

State of Colorado



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MEETING MINUTES

February 21, 2023

The State Personnel Board met on February 21, 2023. The Board held its meeting via webinar using Zoom. Members of the public attended the meeting. 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 9:00 a.m. Board Members Robert Lee, David Ruchman, Euell Thomas, and Sarah Wager were present for the roll call. Jenna Anderson, Esq. (Board Counsel) and Rick Dindinger (Board Director) were also present via webinar. Kimberley Dempster was excused.

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. MATTER ON REMAND FROM COLORADO COURT OF APPEALS.

A. Noel Hidalgo v. Department Human Services, SPB 2021B022 (Court of Appeals No. 2021CA1527).

Following discussion of the Court of Appeals' Order and Mandate, the Board acted as follows: Ruchman moved to remand the case to the Administrative Law Judge for further proceedings consistent with the order of the Court of Appeals. Lee seconded the motion. The motion carried on the affirmative vote of the following Board members: Lee, Ruchman, Thomas, and Wager.

III. REVIEW OF INITIAL DECISIONS OR OTHER FINAL ORDERS OF THE ADMINISTRATIVE LAW JUDGES ON APPEAL BY THE PARTIES TO THE STATE PERSONNEL BOARD.

There were no Initial Decisions or other final orders for review on appeal by the parties.

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

A. William Scott v. Department Corrections, SPB 2022G013(c).

Following discussion of the Administrative Law Judge's Preliminary Recommendation, the Board acted as follows: Lee moved to adopt the recommendation and grant a hearing. Ruchman seconded the motion. The

motion carried on the affirmative vote of the following Board members: Lee, Ruchman, Thomas, and Wager.

B. Yara Melano v. Department of Health Care Policy & Financing, SPB 2023S021.

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

C. Oluwayemisi Akinpelu v. Department of Corrections, SPB 2023S022.

Following discussion of the Administrative Law Judge's Preliminary Recommendation, the Board acted as follows: Thomas moved to adopt the recommendation, grant a hearing on the claim of race discrimination, and deny a hearing on the claim of national origin discrimination. Ruchman seconded the motion. The motion carried on the affirmative vote of the following Board members: Lee, Ruchman, Thomas, and Wager.

V. 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. Tiffany Martin v. Governor's Office of Information Technology, SPB 2022G020.

The Board did not take any action.

VI. REVIEW OF MINUTES FROM THE JANUARY 17, 2023, PUBLIC MEETING OF THE STATE PERSONNEL BOARD.

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

VII. ADMINISTRATIVE MATTERS & COMMENTS.

A. ADMINISTRATIVE MATTERS.

- Dindinger updated the Board on the filings with the Secretary of State relating to the March rulemaking. He also announced that more information about the rulemaking is available 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 publicly.

VIII. RULEMAKING HEARING.

A rulemaking hearing relating to Board Rule 1-2 is scheduled for March 21, 2023, at the earlier of the conclusion of the Board's regular business or 10:00 a.m.

IX. EXECUTIVE SESSION.

None.

The Board meeting adjourned by consensus at 9:43 a.m.

SIGNED THIS 21st DAY OF MARCH, 2023.

Sarah Wager, Chair

David Ruchman, Vice Chair

F. Robert Lee, Board Member

Euell Thomas, Board Member