

# State of Colorado



**Jared Polis**  
*Governor*

**Sarah Wager**  
*Board Chair*

**Rick Dindinger**  
*Board Director*

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

December 14, 2021

The State Personnel Board met on December 14, 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, Kimberley Dempster, Robert Lee, 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. David Ruchman was excused.

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.

Ms. Wager welcomed new Board Members Kimberley Dempster and Robert Lee. The Governor appointed both to the Board on November 24, 2021, to replace Karen Niparko and Roxane White. Both of the new Board Members briefly introduced themselves to everyone.

### **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. Christine Mendias v. Department of Human Services, SPB 2022G003.**

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. Lee seconded the motion. Ms. Bangert and Mr. Lee voted in favor of the motion; Ms. Dempster and Ms. Wager voted against the motion. As a result, the motion failed and the Board did not grant a hearing.

**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).**

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

The Board did not take any action.

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

The Board did not take any action.

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

Ms. Bangert 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 and Ms. Wager.

**VI. ADMINISTRATIVE MATTERS & COMMENTS.**

A. ADMINISTRATIVE MATTERS.

- Ms. Lopez updated the Board on *McCauley v. Dep't of Revenue* (SPB 2014B061(c)). Oral argument at the Court of Appeals is scheduled for January 12, 2022.
- Ms. Lopez updated the Board on *Cappello v. Dep't of Human Services* (SPB 2020B046). The case settled and was dismissed.
- Ms. Lopez updated the Board on other cases at the Court of Appeals, including *Starzyk v. CDPHE* (SPB 2021S012), *Greene v. UCB* (SPB 2021B040), and *Manning v. DOC* (SPB 2021B004).

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 purpose:

- For the purpose of receiving legal advice pursuant to C.R.S. § 24-6-402(3) regarding C.R.S. § 24-50-1110. In particular, C.R.S. § 24-50-1110's applicability to the Partnership Agreement (a/k/a Collective Bargaining Agreement) between the State of

Colorado and Colorado Workers for Innovative and New Solutions (a/k/a Colorado WINS).

Ms. Bangert seconded the motion. The motion carried on the affirmative vote of the following Board members: Ms. Bangert, Ms. Dempster, Mr. Lee, and Ms. Wager. Following the vote, the Board entered into executive session. The executive session ended at 10:53 a.m.

Following the executive session, Ms. Wager announced that the Board had received legal advice and not taken any formal action.

The Board meeting adjourned by consensus at 10:54 a.m.

**SIGNED THIS 18th DAY OF JANUARY, 2022.**

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Sarah Wager, Chair

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Patricia Bangert, Vice Chair

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Kimberley Dempster, Board Member

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F. Robert Lee, Board Member