203
November 20, 2018	Colorado State Personnel Board 1525 Sherman Street, 1st Floor Conference Room 104 Denver, CO 80203
December 18, 2018	Colorado State Personnel Board 1525 Sherman Street, 1st Floor Conference Room 104 Denver, CO 80203