

State of Colorado



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MEETING MINUTES

July 18, 2023

The State Personnel Board met on July 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, F. 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. Ashley Moller, Esq. (Board Counsel) participated in the Executive Session.

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

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

Following discussion of the Administrative Law Judge's Order Granting Respondent's Motion for Attorney Fees and Denying Complainant's Counterclaim and Motions, the Board acted as follows: Lee moved to affirm the Order. Ruchman 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. Joao (John) Madruga v. Department of Revenue, SPB 2023S048.

Following discussion of the Administrative Law Judge's Preliminary Recommendation, the Board acted as follows: Ruchman moved to adopt the Recommendation and grant a hearing. Dempster seconded the motion. The motion carried on the affirmative vote of the following Board members: Dempster, Lee, Ruchman, and Thomas. Wager voted in opposition.

B. Colton Martel v. Department of Human Services, SPB 2023G034.

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

C. Sierra Ziegler v. Department of Public Safety, SPB 2023G047.

Following discussion of the Administrative Law Judge's Preliminary Recommendation, the Board acted as follows: Dempster moved to adopt the Recommendation and deny a hearing. Lee 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 JUNE 20, 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: Dempster, Lee, Ruchman, and Thomas. Wager abstained.

VI. ADMINISTRATIVE MATTERS & COMMENTS.

A. ADMINISTRATIVE MATTERS.

- Anderson reported that the Court of Appeals dismissed the appeal in Bernabei v. Department of Corrections, SPB 2022B013 (COA 22CA1308).

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.

At 9:42 a.m., Wager moved to enter an executive session for the following purposes:

- 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).
- For the purpose of receiving legal advice and discussing personnel matters pursuant to C.R.S. § 24-6-402(3) regarding the Board Director's appointing authority and position description. Dindinger requested that discussion relating to the Board Director's position description take place during an executive session.
- For personnel matters regarding the Board Director's annual review pursuant to C.R.S. § 24-6-402(3). Dindinger requested that discussion take place during an executive session.

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

The Board entered into executive session at 9:47 a.m. The executive session ended at 11:29 a.m. The Board returned to public session.

Ruchman moved to adopt the Board Director's position description as discussed during the executive session, with delegation to the Board Chair to sign it on behalf of the Board. Lee seconded the motion. The motion carried on the affirmative vote of the following Board Members: Dempster, Lee, Ruchman, Thomas, and Wager.

Thomas moved to adopt the Board Director's performance review as discussed during the executive session, with delegation to the Board Chair to sign it on behalf of the Board. Ruchman seconded the motion. The motion carried on the affirmative vote of the following Board Members: Dempster, Lee, Ruchman, Thomas, and Wager.

Ruchman moved to award the Board Director a spot award, with delegation to the Board Chair to communicate with Human Resources regarding same. Lee seconded the motion. The motion carried on the affirmative vote of the following Board Members: Dempster, Lee, Ruchman, Thomas, and Wager.

The Board meeting adjourned by consensus at 11:42 a.m.

SIGNED THIS 15th DAY OF AUGUST, 2023.

Sarah Wager, Chair

David Ruchman, Vice Chair

Kimberley Dempster, Board Member

F. Robert Lee, Board Member

Euell Thomas, Board Member