

# State of Colorado



**Jared Polis**  
*Governor*

**Sarah Wager**  
*Board Chair*

**Rick Dindinger**  
*Board Director*

**State Personnel Board**  
1525 Sherman Street 4<sup>th</sup> Floor  
Denver, Colorado 80203  
Phone (303) 866-3300  
Fax (303) 866-5038

## **MEETING MINUTES**

April 18, 2023

The State Personnel Board met on April 18, 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 Kimberley Dempster, 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.

### **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 BY THE PARTIES TO THE STATE PERSONNEL BOARD.**

#### **A. Charles Nocera v. Department of Regulatory Agencies, SPB 2022S021.**

Following discussion of the Administrative Law Judge's Initial Decision and the parties' briefs, the Board acted as follows: Ruchman moved to affirm the Initial Decision. Lee seconded the motion. The motion carried on the affirmative vote of the following Board members: Dempster, Lee, Ruchman, Thomas, and Wager.

#### **B. Jerome Greene v. University of Colorado Boulder, SPB 2023G029.**

Wager recused from consideration of this appeal due to a conflict and she exited the meeting. Vice Chair Ruchman chaired the discussion of this agenda item.

Following discussion of the Administrative Law Judge's Order of Dismissal and the parties' briefs, the Board acted as follows: Lee moved to adopt the Order of Dismissal. Dempster seconded the motion. The motion carried on the affirmative vote of the following Board members: Dempster, Lee, Ruchman, and Thomas.

Following the vote, Wager returned to the meeting.

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

A. Peterson Bataille v. Department Human Services, SPB 2023S046.

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

There were no Initial Decision or other final orders for review under C.R.S. § 24-4-105(14)(a)(II).

**V. REVIEW OF MINUTES FROM THE MARCH 21, 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. Dempster abstained.

**VI. ADMINISTRATIVE MATTERS & COMMENTS.**

A. ADMINISTRATIVE MATTERS.

- Dindinger invited the Board Members and Board Counsel to a social on May 18, 2023.

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.

**VII. RULEMAKING HEARING.**

There was no proposed legislation or rulemaking at the meeting.

**VIII. EXECUTIVE SESSION.**

None.

The Board meeting adjourned by consensus at 9:21 a.m.

**SIGNED THIS 16th DAY OF MAY, 2023.**

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Sarah Wager, Chair

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David Ruchman, Vice Chair

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Kimberley Dempster, Board Member

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F. Robert Lee, Board Member

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Euell Thomas, Board Member