

State of Colorado



Jared Polis
Governor

Sarah Wager
Board Chair

Rick Dindinger
Board Director

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

MEETING MINUTES

August 17, 2021

The State Personnel Board met on August 17, 2021. The Board held its meeting via webinar using Zoom.

The meeting was called to order at 9:01 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.

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

Lynne Steketee, the new Statewide Chief Human Resources Officer, introduced herself to the Board. Ms. Steketee described DHR's statewide training activities and the Center for Organizational Effectiveness, conveyed that the state is exploring a new model for human resources information systems, and discussed contemplated plans for a COVID vaccination and testing program for state employees.

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

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

Following discussion of the Administrative Law Judge's Initial Decision, the Board acted as follows: Mr. Ruchman moved to adopt the Findings of Fact and Conclusions of Law in the Initial Decision. Ms. White 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.

B. Jerome Greene v. University of Colorado Boulder, College of Arts & Sciences, SPB 2021B040.

Ms. Wager recused herself from consideration of this appeal due to a conflict and she exited the meeting. Vice Chair Bangert chaired the discussion of this agenda item.

Following discussion of the Administrative Law Judge's Order Granting Respondent's Motion for Summary Judgment, the Board acted as follows: Ms. White moved to adopt the Findings of Fact and Conclusions of Law in the Order Granting Respondent's Motion for Summary Judgment. 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. White.

Following the vote, Ms. Wager returned to the meeting.

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

A. Manmeet Sokhy v. Department of Corrections, Fremont Correctional Facility, SPB 2021S034.

Following discussion of the Administrative Law Judge's Preliminary Recommendation, the Board acted as follows: Ms. Niparko moved to adopt the recommendation, to deny Complainant's petition for hearing, and to refer the matter to the State Personnel Director for review. Ms. White 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 Mr. Ruchman voted in opposition.

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

There were no Initial Decisions or other final orders scheduled this month for potential review under § 24-4-105(14)(a)(II), C.R.S.

V. REVIEW OF MINUTES FROM THE JULY 20, 2021, PUBLIC MEETING OF THE STATE PERSONNEL BOARD.

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

VI. ADMINISTRATIVE MATTERS & COMMENTS.

A. ADMINISTRATIVE MATTERS.

- Mr. Dindinger reported that attendance for remote Board Meetings via webinar exceeds pre-pandemic attendance for onsite meetings. In light of the attendance figures, the growing concern related to the spread and impact of the Delta variant, and the legislative encouragement in C.R.S. § 24-3.5-101 for board's to periodically meet outside of Denver, Mr. Dindinger recommended the Board continue meeting remotely via webinar. Following discussion, the Board decided to continue meeting remotely via webinar.

- Mr. Dindinger read an email from Michelle Brissette Miller, First Assistant Attorney General, in response to a Board member inquiry at the July Board meeting about the Department of Law's statewide training activities.
- Mr. Dindinger reported that he had submitted the annual Whistleblower Report to the Governor and posted the Report on the Board's website.

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.

VII. PROPOSED LEGISLATION OR RULEMAKING.

There was no proposed legislation or rulemaking at the meeting.

VIII. EXECUTIVE SESSION.

At 10:34 a.m., Ms. Wager moved to enter an executive session for the following purposes:

- For the purpose of receiving legal advice pursuant to C.R.S. § 24-6-402(3), regarding a pending court action, specifically Starzyk v. Department of Public Health & Environment (Court of Appeals No. 2021CA0560; SPB No. 2021S012).
- For the purpose of receiving legal advice pursuant to C.R.S. § 24-6-402(3), regarding a legal question, specifically the meaning and applicability of C.R.S. § 24-50-1110(1)(a) and (2).

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.

Following the vote, the Board recessed from at 10:36 a.m. to 10:42 a.m. Following the recess, the Board entered into executive session. The executive session ended at 11:21 a.m.

The Board meeting adjourned by consensus at 11:23 a.m.

SIGNED THIS 21st DAY OF SEPTEMBER, 2021.

Sarah Wager, Chair

Patricia Bangert, Vice Chair

Karen Niparko, Board Member

David Ruchman, Board Member

Roxane White, Board Member