

# State of Colorado



**Jared Polis**  
*Governor*

**Nora Kelly**  
*Board Chair*

**Rick Dindinger**  
*Board Director*

**State Personnel Board**  
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## **MEETING MINUTES**

March 16, 2021

The State Personnel Board met on March 16, 2021. Due to the COVID-19 pandemic, the Board held its meeting via a Zoom webinar.

The meeting was called to order at 8:07 a.m. Board members Patricia Bangert, Nora Kelly, Sarah Wager, and Roxane White were present for the roll call via webinar. Rick Dindinger, Board Director, and Assistant Attorney General Amy Lopez, Board Counsel, were also present via webinar. Board Member Karen Niparko joined the meeting at 8:12 a.m.

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. INTRODUCTION OF THE ADMINISTRATIVE LAW JUDGES THAT SERVE THE STATE PERSONNEL BOARD.**

Administrative Law Judges Susan Tyburski, Keith Shandalow, and Keely McCabe introduced themselves to the Board and shared information about their background.

### **II. REPORT OF DEPARTMENT OF PERSONNEL AND ADMINISTRATION [DPA] AND REPORT OF THE DIVISION OF HUMAN RESOURCES [DHR].**

There was no report scheduled this month.

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

#### **A. Erin Starzyk v. Department of Public Health & Environment, SPB 2021S012.**

Mr. Dindinger announced that the Board had received a motion on March 15, 2021, but it did not comply with Board Rule 8-52(a) and Board Rule 8-52(b). Mr. Dindinger stated that he and Board Counsel advised the Board to proceed with its review of the matter without consideration of the motion.

Following discussion of the Administrative Law Judge's Preliminary Recommendation, the Board acted as follows: Ms. Wager moved to reject the recommendation, deny Complainant's petition for hearing, and refer the matter to

the State Personnel Director. Ms. Niparko seconded the motion. The motion carried on the affirmative vote of the following Board members: Ms. Niparko, Ms. Wager and Ms. White. Ms. Bangert and Ms. Kelly voted in opposition.

- B. Lisa Dolce v. Department of Human Services, Colorado Mental Health Institute at Pueblo, SPB 2021S024.

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

The Board recessed its regular business for the rulemaking hearing at 8:55 a.m. The Board reconvened its regular business at 11:52 a.m.

- C. Rachel Maxfield v. Department of Public Safety, Colorado State Patrol, SPB 2021S018.

Following discussion of the Administrative Law Judge's Preliminary Recommendation, the Board acted as follows: Ms. Kelly moved to adopt the recommendation, deny Complainant's petition for hearing, and refer the matter to the State Personnel Director. Ms. Niparko seconded the motion. The motion carried on the affirmative vote of the following Board members: Ms. Bangert, Ms. Kelly, Ms. Niparko, 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. Ann Greco v. University of Colorado Boulder, College of Engineering & Applied Science, SPB 2020B062(c).

The Board did not take any action.

- B. Noel Hidalgo v. Department of Human Services, Colorado Mental Health Institute at Pueblo, SPB 2021B022.

The Board did not take any action.

#### **V. REVIEW OF MINUTES FROM THE FEBRUARY 16, 2021, PUBLIC MEETING OF THE STATE PERSONNEL BOARD.**

Ms. White 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, Ms. Niparko, Ms. Wager, and Ms. White.

#### **VI. ADMINISTRATIVE MATTERS & COMMENTS.**

A. ADMINISTRATIVE MATTERS.

- Mr. Dindinger informed everyone that the Board will hold an executive session in April. Ms. Kelly announced that Board members should be prepared to discuss Mr. Dindinger's performance during that executive session.
- By consensus, the Board meeting on April 20, 2021 will start at 8:00 a.m.

B. GENERAL COMMENTS.

- 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.

**VII. PROPOSED LEGISLATION AND/OR RULEMAKING**

Ms. Kelly moved to set a rulemaking hearing regarding Chapter 9 (Fair Employment Practices) for May 18, 2021. Ms. White seconded the motion. The motion carried on the affirmative vote of the following Board members: Ms. Bangert, Ms. Kelly, Ms. Niparko, Ms. Wager, and Ms. White.

**VIII. EXECUTIVE SESSION.**

None held.

**IX. JOINT RULEMAKING HEARING.**

The Board conducted a joint rulemaking hearing with Ramona Gomoll (the Statewide Chief Human Resources Officer) regarding proposed changes to the Board Rules in Chapter 6 (Performance). The rulemaking hearing started at 9:03 a.m.

Rick Dindinger (Board Director) and John Bartley (DPA's Deputy Director of DPA's Division of Human Resources) made presentations regarding the proposed changes to Chapter 6.

The Board and the Statewide Chief Human Resources Officer heard testimony from Jim Davidson, Casey Leier, Pamela Cress, Rachel Alkayali, Stacy Worthington, Jacob Paul, Bob Nogueira, and Jennifer Clayman, regarding the proposed changes to Chapter 6. In addition, Doug Platt read written comments from Jim Davidson into the record and Rick Dindinger read comments from Pamela Cress and Casey Leier into the record.

The record closed at the conclusion of the public testimony at 10:53. The hearing recessed from 10:55 a.m. to 11:05 a.m. Ms. White exited the meeting at 10:55 a.m. and rejoined at 11:30 a.m. The Board deliberated on the proposed changes from 11:05 a.m. until 11:32 a.m.

The record opened again at 11:32 a.m. for the sole purpose of reading a written comment from Naomi Gonzales into the record. Ms. Gonzales had sent the written comment to Doug Platt at 10:41 a.m. Mr. Platt read the comment into the record. The record closed again at 11:35 a.m.

The Board continued its deliberations at 11:36 a.m. The Board recessed its rulemaking deliberations at 11:51 a.m. and continued those deliberations to April 20, 2021 at 9:00 a.m. The Board then reconvened its regular business.

The Board meeting adjourned by consensus at 12:09 p.m.

**SIGNED THIS 20th DAY OF APRIL, 2021.**

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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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Karen Niparko, Board Member

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Roxane White, Board Member