

STATE PERSONNEL BOARD, STATE OF COLORADO

Case No. _____ [Insert case number]

COMPLAINANT'S PREHEARING STATEMENT

_____, [Insert your name]

Complainant,

v.

_____, [Insert the name of the State Agency/Employer]

Respondent.

In accordance with Board Rule 8-54, the Complainant submits the following Prehearing Statement:

| BACKGROUND & CLAIMS | |
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| What action are you appealing? (For example, demotion, termination, disciplinary action, administrative separation, etc.) | |
| What date did the action occur? | |
| What date were you notified of the action? | |
| Why do you disagree with the action? (Provide the reasons you believe the action was improper. For example, "Complainant did not do the acts that resulted in discipline" or "the discipline was not reasonable".) | |
| What was your position on the date of the action? | |

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| How long had you been in the position as of the date of the action? | |
| Were you certified in that position? | |
| If so, what date were you certified to the position? | |
| What is your current position? (If not currently employed with the state agency, write: "Not currently employed by State.") | |
| Why do you disagree with the action? (Provide all the reasons you believe the action was improper. For example, "Complainant did not do the acts that resulted in discipline" or "someone was untruthful.") | |
| What are your legal claims? (Provide the legal reasons why you disagree with the action. For example, "the discipline was not reasonable" or "the decision discriminated against me because of my race.") | |
| <p>UNDISPUTED FACTS</p> <p>Using the numbered paragraph spaces below, provide the facts that you believe are not disputed. Use one to two sentences per paragraph. For example, an undisputed fact might be the date you interviewed for a position or the date that you started your employment. If a particular exhibit supports an undisputed fact, please reference that exhibit.</p> <p>Example: "1. My supervisor was Jane Smith. Refer to Exhibit A at page 1, Performance Review signed by Jane Smith as supervisor."</p> <p><i>Please confer with the other side. If the other side agrees that an alleged fact is true, please include the fact in the section below for "Stipulations" instead of here.</i></p> | |
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DISPUTED FACTS

Using the numbered paragraph spaces below, provide the facts that you believe are true but the other side disputes. Use one to two sentences per paragraph. If a particular exhibit supports the alleged fact, please reference that exhibit.

Example: "21. My supervisor sent me a derogatory email. Refer to Exhibit B, email from Jane Smith to me dated January 10, 2020."

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PENDING MOTIONS

List any pending motions that the Administrative Law Judge has not yet decided.

POINTS OF LAW/LLEGAL ARGUMENT(S)

Please list all statutes or Board rules that support your allegations. Provide any other legal authorities that you believe the Board should consider. In addition to listing legal authorities, please explain how the legal authorities support a decision in your favor.

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STIPULATIONS

List the facts and exhibits that both sides agree are true and that both sides agree should be admitted into evidence.

Before listing a stipulated fact or exhibit, please make sure the other side agrees.

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ANTICIPATED EVIDENCE

WITNESSES

List all witnesses you plan to call to testify at the hearing, including the person's name and contact information. Describe the person's anticipated testimony and explain how the testimony will support your case.

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Description of Testimony:

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| <p style="text-align: center;">EXPERT WITNESSES</p> <p>List any expert witnesses you might call to testify at the hearing. You must provide a summary of the qualifications of the expert witness and a detailed statement of the expert's opinions or conclusions. You may satisfy this requirement by including a resume for each expert and a report for each expert that contains the expert's opinions or conclusions.</p> |
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EXHIBITS

List and describe any exhibits you intend to offer as evidence at the hearing, including documents, recordings, or other physical items. Your exhibits should be marked using letters. If you have more than 26 exhibits, you must use A1 to A99, B1 to B99, C1 to C99, and so forth (example: after Z, your next exhibits will be A1, A2, A3, and so forth).

You should not file copies of these exhibits with this Prehearing Statement. However, you must provide copies of the exhibits to the Respondent.

| Exhibit | Description (name or title of the exhibit, date, author, etc.) |
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| A | |
| B | |
| C | |

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| Z | |
| A1 | |
| A2 | |
| A3 | |

REMEDIES AND RELIEF

List the remedies and/or relief you are requesting. If you are requesting the Board to order the other side to do something, please specify what you want the Board to order. If you are requesting money

damages, please list the precise amount and the basis for requesting that amount. If you are requesting another type of remedy, please specify the nature of your request.

I am requesting the following remedy or remedies:

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SIGNATURE

Full name of the person filing this Prehearing Statement:

Signature:

Email address and phone number of the person filing this Prehearing Statement:

Date:

PLEASE ATTACH ADDITIONAL SHEETS IF YOUR INFORMATION DOES NOT FIT IN THE SPACE PROVIDED ABOVE.

SERVICE

You must provide a copy of this Prehearing Statement and all exhibits to the other side. Please indicate below who received a copy of this Prehearing Statement and exhibits. Also indicate how you delivered the copy. Email delivery is preferred. You may use more than one method of delivery.

| Party: | Delivery Method |
|---|---|
| Colorado Attorney General's Office Name of attorney: _____ Employment Section 1300 Broadway, 10th Floor Denver, CO 80203 | <input type="checkbox"/> U.S. Mail <input type="checkbox"/> UPS <input type="checkbox"/> FedEx <input type="checkbox"/> Hand-delivery/courier <input type="checkbox"/> Email (specify address): |
| Other Person (if applicable): | <input type="checkbox"/> U.S. Mail <input type="checkbox"/> UPS <input type="checkbox"/> FedEx <input type="checkbox"/> Hand-delivery/courier <input type="checkbox"/> Email (specify address): |
| Other Person (if applicable): | <input type="checkbox"/> U.S. Mail <input type="checkbox"/> UPS <input type="checkbox"/> FedEx <input type="checkbox"/> Hand-delivery/courier <input type="checkbox"/> Email (specify address): |

CERTIFICATE OF SERVICE

I hereby certify that I have served this Prehearing Statement and exhibits upon the persons listed above on the date listed below.

Signature:

Date:

FILING WITH THE BOARD

You must file your Prehearing Statement with the State Personnel Board at 1525 Sherman Street, 4th Floor, Denver, Colorado 80203 or by email at dpa_state.personnelboard@state.co.us. **Do not file copies of exhibits with the Board.**