

# State of Colorado



**Jared Polis**  
*Governor*

**Nora Kelly**  
*Board Chair*

**Rick Dindinger**  
*Board Director*

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## **MEETING MINUTES**

October 20, 2020

The State Personnel Board met on October 20, 2020. Due to the COVID-19 pandemic, the Board held its meeting via a Zoom webinar.

The meeting was called to order at 9:00 a.m. Board Members Patricia Bangert, Nora Kelly, Sarah Wager, and Roxane White were present via webinar. Board Member Karen Niparko was absent. Rick Dindinger, Board Director, and Assistant Attorney General Amy Lopez, Board Counsel, were also present via webinar.

Members of the public also attended the meeting via webinar. In advance of the meeting, the Board posted information about the agenda and the webinar on its website.

### **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 reviewed this month.

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

#### **A. Kervyn Dimney v. Governor's Office of Information Technology, SPB 2020G074.**

Ms. White exited the meeting because of a conflict.

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

After the vote, Ms. White rejoined the meeting.

- B. Mamadou Wattara v. Department of Human Services, Office of Community Access & Independence, Division of Regional Center Operations, Wheat Ridge Regional Center, SPB 2021G006.

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

**IV. INITIAL DECISIONS OF THE ADMINISTRATIVE LAW JUDGES FOR POTENTIAL REVIEW UNDER § 24-4-105(14)(a)(II), C.R.S.**

- A. Gary Christopher Ward v. Department Corrections, SPB 2019G075(c).

The Board did not take any action.

- B. Lariena Roberts v. Department of Corrections, Limon Correctional Facility, SPB 2019B060.

The Board did not take any action.

- C. Kirsten Gregg v. Department of Revenue, Gaming Division, SPB 2020G009.

The Board did not take any action.

- D. Gu Kim v. Department of Public Safety, Colorado State Patrol, SPB 2020B047.

The Board did not take any action.

- E. Amy Vincze v. Department of Revenue, Legislative Services, SPB 2020B016.

The Board did not take any action.

- F. Oswaldo Nunez v. Department of Human Services, Office of Children, Youth & Families, Division of Youth Services, Lookout Mountain Youth Services, SPB 2020B036.

The Board did not take any action.

**V. REVIEW OF MINUTES FROM THE SEPTEMBER 15, 2020, PUBLIC MEETING OF THE STATE PERSONNEL BOARD.**

Ms. Kelly 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, Ms. Wager, and Ms. White.

## **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). Oral argument was held on September 23, 2020.
- Director Dindinger informed the Board that most staff will be taking 1-3 days of mandatory furlough. The Board's office will be closed the day after Thanksgiving.
- Director Dindinger updated the Board on measures taken to continue operations during the COVID-19 pandemic.
- Director Dindinger announced that the Board filed a Notice of Hearing at the Secretary of State's Office for joint rulemaking. Information related to the joint rulemaking is posted on the Board's website.
- By consensus, the Board meeting on November 17, 2020, will start at 8:30 a.m.

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

- In advance of the meeting, the Board did not receive any written comments for the Board's consideration or any requests to share a general public comment verbally.

## **VII. PROPOSED LEGISLATION OR RULEMAKING.**

Joint rulemaking hearing with the Statewide Chief Human Resources Officer regarding Chapter 7 (Separation) is scheduled for November 17, 2020. The joint rulemaking will start at 9:30 a.m.

## **VIII. EXECUTIVE SESSION.**

At 10:05 a.m., Ms. Kelly moved to enter executive session for the following purposes:

- Receiving legal advice pursuant to § 24-6-402(3), C.R.S., regarding a pending court action, specifically McCauley v. Department of Revenue, SPB No. 2014B061; Court of Appeals No. 20CA1244

Ms. Bangert seconded the motion. The motion carried on the affirmative vote of the following Board members: Ms. Bangert, Ms. Kelly, Ms. Wager, and Ms. White. Following the vote, the Board entered into executive session.

The Board re-entered open, public session at 10:51. Ms. Kelly announced that during executive session, the Board received legal advice regarding a pending court action, specifically McCauley v. Department of Revenue.

The Board meeting adjourned by consensus at 10:53 a.m.

**SIGNED THIS 17th DAY OF NOVEMBER, 2020.**

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Nora Kelly, Chair

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Sarah Wager, Vice Chair

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Patricia Bangert, Board Member

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Roxane White, Board Member