

State of Colorado



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State Personnel Board
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AGENDA PUBLIC BOARD MEETING May 21, 2019

A public meeting of the Colorado State Personnel Board will be held on Tuesday, May 21, 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 May 16, 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. Michelle Muller v. Department of Corrections, State Board of Parole, State Personnel Board case number 2018B012.

Complainant appeals her disciplinary termination alleging that Respondent's decision to terminate her employment was arbitrary, capricious and contrary to rule or law. Complainant also alleges that Respondent violated the Colorado State Employee Protection Act and retaliated against her in violation of the Colorado Anti-Discrimination Act.

On December 31, 2018, the ALJ issued an Initial Decision affirming Respondent's disciplinary action and dismissing Complainant's appeal with prejudice.

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

- A. Brulio A. Rojas v. Colorado State University, State Personnel Board case number 2018G027.

Complainant filed a petition to review his alleged forced resignation due to discrimination on the basis of race, color and national origin. Complainant seeks a “symbolic” award of “One dollar to compensate and remedy financial and emotional losses that CSU actions caused,” implementation of “a mandatory annual 30 minute diversity and inclusion training for all HR CSU employees,” and an order that Respondent “reaffirm, obey and fulfill Board Rule 6 when evaluating employees.”

Respondent argues that Complainant has failed to establish grounds that merit a hearing and that Complainant’s petition for a hearing and request for relief be denied.

On April 4, 2019, the Senior ALJ issued a Preliminary Recommendation that the petition for hearing be denied.

- B. Ghada Wahdan v. Department of Public Safety, State Personnel Board case number 2019G029.

Complainant alleged concerns about her supervisor’s conduct. Following an internal investigation, Respondent determined that Complainant’s allegations “were not sustained.” Complainant disputes Respondent’s determination. Complainant alleges a violation of the grievance procedures, discrimination and a hostile work environment. Complainant requests an injunction ordering the Respondent to stop the harassing and discriminatory conduct, an award of attorney fees and costs, and other equitable relief.

Respondent denies Complainant’s allegations and request the Board deny the Complainant’s petition for hearing.

On April 23, 2019, the ALJ issued a Preliminary Recommendation, denying 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 APRIL 16, 2019 PUBLIC MEETING OF THE STATE PERSONNEL BOARD

VI. ACKNOWLEDGMENTS

DECISIONS OF THE STATE PERSONNEL BOARD MADE AT ITS APRIL 16, 2019 PUBLIC MEETING:

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

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.

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, Colorado Supreme Court No. 2019SC107 – Brief of Amici Curiae filed 5/1/19

B. OTHER BOARD BUSINESS

- Board election was announced to all state employees and the nomination process for candidates is in process. The deadline for petitions is July 1 at close of business.
- The governor has selected an appointee for the Board and a formal announcement will be made once the appointment is formalized.

Director's Report:

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 purposes of discussing confidential personnel matters 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