

State of Colorado



Jared Polis
Governor

Sarah Wager
Board Chair

Rick Dindinger
Board Director

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

MEETING MINUTES September 19, 2023

The State Personnel Board met on September 19, 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 on its website about the agenda and webinar.

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.

I. ELECTION OF BOARD OFFICERS FOR FY 2023-24

The Board held officer elections. Ruchman nominated Sarah Wager as the Board Chair. Lee seconded the nomination. The nomination carried on the affirmative vote of the following Board members: Dempster, Lee, Ruchman, Thomas, and Wager. Wager nominated David Ruchman as the Board Vice Chair. Dempster seconded the nomination. The nomination carried on the affirmative vote of the following Board members: Dempster, Lee, Ruchman, Thomas, and Wager. Chair Wager and Vice Chair Ruchman will serve as the Board officers for FY 2023-2024.

II. REPORT OF THE DEPARTMENT OF PERSONNEL & ADMINISTRATION (DPA) AND REPORT OF THE DIVISION OF HUMAN RESOURCES (DHR).

There was no report scheduled this month.

III. MATTERS ON REMAND FROM THE COLORADO COURT OF APPEALS

A. Marcus Maes v. Department of Transportation, SPB 2021G043(C).

Following discussion of the Court of Appeals' Opinion announced on July 13, 2023, and the Court of Appeals' Mandate issued on August 21, 2023, the Board acted as follows: Ruchman moved to remand the case to the Administrative Law Judge for further proceedings consistent with the Opinion of the Court of Appeals. Lee seconded the motion. The motion carried on the affirmative vote of the following Board members: Dempster, Lee, Ruchman, Thomas, and Wager.

B. Desmond Manning v. Department of Corrections, SPB 2021B004.

Following discussion of the Court of Appeals' Opinion announced on December 15, 2022, and the Court of Appeals' Mandate issued on August 24, 2023, the Board acted as follows: Ruchman moved to remand the case to the Administrative Law Judge for further proceedings consistent with the Opinion of the Court of Appeals. Dempster seconded the motion. The motion carried on the affirmative vote of the following Board members: Dempster, Lee, Ruchman, Thomas, and Wager.

IV. 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.

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

A. Kaylene Larimore v. Department of Corrections, SPB 2023G041.

Following discussion of the Administrative Law Judge's Preliminary Recommendation, the Board acted as follows: Wager 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.

VI. 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. Gary Little v. Department of Corrections, SPB 2023G007.

The Board did not take any action.

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

The Board did not take any action.

VII. REVIEW OF MINUTES FROM THE AUGUST 15, 2023, PUBLIC MEETING OF THE STATE PERSONNEL BOARD.

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

VIII. ADMINISTRATIVE MATTERS & COMMENTS.

A. ADMINISTRATIVE MATTERS.

- Wager recognized Andrea Woods, the Senior Board Assistant, for 25 years of service to the State of Colorado and almost 22 years of service to the Board.
- Dindinger reported that the Board posted an opening for an Administrative Law Judge II and the deadline for applications is October 2. For more information, please visit www.governmentjobs.com/careers/colorado.

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.

IX. RULEMAKING HEARING.

There was no proposed legislation or rulemaking at the meeting.

X. EXECUTIVE SESSION.

At 9:29 a.m., Wager moved to enter an executive session for the purpose of receiving legal advice and legal training pursuant to C.R.S. § 24-6-402(3), specifically as to Board Member Ethics, Board Member Conflicts of Interest, and the matters set forth in C.R.S. § 24-3.7-102. 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 9:35 a.m. The executive session ended at 10:24 a.m. The Board returned to public session. Wager announced that the Board received legal advice and legal training and that the Board did not take any action.

The Board meeting adjourned by consensus at 10:27 a.m.

SIGNED THIS 17th DAY OF OCTOBER, 2023.

Sarah Wager, Chair

David Ruchman, Vice Chair

Kimberley Dempster, Board Member

F. Robert Lee, Board Member

Euell Thomas, Board Member