

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

February 15, 2022

The State Personnel Board met on February 15, 2022. The Board held its meeting via webinar using Zoom.

The meeting was called to order at 9:00 a.m. Board Members Patricia Bangert, Kimberley Dempster, Robert Lee, 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 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 THE DEPARTMENT OF PERSONNEL & 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. Jessica Book v. Department of Corrections, Sterling Correctional Facility, SPB 2022G014.

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

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. Leanna Bernabei v. Department of Corrections, Colorado State Penitentiary, SPB 2022B013.

Following discussion of the Administrative Law Judge's Initial Decision, the Board acted as follows: Ms. Dempster moved to review the Initial Decision pursuant to C.R.S. § 24-4-105(14)(a)(II). Ms. Bangert seconded the motion. The motion carried on the affirmative vote of the following Board members: Ms. Bangert, Ms. Dempster, and Mr. Ruchman. Mr. Lee and Ms. Wager voted in opposition.

V. REVIEW OF MINUTES FROM THE JANUARY 18, 2022, PUBLIC MEETING OF THE STATE PERSONNEL BOARD.

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

VI. ADMINISTRATIVE MATTERS & COMMENTS.

A. ADMINISTRATIVE MATTERS.

- Mr. Dindinger asked Board Members to save the evening of June 23 for a social event. More details will be finalized as we approach the date.
- The Board decided to hold its December 2022 meeting on December 13, the second Tuesday of that month.
- Director Dindinger congratulated Judge Susan Tyburski on ten years of state service.

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 9:44 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).

Mr. Ruchman seconded the motion. The motion carried on the affirmative vote of the following Board members: Ms. Bangert, Ms. Dempster, Mr. Lee, Mr. Ruchman, and Ms. Wager. Following the vote, the Board entered into executive session. The executive session ended at 11:13 a.m.

Following the executive session, the Board resumed a public session. Mr. Ruchman was excused from the remainder of the meeting due to a prior engagement. Ms. Wager announced that the Board had received legal advice and not taken any formal action.

The Board meeting adjourned by consensus at 11:15 a.m.

SIGNED THIS 15th DAY OF MARCH, 2022.

Sarah Wager, Chair

Patricia Bangert, Vice Chair

Kimberley Dempster, Board Member

F. Robert Lee, Board Member

David Ruchman, Board Member