

State of Colorado



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MEETING MINUTES

January 21, 2025

The State Personnel Board met on January 21, 2025. 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 9:02 a.m. Board Members Kimberley Dempster, F. Robert Lee, Euell Thomas, and Sarah Wager were present for the roll call. David Ruchman was excused. Rick Dindinger (Board Director) and Jenna Anderson, Esq. (Board Counsel) were also present for the meeting.

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. Gary Spangler v. Department of Corrections, SPB 2024B039.

Following discussion of the Administrative Law Judge's Initial Decision and the parties' briefs, the Board acted as follows: Lee moved to affirm the Initial Decision. Thomas seconded the motion. The motion carried on the affirmative vote of the following Board members: Dempster, Lee, Thomas, and Wager.

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

A. Ava Marie Heath v. Department of Corrections, SPB 2025S037.

Following discussion of the Administrative Law Judge's Preliminary Recommendation, the Board acted as follows: Dempster 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, Lee, and Thomas. Wager voted in opposition.

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

Thomas moved to initiate a review under C.R.S. § 24-4-105(14)(a)(II). There was no second to the motion. The Board did not take any action.

B. Craig Roberts v. Department of Personnel & Administration, SPB 2024S051.

The Board did not take any action.

C. Ryan Priest v. Department of Human Services, SPB 2025B004.

The Board did not take any action.

V. REVIEW OF MINUTES FROM THE DECEMBER 17, 2024, PUBLIC MEETING OF THE STATE PERSONNEL BOARD.

Dempster 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, Thomas, and Wager.

VI. ADMINISTRATIVE MATTERS & COMMENTS.

A. ADMINISTRATIVE MATTERS.

- Dindinger recommended moving the June Board Meeting from June 17, 2025 to June 24, 2025. Following a motion by Lee and a second by Dempster, the Board voted unanimously to hold the June meeting on June 24, 2025.

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 9:32 a.m., the Board conducted a rulemaking hearing regarding proposed changes to Board Rule 1-71 found at 4 CCR 801-1, Chapter 1 (Organization, Responsibilities, Ethics, Payroll Deduction, and Definitions).

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

Dindinger made a staff presentation regarding the proposed rule change.

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

Motion. Dempster moved to amend Board Rule 1-71 in the current version of Chapter 1, and to adopt the revised rule and the accompanying statements of basis and purpose as originally published with the Secretary of State on December 10, 2024.

Dempster's motion stated that the specific authority of the State Personnel Board to promulgate this rule is found at Article XII, §§ 13 and 14 of the Colorado Constitution; the State Personnel System Act, C.R.S. § 24-50-101, *et seq.*; and the Administrative Procedure Act, C.R.S. § 24-4-103. Dempster's motion also stated that the purpose for adopting and revising this rule is: (a) clarification 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. Dempster's motion also stated that the Board finds, as required by C.R.S. § 24-4-103(4)(b), that the record of the rulemaking proceedings demonstrates the need for the rule; the proper statutory authority exists for the rule; to the extent practicable, the rule is clearly and simply stated; the rule does 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: Dempster, Lee, Thomas, and Wager.

The Board concluded the rulemaking hearing at 9:47 a.m.

VIII. EXECUTIVE SESSION.

None.

The Board meeting adjourned by consensus at 9:48 a.m.

SIGNED THIS 18th DAY OF FEBRUARY 2025.

Sarah Wager, Chair

David Ruchman, Vice Chair

Kimberley Dempster, Board Member

F. Robert Lee, Board Member

Euell Thomas, Board Member