

State of Colorado



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MEETING MINUTES September 21, 2021

The State Personnel Board met on September 21, 2021. The Board held its meeting via webinar using Zoom.

The meeting was called to order at 9:03 a.m. Board Members Patricia Bangert, Karen Niparko, David Ruchman, and Sarah Wager 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].

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 STATE PERSONNEL BOARD.

There were no Initial Decisions or other final orders an appeal for review this month.

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

A. Rebecca Martens v. Department of Corrections, Office of Clinical and Correctional Services, SPB 2021G050.

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

B. Bryan Ward v. Department of Transportation, SPB 2021G056.

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

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.

A. Lydia Martinez v. Department of Human Services, Colorado Mental Health Institute at Pueblo, SPB 2021B054.

The Board did not take any action.

V. REVIEW OF MINUTES FROM THE AUGUST 17, 2021, PUBLIC MEETING OF THE STATE PERSONNEL BOARD.

Mr. Ruchman moved to approve the minutes as submitted. Ms. Bangert seconded the motion. The motion carried on the affirmative vote of the following Board members: Ms. Bangert, Ms. Niparko, Mr. Ruchman, and Ms. Wager.

VI. ADMINISTRATIVE MATTERS & COMMENTS.

A. ADMINISTRATIVE MATTERS.

- Ms. Wager announced that Roxane White resigned from the Board. Ms. White's resignation reflects the success of her consulting business, increased demands on her time, and the growing opportunities she has to work with state agencies. Mr. Dindinger reported that the Governor's office is aware of the vacancy and the need to fill it. Ms. Lopez reminded the Board of the quorum requirements for meetings and for executive sessions.
- Ms. Lopez updated the Board on *McCauley v. Dep't of Revenue* (SPB 2014B061(c)) and *Cappello v. Dep't of Human Services* (SPB 2020B046(c)).

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 9:35 a.m., Ms. Wager moved to enter an executive session for the following purposes:

- For the purpose of receiving legal advice and legal training pursuant to C.R.S. § 24-6-402(3), specifically as to Board Member Ethics, Board Member Conflicts of Interest, and the matters set forth in C.R.S. § 24-3.7-102.
- 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).

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

Following the vote, the Board briefly recessed. Following the recess, the Board entered into executive session at 9:40 a.m. The executive session ended at 12:36 p.m.

Ms. Wager reported that the Board did not take any action during the executive session.

The Board meeting adjourned by consensus at 12:40 p.m.

SIGNED THIS 19th DAY OF OCTOBER, 2021.

Sarah Wager, Chair

Patricia Bangert, Vice Chair

Karen Niparko, Board Member

David Ruchman, Board Member