

State of Colorado



John W. Hickenlooper
Governor

Neil Peck
Board Chair

Dana Shea-Reid
Board Director

State Personnel Board
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Meeting Minutes
September 18, 2018

The State Personnel Board met in public session on Tuesday, September 18, 2018, at 1525 Sherman Street, First Floor Conference Room 104, Denver, Colorado 80203.

The meeting was called to order at 9:00 a.m. Board Members Vonda Hall, Nora Kelly, Michelle Palmquist and Neil Peck were present in person. Maurie Knaizer was absent.

Dana Shea-Reid, Board Director and Amy Lopez, Board Counsel were present in person.

Director Shea-Reid welcomed Ms. Lopez to her first meeting as Counsel for the State Personnel Board.

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 were 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.

Mr. Peck moved to adopt Preliminary Recommendation of the ALJ and deny the petition for hearing. Ms. Palmquist seconded the motion. The motion carried on the affirmative vote of the following Board members: Ms. Hall, Ms. Kelly, Ms. Palmquist and Mr. Peck.

IV. INITIAL DECISIONS OR OTHER FINAL ORDERS OF THE ADMINISTRATIVE LAW JUDGES

There were no Initial Decisions or Final Orders of the ALJ for review.

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

Ms. Palmquist moved to approve the minutes as submitted. Ms. Hall seconded the motion. The motion passed on the affirmative vote of the following Board members: Ms. Hall, Ms. Kelly, Ms. Palmquist and Mr. Peck.

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

Board Counsel Lopez updated the Board on the status of appeals: Oral arguments were made for McCauley v. DOR and the Court will issue its Order; Opening Briefs were filed for Meiderhoff v. DOT; the briefing schedule has been issued for McNew v. DPS.

B. OTHER BOARD BUSINESS

Director's Report:

- Director Shea-Reid noted the FY2017-18 Whistleblower Report to the Governor issued in August and copied to the Board members. The Board had no questions regarding the report.

- The Director provided an update on the e-filing project. Significant work continues on testing for the e-filing system initiated by the Office of Administrative Courts. Andrea Woods, Senior Board Assistant has done an excellent job as the point of contact for all testing for the Board and progress is being made with regards to Board needs. No timeline has been announced for the roll out of the new system.

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

VIII. PROPOSED LEGISLATION OR RULEMAKING

IX. EXECUTIVE SESSION

The Board meeting adjourned by consensus at 9:12 a.m.

DATED THIS 16th DAY OF OCTOBER, 2018.

SIGNATURES

Neil Peck, Board Chair

Michelle Palmquist, Vice Chair

Vonda Hall, Member

Nora Kelly, Member
