

State of Colorado



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Governor

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Board Director

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MEETING MINUTES

June 16, 2020

The State Personnel Board met on June 16, 2020. Due to the Governor's Safer at Home and in the Vast, Great Outdoors order and ongoing concerns with COVID-19, the Board held its meeting via teleconference.

The meeting was called to order at 9:06 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. CASE ON REMAND FROM THE COURT OF APPEALS.

A. Doris McCauley v. Department of Revenue, Division of Motor Vehicles, Driver's License Section, SPB 2014B061(c), Court of Appeals No. 2017CA921.

Following discussion of the Administrative Law Judge's Award of Damages, the Order of Remand with Directions from the Court of Appeals, the parties' briefs, and other materials, the Board acted as follows: Ms. Palmquist moved to adopt the Administrative Law Judge's Award of Damages, including adopting Findings of Fact No. 1 (regarding \$78,014.52 in damages suffered by Complainant through January 23, 2020) and No. 2 (regarding damages that Complainant continues to accrue because Respondent has not reinstated Complainant), and to enter an award to Complainant of \$78,014.52 through January 23, 2020, plus an award of continuing lost wages and benefits that cannot be calculated as a sum certain at this time. Ms. Kelly seconded the motion. The motion carried on the affirmative vote of the following Board

members: Ms. Kelly, Mr. Knaizer, Ms. Palmquist, and Ms. Wager. Ms. Bangert voted in opposition.

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

A. Olga Ivanova v. Department of Public Health and Environment, Laboratory Services, SPB 2019G051(c).

Following discussion of the Administrative Law Judge's Preliminary Recommendation, the Board acted as follows: Ms. Palmquist moved to adopt the recommendation, deny Complainant's petition for hearing, and refer the matter to the Director for review. Ms. Kelly seconded the motion. The motion carried on the affirmative vote of the following Board members: Ms. Kelly, Mr. Knaizer, Ms. Palmquist, and Ms. Wager. Ms. Bangert voted in opposition.

B. Julien Mosely v. Department of Human Services, Office of Children, Youth & Families, Division of Youth Services, Mount View Youth Services Center, SPB 2020G049.

Following discussion of the Administrative Law Judge's Preliminary Recommendation, Ms. Palmquist moved to adopt the recommendation and deny Complainant's petition for hearing. Ms. Wager 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. Ryan Flores v. Department of Corrections, SPB 2019S040(c).

Following discussion of the Administrative Law Judge's Preliminary Recommendation, the Board acted as follows: Ms. Palmquist moved to adopt the recommendation and grant Complainant's petition for hearing on the discrimination claim but deny the petition for hearing on the whistleblower claim. 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.

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 MAY 19, 2020, PUBLIC MEETING OF THE STATE PERSONNEL BOARD.

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

VI. ADMINISTRATIVE MATTERS & COMMENTS.

A. ADMINISTRATIVE MATTERS.

- Board Counsel Lopez updated the Board on Department of Corrections v. Stiles (SPB No. 2016B034; Supreme Court No. 2019SC107).
- Director Dindinger read an email from the Director of the University of Colorado Civil Practice Law Clinic that was very complementary of the Board's judges.
- Director Dindinger recognized outgoing Board Chair, Michelle Palmquist, for her six years of exemplary service (2014-2020) and for her leadership as Vice Chair (2017-2019) and Board Chair (2019-2020). The Director thanked Ms. Palmquist for her wisdom, dedication and commitment to the Board's mission and for her service to the great State of Colorado. Board Counsel Lopez and each of the Board members also praised Ms. Palmquist for her service.

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. Director Dindinger also reported that he is working on a procedure for the public to share comments using the teleconferencing system.

VII. PROPOSED LEGISLATION OR RULEMAKING.

There was no proposed legislation or rulemaking at the meeting. The Board directed Board Counsel Amy Lopez and Director Dindinger to provide the Board with an overview of the rulemaking process at its July meeting.

VIII. EXECUTIVE SESSION.

At 11:23 a.m., Ms. Palmquist moved to enter executive session for the following purposes:

- 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 11:37 a.m. Ms. Palmquist announced that during the executive session the Board:

- Discussed the Board Director's annual review.

The Board meeting adjourned by consensus at 11:38 a.m.

SIGNED THIS 21st DAY OF JULY, 2020.

Patricia Bangert, Board Member

Nora Kelly, Board Member

Abstain

Karen Niparko, Board Member

Sarah Wager, Board Member

Abstain

Roxane White, Board Member