

State of Colorado



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State Personnel Board
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AGENDA PUBLIC BOARD MEETING SEPTEMBER 17, 2019

A public meeting of the Colorado State Personnel Board will be held on Tuesday, September 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 September 13, 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]

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 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. Flavio Quintana v. Department of Revenue, SPB 2019G045(c).

Complainant argues that Respondent's decision to revert him from a trial service position to his prior certified position was motivated by discrimination on the basis of race/color and national origin/ancestry. Complainant also argues that Respondent failed to adequately address his grievance alleging discrimination. Complainant seeks back pay and benefits, placement in a similar position in a different work unit, or forward pay.

Respondent argues that Complainant's discrimination claims are untimely, depriving the Board of jurisdiction over these claims. Respondent also argues that Complainant has failed to establish a *prima facie* claim of discrimination. As relief, Respondent requests that Complainant's petition for hearing be denied and dismissed with prejudice.

On August 26, 2019, the Senior ALJ issued a Preliminary Recommendation to deny Complainant's petition for hearing and to dismiss with prejudice.

B. Ava Marie Heath v. Department of Corrections, Office of Inspector General, SPB 2019G058.

On April 4, 2019, Complainant filed a petition to review Respondent's second step response to her grievance protesting Respondent's non-disciplinary decision to remove her supervisory duties. This petition was set for preliminary review.

After reviewing the parties' information sheets, the ALJ determined that Respondent appeared to violate Respondent's grievance procedure because neither of the supervisors reviewing her grievance were authorized to grant the relief Complainant was seeking. In furtherance of the principle of timely resolution of disputes encouraged by Board Rule 8-1, as well as the interests of efficiency and judicial economy, the ALJ deferred Complainant's petition to Respondent's grievance process for a full and fair second step review by a person with proper authority.

Following another second step review of the grievance, Complainant filed a petition to review Respondent's final grievance decision. Complainant seeks reinstatement of her supervisory duties and removal of any documentation that may harm "future employment or promotional opportunities with the CDOC or any other employer." In the alternative, Complainant seeks "documentation of two years of Performance Management Plan (PMP) supervisory experience, which can be used toward future promotional opportunities."

Respondent argues that Complainant has failed to establish any issues meriting a hearing. As relief, Respondent requests that Complainant's petition for hearing be denied and dismissed with prejudice.

On August 28, 2019, the Senior ALJ issued a Preliminary Recommendation that Complainant's petition for hearing be denied and dismissed with prejudice.

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 AUGUST 20, 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

VIII. EXECUTIVE SESSION

Legal training regarding Board member ethics and conflicts of interest - Amy Lopez

ADJOURN:

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

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

October 15, 2019

November 19, 2019

December 17, 2019

January 21, 2020

February 18, 2020

March 17, 2020

April 21, 2020

May 19, 2020

June 16, 2020

July 21, 2020

August 18, 2020