

# State of Colorado



**Jared Polis**  
*Governor*

**Sarah Wager**  
*Board Chair*

**Rick Dindinger**  
*Board Director*

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

April 19, 2022

The State Personnel Board met on April 19, 2022. 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, 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.**

#### **A. Yoseph Yadessa Kenno v. Governor's Office of Information Technology, SPB 2019B044(c).**

Following discussion of the Administrative Law Judge's Award of Attorney Fees and Costs and of the parties' briefs, the Board acted as follows: Mr. Ruchman moved to affirm the Award of Attorney Fees and Costs. Ms. Bangert 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.

#### **B. Marcus Maes v. Department of Transportation, SPB 2021G043(c).**

The Board Chair announced that Respondent filed a Motion to Amend the Opening Brief. The Complainant has not filed any response in opposition to the Motion to Amend. As a result, the Board will not be considering the Opening Brief of Respondent/Appellant and instead will be considering the Amended Opening Brief of Respondent/Appellant. The Board will also be considering Complainant-Appellee's Response and the Reply Brief of Respondent/Appellant.

Following discussion of the Administrative Law Judge's Initial Decision and of the Award of Attorney Fees and Costs, the Board acted as follows: Ms. Bangert moved to adopt the Initial Decision and the Award of Attorney Fees and Costs. 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.

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

A. Alice (Alyse) Urice v. Department of Labor & Employment, SPB 2022G030.

Following discussion of the Administrative Law Judge's Preliminary Recommendation, the Board acted as follows: Mr. Ruchman moved to adopt the recommendation and deny Complainant's petition for hearing. 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.

B. Stephanie Rasmussen v. Department of Transportation, SPB 2022G029.

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. Dempster 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).**

Ms. Wager recused herself from consideration of this agenda item due to a conflict or the potential of an appearance of a conflict. Ms. Wager exited the meeting. Vice Chair Bangert chaired the discussion of this agenda item.

A. Karen Selman v. Department of Human Services, SPB 2022B045.

The Board did not take any action.

Following the Board's discussion, Ms. Wager returned to the meeting.

**V. REVIEW OF MINUTES FROM THE MARCH 15, 2022, PUBLIC MEETING OF THE STATE PERSONNEL BOARD.**

Ms. Wager 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 advised the Board that the election process for state certified employees to elect a Board Member has started. There is more information posted 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.**

Mr. Dindinger advised the Board that a draft of proposed changes to the Board Rules has been posted on the Board's website for informal comments. The proposed changes relate to Board Rule 1-19 and to clean-up corrections to other rules. Anyone interested will also have an opportunity to provide formal comments at the rulemaking hearing. Mr. Dindinger anticipates filing with the Secretary of State's Office in May and the public hearing being held on June 21, 2022.

**VIII. EXECUTIVE SESSION.**

At 9:54 a.m., Ms. Wager moved to enter an executive session for the following purpose:

- For the purpose of discussing personnel matters regarding the Board Director's annual review pursuant to C.R.S. Sec. 24-6-402(3). Mr. Dindinger requested this discussion take place during an executive session.
- 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 took a brief break. The Board entered into executive session at 10:00 a.m. The executive session ended at 10:31 a.m.

The Board meeting adjourned by consensus at 10:33 a.m.

**SIGNED THIS 17th DAY OF MAY, 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

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David Ruchman, Board Member