

# 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**

August 15, 2023

The State Personnel Board met on August 15, 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 9:01 a.m. Board Members Kimberley Dempster, F. Robert Lee, David Ruchman, and Euell Thomas were present for the roll call. Jenna Anderson, Esq. (Board Counsel) and Rick Dindinger (Board Director) were also present. Sarah Wager 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. 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 on appeal by the parties.

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

#### **A. Carlos Carrillo v. Department of Corrections, SPB 2023S051.**

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

#### **B. Dede Salone v. Department of Revenue, SPB 2023G036.**

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, and Thomas.

C. Gary Little v. Department of Corrections, SPB 2023S043(c).

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

Thomas chaired a portion of the meeting due to technical difficulties that Ruchman was experiencing.

**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. Steve Ida v. University of Colorado Boulder, SPB 2022B052.

The Board did not take any action.

**V. REVIEW OF MINUTES FROM THE JULY 18, 2023, PUBLIC MEETING OF THE STATE PERSONNEL BOARD.**

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

**VI. ADMINISTRATIVE MATTERS & COMMENTS.**

A. ADMINISTRATIVE MATTERS.

- Dindinger reported that he submitted the annual Whistleblower Report to the Governor's office. The report is posted on the Board's website.
- Dindinger reported on various trends with respect to the Board's appeals, preliminary recommendations, hearings, initial decisions, and settlement program.
- Dindinger advised the Board that it will be electing a Chair and a Vice Chair at the September meeting to serve for the remainder of FY 23-24.
- Dindinger reported about the Protecting Opportunities and Workers' Rights Act (a/k/a POWR Act), an amendment to the Colorado Anti-Discrimination Act. Judges are researching its impact on the CADA claims that fall within the Board's jurisdiction. Staff is updating the Consolidated Appeal Form. Staff is drafting some proposed rule changes for the Board's consideration.
- Dindinger reminded the Board that the September meeting will be lengthy as Board Counsel will be conducting annual training, including ethics training.

- Dindinger reminded everyone that the November and December Board Meetings will be held on the second Tuesday of those months (so on November 14 and December 12).

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.**

There was no executive session at the meeting.

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

**SIGNED THIS 19th DAY OF SEPTEMBER, 2023.**

---

David Ruchman, Vice Chair

---

Kimberley Dempster, Board Member

---

F. Robert Lee, Board Member

---

Euell Thomas, Board Member