

State of Colorado



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MEETING MINUTES

January 21, 2020

The State Personnel Board met in public session on Tuesday, January 21, 2020, at 1525 Sherman Street, First Floor Conference Room 104, Denver, Colorado 80203.

The meeting was called to order at 9:02 a.m. Board Members Patricia Bangert, Nora Kelly, Maurie Knaizer, Michelle Palmquist, and Sarah Wager were present in person.

Rick Dindinger, Board Director, and Assistant Attorney General 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].

There was no report scheduled this month.

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

There were no Initial Decisions or other final orders on appeal to the Board this month.

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

A. Fayokemi Omolara Akinbode v. Department of Corrections, Denver Reception and Diagnostic Center, SPB 2020G024.

Following discussion of the Administrative Law Judge's Preliminary Recommendation, Ms. Palmquist moved to adopt the recommendation and deny the petition for hearing. Ms. Kelly seconded the motion. The motion carried on the affirmative vote of the following Board members: Ms. Bangert, Ms. Kelly, Mr. Knaizer, Ms. Palmquist and Ms. Wager.

B. Adam Robert Cummings v. Department of Corrections, SPB 2020G028.

Following discussion of the Administrative Law Judge's Preliminary Recommendation, Ms. Bangert moved to adopt the recommendation and deny the petition for hearing. Ms. Palmquist seconded the motion. The motion carried on the affirmative vote of the following Board members: Ms. Bangert, Ms. Kelly, Mr. Knaizer, Ms. Palmquist and Ms. Wager.

C. Maya Celestina Baca v. Community Colleges of Colorado, Arapahoe Community College, Police Department, SPB 2020G031.

Following discussion of the Administrative Law Judge's Preliminary Recommendation, Ms. Palmquist moved to adopt the recommendation and deny the petition for hearing. Ms. Bangert seconded the motion. The motion carried on the affirmative vote of the following Board members: Ms. Bangert, Ms. Kelly, Mr. Knaizer, Ms. Palmquist and Ms. Wager.

D. Ayman Salloum v. Department of Transportation, SPB 2019G031(c).

To make a record of the information that the Board had considered in reviewing this matter, Chair Palmquist disclosed that the Board members received the exhibits submitted by the parties with their Information Sheets.

Following discussion of the Administrative Law Judge's Preliminary Recommendation, the Board acted as follows:

1. Mr. Knaizer moved to adopt the recommendation and deny a hearing on Complainant's national origin discrimination claim. Ms. Palmquist seconded the motion. The motion carried 4-1 on the affirmative vote of the following Board members: Ms. Kelly, Mr. Knaizer, Ms. Palmquist and Ms. Wager. Ms. Bangert voted in opposition.
2. Mr. Knaizer moved to adopt the recommendation and deny a hearing on Complainant's disability discrimination claim. Ms. Palmquist seconded the motion. The motion carried 4-1 on the affirmative vote of the following Board members: Ms. Kelly, Mr. Knaizer, Ms. Palmquist and Ms. Wager. Ms. Bangert voted in opposition.
3. Mr. Knaizer moved to adopt the recommendation and grant a hearing on Complainant's claim that Respondent retaliated against him in violation of the Colorado Anti-Discrimination Act. Ms. Palmquist seconded the motion. The motion carried 4-1 on the affirmative vote of the following Board members: Ms. Bangert, Ms. Kelly, Mr. Knaizer and Ms. Palmquist. Ms. Wager voted in opposition.
4. Mr. Knaizer moved to adopt the recommendation and deny a hearing on Complainant's hostile work environment claim. Ms. Palmquist seconded the motion. The motion carried 3-2 on the affirmative vote of the following Board members: Mr. Knaizer, Ms. Palmquist and Ms. Wager. Ms. Bangert and Ms. Kelly voted in opposition.

5. Mr. Knaizer moved to adopt the recommendation and deny a hearing on the claim that Respondent violated the grievance procedures. Ms. Palmquist seconded the motion. The motion carried 5-0 on the affirmative vote of the following Board members: Ms. Bangert, Ms. Kelly, Mr. Knaizer, Ms. Palmquist and Ms. Wager.
6. Mr. Knaizer moved to adopt the recommendation and deny a hearing on the claim that Respondent violated his rights under the Fourteenth Amendment to the U.S Constitution. Ms. Palmquist seconded the motion. The motion carried 5-0 on the affirmative vote of the following Board members: Ms. Bangert, Ms. Kelly, Mr. Knaizer, Ms. Palmquist and Ms. Wager.
7. Mr. Knaizer moved to adopt the recommendation and deny a hearing on the claim that the corrective action was “arbitrary and capricious.” Ms. Palmquist seconded the motion. The motion carried 5-0 on the affirmative vote of the following Board members: Ms. Bangert, Ms. Kelly, Mr. Knaizer, Ms. Palmquist and Ms. Wager.

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

There were no Initial Decisions or other Final Orders of the Administrative Law Judges for review.

V. REVIEW OF MINUTES FROM THE DECEMBER 17, 2019, PUBLIC MEETING OF THE STATE PERSONNEL BOARD.

Mr. Knaizer moved to approve the minutes as submitted. Ms. Wager seconded the motion. The motion carried on the affirmative vote of the following Board members: Ms. Bangert, Ms. Kelly, Mr. Knaizer and Ms. Wager. Ms. Palmquist abstained from the vote.

VI. ADMINISTRATIVE MATTERS & COMMENTS.

A. ADMINISTRATIVE MATTERS.

- Board Counsel Lopez updated the Board as to the decision issued by the Colorado Court of Appeals in Bloem v. Dep't of Health Care Policy & Financing (SPB No. 2016G011; Court of Appeals No. 18CA1926).

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

- There were no comments made to the Board.

VII. PROPOSED LEGISLATION OR RULEMAKING.

There was no proposed legislation or rulemaking at the meeting.

VIII. EXECUTIVE SESSION.

The Board did not enter into executive session.

The Board meeting adjourned by consensus at 10:22 a.m.

SIGNED THIS 18th DAY OF FEBRUARY, 2020.

Michelle Palmquist, Chair

Maurie Knaizer, Vice Chair

Patricia Bangert, Board Member

Nora Kelly, Board Member

Sarah Wager, Board Member