

State of Colorado



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MEETING MINUTES

May 19, 2020

The State Personnel Board met on Tuesday, May 19, 2020. Due to the Governor's safer-at-home order and ongoing concerns with COVID-19, the Board held its meeting via teleconference.

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 via teleconference. Rick Dindinger, Board Director, and Assistant Attorney General Amy Lopez, Board Counsel, were also present via teleconference.

Members of the public also attended the meeting via teleconference. In advance of the meeting: (a) the Board posted information about the teleconference on its website; and (b) the Board emailed the teleconference information to parties, attorneys, members of the State's human resources community, and other stakeholders.

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

There was no report scheduled for 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.

There were no Preliminary Recommendations of the Administrative Law Judges this month.

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 this month.

V. REVIEW OF MINUTES FROM THE APRIL 21, 2020, PUBLIC MEETING OF THE STATE PERSONNEL BOARD.

Ms. Palmquist moved to approve the minutes as submitted. Mr. Knaizer 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.

VI. ADMINISTRATIVE MATTERS & COMMENTS.

A. ADMINISTRATIVE MATTERS.

- Board Counsel Lopez briefly updated the Board on Department of Corrections v. Stiles (SPB No. 2016B034; Supreme Court No. 2019SC107). The Department of Corrections filed its Opening Brief on May 4, 2020.
- Director Dindinger reported that the Board held an evidentiary hearing last week using GoogleMeets teleconferencing technology. The evidentiary hearing included several witnesses and exhibits. The hearing went smoothly.

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

- Director Dindinger reported that the Board had not received any written comments for the Board's consideration.

VII. PROPOSED LEGISLATION OR RULEMAKING.

There was no proposed legislation or rulemaking at the meeting.

VIII. EXECUTIVE SESSION.

At 9:09 a.m., Ms. Palmquist moved to enter executive session for the following purposes:

- Receiving legal advice on a legal question pursuant to § 24-6-402(3), C.R.S., specifically the procedures relating to voting on petitions to grant discretionary hearings.
- Receiving legal advice on a legal question pursuant to § 24-6-402(3), C.R.S., specifically the legal standards for determining whether to grant discretionary hearings.
- Receiving legal advice pursuant to § 24-6-402(3), C.R.S., regarding a pending court action, specifically Department of Corrections v. Stiles.
- For considering the Board Director's annual review pursuant to § 24-6-402(3), C.R.S. The Director requested that the discussion occur in executive session.

Mr. Knaizer seconded the motion. The motion carried on the unanimous vote of the full Board. The Board then entered into executive session.

The Board re-entered open, public session at 12:28 p.m. Ms. Wager was excused from the remainder of the meeting due to a prior engagement. Ms. Palmquist announced that during the executive session the Board:

- Received legal advice regarding the procedures relating to voting on petitions to grant discretionary hearings.
- Received legal advice regarding the legal standards for determining whether to grant discretionary hearings. The Board directed the Board Director and Board Counsel to conduct further review of this topic and to consider whether rulemaking might be appropriate.
- Received legal advice regarding a pending court action, specifically Department of Corrections v. Stiles.
- Discussed the Board Director's annual review.

The Board meeting adjourned by consensus at 12:31p.m.

SIGNED THIS 16th DAY OF JUNE, 2020.

Michelle Palmquist, Chair

Maurie Knaizer, Vice Chair

Patricia Bangert, Board Member

Nora Kelly, Board Member

Sarah Wager, Board Member