

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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Meeting Minutes
January 15, 2019

The State Personnel Board met in public session on Tuesday, January 15, 2019, at 1525 Sherman Street, First Floor Conference Room 104, Denver, Colorado 80203.

The meeting was called to order at 8:59 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]

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

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. Derek Armentrout v. Department of Corrections, Division of Adult Parole & Community Corrections, State Personnel Board case number 2019S018.

Ms. Hall moved to adopt the 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, Mr. Knaizer, Ms. Palmquist and Mr. Peck.

B. Linda Torres v. Colorado State University at Pueblo, State Personnel Board case number 2018S039(c).

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

- A. Michelle Muller v. Department of Corrections, Colorado Board of Parole, State Personnel Board case number 2018B012.

No formal action required.

V. REVIEW OF THE MINUTES FROM THE DECEMBER 18, 2018 PUBLIC MEETING OF THE STATE PERSONNEL BOARD

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

VI. ACKNOWLEDGMENTS

DECISIONS OF THE STATE PERSONNEL BOARD MADE AT ITS NOVEMBER 20, 2018 PUBLIC MEETING:

- A. Diane Ricci v. Department of Military & Veterans Affairs, Division of Veterans Affairs, State Personnel Board case number 2019B019.

The Board voted to adopt the findings of fact and conclusions of law in the ALJ's Order of Dismissal and made an Order of the Board.

- B. Bridget O'Dell v. Department of Public Safety, Colorado State Patrol, State Personnel Board case number 2019G014.

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

- C. Fayokemi Omolara Akinbode v. Department of Corrections, Corrections Training Academy, State Personnel Board case number 2019G006.

The Board voted to adopt the Preliminary Recommendation of the ALJ and grant the petition for hearing on claims that the termination was arbitrary, capricious, or contrary to rule or law and on her discrimination claims and to deny a hearing on Complainant's claims of retaliation and defamation.

- D. Michael Wayne Morrison v. Department of Human Services, Office of Behavioral Health, Colorado Mental Health Institute at Pueblo, State Personnel Board case number 2019S012.

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. Cleveland v. Department of Revenue, State Personnel Board case number 2018B079.

No formal action taken.

VII. ADMINISTRATIVE MATTERS & COMMENTS

A. ADMINISTRATIVE MATTERS

Board Counsel Lopez informed the Board that the Court of Appeals had not yet issued its decisions regarding the Board's petition to publish the *Stiles v. Department of Corrections* decision or Respondent's motion for rehearing on the same.

B. OTHER BOARD BUSINESS

Director's Report: Director Shea-Reid noted that there is still no gubernatorial appointment for DPA State Personnel Director, which is one of two principal departments that have not yet seen cabinet level appointments. The Chief HR Officer, the position held formerly by Kim Burgess will remain unfilled until after the State Personnel Director has been selected. In the meantime, former State Personnel Director June Taylor has accepted a position with the Attorney General's Office as its Chief Operations Officer.

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

VIII. PROPOSED LEGISLATION OR RULEMAKING

IX. EXECUTIVE SESSION

The meeting adjourned by consensus at 9:13 a.m.

DATED THIS 19th DAY OF FEBRUARY, 2019.

SIGNATURES

Neil Peck, Chair

Michelle Palmquist, Vice Chair

Vonda Hall, Member

Nora Kelly, Member

Maurie Knaizer, Member