

# 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**

February 20, 2024

The State Personnel Board met on February 20, 2024. 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 F. Robert Lee, David Ruchman, and Sarah Wager were present for the roll call. Kimberley Dempster and Euell Thomas were excused. Jenna Anderson, Esq. (Board Counsel) and Rick Dindinger (Board Director) were also present.

### **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. Freddy Kanda v. Department of Human Services, SPB 2024S016.**

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, and Wager.

B. Andrea Schaus v. Department of Corrections, SPB 2024G023(c).

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

C. Susan Ure v. Department of Human Services, SPB 2024G012.

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

D. Alison Helm v. Department of Agriculture, SPB 2023G046.

Board Counsel noted that Lee would normally recuse from consideration of this case and inquired whether Lee could act fairly and impartially. Lee affirmed he could act fairly and impartially. Given that two Board Members were absent, Board Counsel advised the Board to proceed with consideration of this matter pursuant to the rule of necessity.

Following discussion of the Administrative Law Judge's Preliminary Recommendation, the Board acted as follows: Ruchman 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: Lee, Ruchman, 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 Decisions or other final orders for review under C.R.S. § 24-4-105(14)(a)(II).

**V. REVIEW OF MINUTES FROM THE JANUARY 16, 2024, 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, and Wager.

**VI. ADMINISTRATIVE MATTERS & COMMENTS.**

A. ADMINISTRATIVE MATTERS.

- There were no reports this month.

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.**

Starting at approximately 9:26 a.m., the Board conducted a rulemaking hearing regarding proposed changes to Board Rules found at 4 CCR 801-1, Chapter 1 (Organization, Responsibilities, Ethics, Payroll Deduction, and Definitions); Chapter 4 (Employment and Status); and Chapter 8 (Resolution of Appeals and Disputes).

Prior to the meeting, the Board did not receive any written comments.

Dindinger made a staff presentation regarding the proposed rule changes.

The Board invited any public comment. Nobody provided public comment.

**First motion.** Ruchman moved to amend Board Rules 1-19, 1-71, 4-5, 4-6, 8-6(C)(5), 8-20(A)(5), 8-20(B)(6)(a)(i), 8-33(A)(1), 8-37, and 8-51(E) in the current version of Chapters 1, 4, and 8, and to adopt the revised rules and the accompanying statements of basis and purpose as originally published with the Secretary of State on December 25, 2023: Board Rules 1-19, 1-71, 4-5, 4-6, 8-6(C)(5), 8-20(A)(5), 8-20(B)(6)(a)(i), 8-33(A)(1), 8-37, and 8-51(E).

Ruchman's motion stated that the specific authority of the State Personnel Board to promulgate these rules is found at Article XII, sections 13 and 14 of the Colorado Constitution; the State Personnel System Act, C.R.S. section 24-50-101, *et seq.*; and the Administrative Procedure Act, C.R.S. section 24-4-103. Ruchman's motion also stated that the purpose for adopting and revising these rules is: (a) clarification for the Board Rules for improved understanding and ease of use by stakeholders, including the general public; (b) removal of redundant information and simplifying language of procedural requirements; and (c) correction of typographical errors, grammatical errors, and formatting errors. Ruchman's motion also stated that the Board finds, as required by C.R.S. section 24-4-103(4)(b) that the record of the rulemaking proceedings demonstrates the need for the rules; the proper statutory authority exists for the rules; to the extent practicable, the rules are clearly and simply stated; the rules do not conflict with other provisions of law; and any duplication or overlapping was explained. Lee seconded the motion. The motion carried on the affirmative vote of the following Board members: Lee, Ruchman, and Wager.

The Board concluded the rulemaking hearing at 9:44 a.m.

**VIII. EXECUTIVE SESSION.**

None.

The Board meeting adjourned by consensus at 9:45 a.m.

**SIGNED THIS 19th DAY OF MARCH, 2024.**

---

Sarah Wager, Chair

---

David Ruchman, Vice Chair

---

Kimberley Dempster, Board Member

---

F. Robert Lee, Board Member

---

Euell Thomas, Board Member