

State of Colorado



John W. Hickenlooper
Governor

Neil Peck
Board Chair

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Board Director

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Meeting Minutes
November 20, 2018

The State Personnel Board met in public session on Tuesday, November 20, 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, Maurie Knaizer, Michelle Palmquist and Neil Peck were present in person.

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

I. REPORT OF DEPARTMENT OF PERSONNEL AND ADMINISTRATION [DPA] AND REPORT OF THE DIVISION OF HUMAN RESOURCES [DHR]

Director Shea-Reid informed the Board that the DPA/DHR updates will be pended until the new administration is established and appointments are made in DPA.

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

There were no appeals of Initial Decisions 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. Cassandra Clemons v. Department of Revenue, Tax Audit and Compliance Division, State Personnel Board case number 2018S065(c).

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

B. Ben Cappa v. Department of Public Health and Environment, Air Pollution Control Division, State Personnel Board case number 2018G088.

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

C. Andrea Bonino v. Department of Human Services, Office of Behavioral Health, Colorado Mental Health Institute at Pueblo, State Personnel Board case number 2019G015.

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

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

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

V. REVIEW OF THE MINUTES FROM THE OCTOBER 16, 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, Mr. Knaizer and Ms. Palmquist. Mr. Peck abstained as he did not attend that meeting.

VI. ACKNOWLEDGMENTS

DECISIONS OF THE STATE PERSONNEL BOARD MADE AT ITS OCTOBER 16, 2018 PUBLIC MEETING:

There were no decisions on the part of the Board made at the October 16, 2018 public meeting.

VII. ADMINISTRATIVE MATTERS & COMMENTS

A. ADMINISTRATIVE MATTERS

Board Counsel Lopez updated the Board on the status of appeals with the Court of Appeals: Matthew McNew v. DPS has not filed his brief or requested an extension of time from the court.

The oral argument for Stiles v. DOC is November 27, 2018 at 2:30. Eric Maxfield, First Assistant Attorney General, will represent the Board. Director Shea-Reid provided the

Board with copies of the Opening Brief and the State Personnel Board Answer Brief for Stiles in the event they wished to attend or listen to the oral arguments.

B. OTHER BOARD BUSINESS

Director's Report:

- Director Shea-Reid Board and Senior Board Assistant, Andrea Woods met with CCRD managers and staff on November 1 to discuss how to improve the referral process on discrimination claims. Issues included statutory timelines, implementing electronic notifications rather than forms and improving process communications to help eliminate confusion on the part of complainants. A draft of the modified referral letter and forms was shared with CCRD November 19 for their review and any feedback.
- The Director prepared a handout for the Board regarding what case file content can be requested by Board members and how to request it. The guidelines should help with Board requests for additional information that would not, otherwise, be in a Board packet.

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

On behalf of the Board, the Director wished everyone a very happy Thanksgiving holiday.

VIII. PROPOSED LEGISLATION OR RULEMAKING

IX. EXECUTIVE SESSION

The Board meeting adjourned by consensus at 9:22 a.m.

DATED THIS 18th DAY OF DECEMBER, 2018.

SIGNATURES

Neil Peck, Chair

Michelle Palmquist, Vice Chair

Vonda Hall, Member

Nora Kelly, Member

Maurie Knaizer, Member