

# State of Colorado

---



**Jared Polis**  
*Governor*

**Sarah Wager**  
*Board Chair*

**Rick Dindinger**  
*Board Director*

**State Personnel Board**  
1525 Sherman Street 4<sup>th</sup> Floor  
Denver, Colorado 80203  
Phone (303) 866-3300  
Fax (303) 866-5038

## **MEETING MINUTES**

July 20, 2021

The State Personnel Board met on July 20, 2021. The Board held its meeting via webinar using Zoom.

The meeting was called to order at 9:02 a.m. Board Members Patricia Bangert, Karen Niparko, David Ruchman, 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.

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.

The Board welcomed newly elected Board Member David Ruchman.

### **I. ELECTION OF BOARD OFFICERS FOR FY 2021-22.**

The Board conducted its annual election of officers. Ms. Bangert nominated Sarah Wager as the Board Chair. Ms. White seconded the nomination. The nomination carried on the affirmative vote of the following Board members: Ms. Bangert, Ms. Niparko, Mr. Ruchman, Ms. Wager, and Ms. White. As a result, Ms. Wager became the Board Chair. Ms. White nominated Patricia Bangert as the Board Vice Chair. Ms. Niparko seconded the nomination. The nomination carried on the affirmative vote of the following Board members: Ms. Bangert, Ms. Niparko, Mr. Ruchman, Ms. Wager, and Ms. White. As a result, Ms. Bangert became the Board Vice Chair. The Chair and Vice Chair will serve as officers of the Board for FY 2021-2022.

### **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 INITIAL DECISIONS OR OTHER FINAL ORDERS OF THE ADMINISTRATIVE LAW JUDGES ON APPEAL TO THE STATE PERSONNEL BOARD.**

There were no Initial Decisions or other final orders on appeal for review.

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

A. Grace Novotny v. Department of Corrections, Office of the Inspector General, SPB 2021G039.

Ms. White recused herself from consideration of this appeal due to a conflict and she exited the meeting.

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. Mr. Ruchman seconded the motion. The motion carried on the affirmative vote of the following Board members: Ms. Bangert, Ms. Niparko, Mr. Ruchman, and Ms. Wager.

After the vote, Ms. White rejoined the meeting.

B. Marcus Maes v. Department of Transportation, SPB 2021G043(c).

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

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

A. Gu Kim v. Department of Public Safety, Colorado State Patrol, Communications, SPB 2021B031.

The Board did not take any action.

B. Mathew Stiles v. Department of Corrections, Denver Reception & Diagnostic Center, SPB 2016B034.

The Board did not take any action.

**VI. REVIEW OF MINUTES FROM THE JUNE 15, 2021, PUBLIC MEETING OF THE STATE PERSONNEL BOARD.**

Ms. White 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. Niparko, Ms. Wager, and Ms. White. Mr. Ruchman abstained.

**VII. ADMINISTRATIVE MATTERS & COMMENTS.**

A. ADMINISTRATIVE MATTERS.

- Ms. Lopez reported that *McCauley v. Dep't of Revenue* (SPB 2014B061(c)) will be set for oral argument at the Court of Appeals and that if the argument is scheduled after September 1, 2021, it will likely be in-person.
- Mr. Dindinger reported on various trends with respect to Board appeals, preliminary recommendations, initial decisions, and settlements.

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

- In advance of the meeting, the Board did not receive any requests to make a general comment publically.

**VIII. PROPOSED LEGISLATION OR RULEMAKING.**

There was no proposed legislation or rulemaking at the meeting.

**IX. EXECUTIVE SESSION.**

The Board did not enter into executive session.

The Board meeting adjourned by consensus at 10:15 a.m.

**SIGNED THIS 17th DAY OF AUGUST, 2021.**

---

Sarah Wager, Chair

---

Patricia Bangert, Vice Chair

---

Karen Niparko, Board Member

---

David Ruchman, Board Member

---

Roxane White, Board Member