

State of Colorado



Jared Polis
Governor

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Board Chair

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Board Director

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MEETING MINUTES

July 16, 2024

The State Personnel Board met on July 16, 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 9:03 a.m. Board Members Kimberley Dempster, F. Robert Lee, David Ruchman, Euell Thomas, and Sarah Wager were present for the roll call. Rick Dindinger (Board Director) and Jenna Anderson, Esq. (Board Counsel) were also present for the meeting.

I. ELECTION OF BOARD OFFICERS FOR FY 2024-25

The Board held officer elections. Ruchman nominated 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 Ruchman as the Board Vice Chair. Thomas 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 2024-2025.

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. 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.

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

A. Darla Anderl v. Department of Human Services, SPB 2024S037.

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

B. John Madruga v. Department of Revenue, SPB 2024S040.

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, Thomas, and Wager.

C. Claire Huckfeldt v. Department of State, SPB 2024S043.

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

D. William Hastings v. Department of Human Services, SPB 2024G063.

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, Thomas, and Wager.

E. Christina Bazanele v. Department of Human Services, SPB 2023G051.

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

V. 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. Kambiz Behnam v. Department of Corrections, SPB 2024B028.

The Board did not take any action.

B. Peterson Bataille v. Department of Public Safety, SPB 2024S019.

The Board did not take any action.

Dindinger exited the meeting prior to the discussion of the items immediately below.

C. Sarah Roberts v. Department of Personnel & Administration (Department of Revenue), SPB 2024G101.

The Board did not take any action.

D. Eric Jones v. Department of Personnel & Administration (Department of Revenue), SPB 2024G102.

The Board did not take any action.

Following the discussion, Dindinger returned to the meeting.

VI. REVIEW OF MINUTES FROM THE MAY 21, 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: Dempster, Lee, Ruchman, Thomas, and Wager.

VII. ADMINISTRATIVE MATTERS & COMMENTS.

A. ADMINISTRATIVE MATTERS.

- Anderson reported that Board Counsel Ashley Moller will be attending the August meeting because Anderson will be in a trial.
- Anderson reminded the Board that the September meeting will be lengthy as Board Counsel will be conducting annual training, including ethics training.

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.

VIII. RULEMAKING HEARING.

None.

IX. EXECUTIVE SESSION.

At 10:00 a.m., Wager moved to enter an executive session for the following purposes:

- 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 position description.
- For personnel matters regarding the Board Director's annual review pursuant to C.R.S. § 24-6-402(3).

Ruchman seconded the motion. Dindinger requested that both discussions take place during an executive session. 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 10:04 a.m. The executive session ended at 10:43 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. Wager 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.

The Board meeting adjourned by consensus at 10:46 a.m.

SIGNED THIS 20th DAY OF AUGUST 2024.

Sarah Wager, Chair

David Ruchman, Vice Chair

Kimberley Dempster, Board Member

F. Robert Lee, Board Member

Euell Thomas, Board Member