

State of Colorado



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Governor

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Board Chair

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Board Director

State Personnel Board
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AGENDA PUBLIC BOARD MEETING April 16, 2019

A public meeting of the Colorado State Personnel Board will be held on Tuesday, April 16, 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 April 11, 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]

Agenda item pending until further notice.

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

- A. Joanie Israel Cleveland v. Department of Revenue, Division of Gaming, State Personnel Board case number 2018B079.

Complainant, a certified employee, appeals her disciplinary demotion. Complainant argues that she did not commit all of the acts for which she was disciplined, and that Respondent's decision to demote her was therefore arbitrary, capricious, and contrary to rule or law. Complainant seeks rescission of the disciplinary demotion and reinstatement to the Auditor III position; an award of back pay, with statutory interest; reinstatement of any lost benefits from the date of her demotion; reinstatement of her flexible work arrangement and telecommute privileges, and an award of attorney fees and costs.

Respondent argues that its decision to demote Complainant was appropriate, and was not arbitrary, capricious, or contrary to rule or law. Respondent seeks affirmance of its disciplinary decision, denial of all relief requested by

Complainant, and dismissal of Complainant's appeal with prejudice.

On November 13, 2018, the Administrative Law Judge issued an Initial Decision affirming Respondent's disciplinary demotion and dismissed Complainant's appeal with prejudice. Attorney fees and costs were not awarded.

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

There are no Preliminary Recommendation of the ALJ's for review.

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 MARCH 19, 2019 PUBLIC MEETING OF THE STATE PERSONNEL BOARD

VI. ACKNOWLEDGMENTS

DECISIONS OF THE STATE PERSONNEL BOARD MADE AT ITS MARCH 19, 2019 PUBLIC MEETING:

- A. Valerie Bishop v. Department of Human Services, State Veteran's Community Living Center at Fitzsimons, State Personnel Board case number 2019G012(c).

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

- B. Vrlina Nozlic v. Department of Human Services, State Personnel Board case number 2019S039.

The Board voted to adopt the Preliminary Recommendation of the ALJ and deny the petition for hearing and refer to the State Personnel Director for review.

- C. Michael Peterson v. Community Colleges of Colorado, Pikes Peak Community College, State Personnel Board case number 2019G007.

The Board voted to adopt the Preliminary Recommendation of the ALJ and deny the petition for hearing. The Board further ordered the matter be remanded to the ALJ to determine whether the State Personnel Board or the ALJ has legal authority to impose attorney fees without a request from one of the parties, and if so, whether attorney fees should be imposed in this current matter.

VII. ADMINISTRATIVE MATTERS & COMMENTS

A. ADMINISTRATIVE MATTERS

- Status of Cases on Appeal to the Board and Appellate Courts
- Stiles v. Department of Corrections, State Personnel Board No. 2016B034, Court of Appeals No. 17CA1992, Colorado Supreme Court No. 2019SC107.

- McCauley v. Department of Revenue, State Personnel Board No. 2014B061, Court of Appeals No. 17CA092. Order Vacated and Case Remanded with Directions. Mandate has not been issued by the court.

B. OTHER BOARD BUSINESS

- Vonda Hall's second term on the Board will conclude June 30. A vacancy announcement will be emailed to state employees on May 6, 2019 to inform them of a Board election that will commence with the nomination of potential candidates.
- Neil Peck's second term on the Board will also conclude June 30. This is a gubernatorial appointment and applications are being accepted by the Governor's Office of Boards and Commissions.

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

VIII. PROPOSED LEGISLATION AND/OR RULEMAKING

IX. EXECUTIVE SESSION

For purposes of receiving legal advice pursuant to § 24-6-402(3)(a)(II) regarding Stiles v. Department of Corrections.

For personnel matters required to be kept confidential regarding the Board Director's annual review pursuant to § 24-6-402(3).

ADJOURN:

2019 REGULARLY SCHEDULED BOARD MEETINGS - 9:00 a.m.

January 15, 2019	Colorado State Personnel Board 1525 Sherman Street, 1st Floor Conference Room 104 Denver, CO 80203
February 19, 2019	Colorado State Personnel Board 1525 Sherman Street, 1st Floor Conference Room 104 Denver, CO 80203
March 19, 2019	Colorado State Personnel Board 1525 Sherman Street, 1st Floor Conference Room 104 Denver, CO 80203
April 16, 2019	Colorado State Personnel Board 1525 Sherman Street, 1st Floor Conference Room 104 Denver, CO 80203
May 21, 2019	Colorado State Personnel Board 1525 Sherman Street, 1st Floor Conference Room 104 Denver, CO 80203
June 18, 2019	Colorado State Personnel Board 1525 Sherman Street, 1st Floor Conference Room 104 Denver, CO 80203
July 16, 2019	Colorado State Personnel Board 1525 Sherman Street, 1st Floor Conference Room 104 Denver, CO 80203
August 20, 2019	Colorado State Personnel Board 1525 Sherman Street, 1st Floor Conference Room 104 Denver, CO 80203
September 17, 2019	Colorado State Personnel Board 1525 Sherman Street, 1st Floor Conference Room 104 Denver, CO 80203
October 15, 2019	Colorado State Personnel Board 1525 Sherman Street, 1st Floor Conference Room 104 Denver, CO 80203
November 19, 2019	Colorado State Personnel Board 1525 Sherman Street, 1st Floor Conference Room 104 Denver, CO 80203
December 17, 2019	Colorado State Personnel Board 1525 Sherman Street, 1st Floor Conference Room 104 Denver, CO 80203