

State of Colorado



Jared Polis
Governor

Sarah Wager
Board Chair

Rick Dindinger
Board Director

State Personnel Board
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MEETING MINUTES

May 17, 2022

The State Personnel Board met on May 17, 2022. The Board held its meeting via webinar using Zoom. 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.

The meeting was called to order at 9:04 a.m. Board Members Patricia Bangert, Robert Lee, David Ruchman, and Sarah Wager were present for the roll call. Kimberley Dempster was excused. Rick Dindinger (Board Director), Ashley Moller, Esq. (First Assistant Attorney General and Board Counsel), and Jenna Anderson, Esq. (Assistant Attorney General), were also present via webinar.

Mr. Dindinger announced that Amy Lopez, Esq. has taken another position. Jenna Anderson, Esq., will replace Ms. Lopez as the new Board Counsel starting in July 2022. Ashley Moller, Esq., will be serving as Board Counsel in May and June.

Ms. Bangert announced that her term ends on June 30, 2022.

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. JoElla Fawkes v. Department of Labor & Employment, Rural Workforce Consortium, SPB 2022G018.

Following discussion of the Administrative Law Judge's Order of Dismissal and of the parties' briefs, the Board acted as follows: Ms. Wager moved to affirm the Order of Dismissal. Mr. Lee seconded the motion. The motion carried on the affirmative vote of the following Board members: Mr. Lee, Mr. Ruchman, and Ms. Wager. Ms. Bangert voted in opposition.

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

- A. Karen Mullen v. Department of Corrections, Delta Correctional Facility, SPB 2021G025.

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, Mr. Lee, Mr. Ruchman, and Ms. Wager.

B. Russell Dash v. Department of Natural Resources, Division of Water Resources, SPB 2022S023.

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

C. Walter Hext v. Department of Corrections, SPB 2022G045.

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 matter to the State Personnel Director for review. Ms. Bangert seconded the motion. The motion carried on the affirmative vote of the following Board members: Ms. Bangert, 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. Kristen Foust v. Department of Public Safety, Colorado State Patrol, SPB 2022B043.

The Board did not take any action.

V. REVIEW OF MINUTES FROM THE APRIL 19, 2022, PUBLIC MEETING OF THE STATE PERSONNEL BOARD.

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

VI. ADMINISTRATIVE MATTERS & COMMENTS.

A. ADMINISTRATIVE MATTERS.

- Mr. Dindinger updated the Board on the election process to elect a Board Member. Euell Thomas was the only person nominated by certified state employees with the requisite number of valid petitions. Since Mr. Thomas' nomination is uncontested, there will not be an election as originally scheduled. Mr. Thomas will replace Patricia Bangert on July 1, 2022, after Ms. Bangert's term expires.
- Governor Jared Polis signed a law establishing Juneteenth as a new official State holiday. The Board's offices will be closed on June 20.

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 rulemaking hearing related to Board Rule 1-19 and to clean-up corrections to other rules has been scheduled for June 21, 2022. The necessary notices and other documents have been filed with the Secretary of State's Office. There is more information on the Board's website.

VIII. EXECUTIVE SESSION.

None.

The Board meeting adjourned by consensus at 10:05 a.m.

SIGNED THIS 21st DAY OF JUNE, 2022.

Sarah Wager, Chair

Patricia Bangert, Vice Chair

F. Robert Lee, Board Member

David Ruchman, Board Member