

State of Colorado



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Governor

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MEETING MINUTES

November 16, 2021

The State Personnel Board met on November 16, 2021. The Board held its meeting via webinar using Zoom.

The meeting was called to order at 9:05 a.m. Board Members Patricia Bangert, 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 on appeal for review this month.

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

A. Jesse Baker v. Department of Transportation, SPB 2021S045.

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

B. Salette Thompson v. Department of Human Services, Colorado Mental Health Institute at Pueblo, SPB 2021G062.

Following discussion of the Administrative Law Judge's Preliminary Recommendation, the Board acted as follows: Ms. Bangert moved to adopt the

recommendation and to 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 and Mr. Ruchman. Ms. Wager voted in opposition.

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

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

V. REVIEW OF MINUTES FROM THE OCTOBER 19, 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, Mr. Ruchman, and Ms. Wager.

VI. ADMINISTRATIVE MATTERS & COMMENTS.

A. ADMINISTRATIVE MATTERS.

- Ms. Wager announced that Karen Niparko resigned from the Board. Ms. Niparko's resignation results from potential conflicts of interest created by her new employment. Mr. Ruchman announced that he is not available to attend the December 14 and January 18 meetings. Mr. Dindinger reported that the Governor's office is aware of Ms. Niparko's resignation and the urgent need to fill two vacancies.
- Ms. Lopez updated the Board on *McCauley v. Dep't of Revenue* (SPB 2014B061(c)). Oral argument is scheduled for January 12, 2022.
- Mr. Dindinger reminded everyone that the December meeting will be held on the second Tuesday, December 14, instead of on the third Tuesday.
- Mr. Dindinger updated the Board on the Governor's policy for Boards and Commissions encouraging remote meetings and vaccinations.
- Mr. Dindinger reported the Board's receipt of the Partnership Agreement between the state and COWINS. Mr. Dindinger and Ms. Lopez are reviewing the Partnership Agreement for potential impacts on the Board.
- Mr. Dindinger reported that the Governor extended the Executive Order suspending certain Board Rules.

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.

The Board did not enter into executive session.

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

SIGNED THIS 14th DAY OF DECEMBER, 2021.

Sarah Wager, Chair

Patricia Bangert, Vice Chair

David Ruchman, Board Member