

# State of Colorado



Jared Polis  
Governor

Michelle Palmquist  
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Rick Dindinger  
Board Director

State Personnel Board  
1525 Sherman Street, 4<sup>th</sup> Floor  
Denver, Colorado 80203  
Phone (303) 866-3300  
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## AGENDA PUBLIC BOARD MEETING JANUARY 21, 2020

A public meeting of the Colorado State Personnel Board will be held on Tuesday, January 21, 2020 at 1525 Sherman Street, 1<sup>st</sup> Floor Conference Room 104, Denver, Colorado 80203. The public meeting will commence at 9:00 a.m.

Reasonable accommodation will be provided **upon request** for persons with disabilities. If you are a person with a disability who requires an accommodation to participate in this meeting, please notify Board staff at 303-866-3300 by January 16, 2020.

### CALL TO ORDER

- Attendance.
- Disclosure of any potential conflicts of interest with regard to present Board business and notice of recusal, if applicable.

### I. REPORT OF DEPARTMENT OF PERSONNEL AND ADMINISTRATION [DPA] AND REPORT OF THE DIVISION OF HUMAN RESOURCES [DHR]

Report not scheduled at this time.

### II. REVIEW OF INITIAL DECISIONS OR OTHER FINAL ORDERS OF THE ADMINISTRATIVE LAW JUDGES ON APPEAL TO THE STATE PERSONNEL BOARD

There are no Initial Decisions on appeal or other final orders of the ALJ's for review.

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

#### A. Fayokemi Omolara Akinbode v. Department of Corrections, Denver Reception and Diagnostic Center, SPB 2020G024

Respondent terminated Complainant from her probationary employment on September 9, 2019. Complainant alleges retaliation and discrimination on the bases of gender, national origin/ancestry, and race/color. As relief, Complainant requests reinstatement, back pay, front pay, and benefits.

Respondent argues that Complainant failed to establish valid issues that merit a hearing. Respondent requests that the Board deny Complainant's petition for hearing and dismiss it with prejudice.

On January 7, 2020, the ALJ issued a Preliminary Recommendation to deny Complainant's petition for hearing.

B. Adam Robert Cummings v. Department of Corrections, SPB 2020G028

Complainant disputes Respondent's final grievance decision. Complainant asserts Respondent failed to follow the grievance procedures. As relief, Complainant requests back pay for commuting time, a Monday-to-Thursday 10-hour-per-day work schedule at the Limon Correctional Facility, and reimbursement for any attorney's fees.

Respondent argues Complainant did not demonstrate that the final grievance decision violates the federal or state constitution, the Colorado Anti-Discrimination Act, the State Employee Protection Act, or the grievance procedures. Respondent requests that the Board deny Complainant's petition for hearing and dismiss it with prejudice.

On January 7, 2020, the ALJ issued a Preliminary Recommendation to deny Complainant's petition for hearing.

C. Maya Celestina Baca v. Community Colleges of Colorado, Arapahoe Community College, Police Department, SPB 2020G031

Complainant disputes Respondent's final grievance decision. Complainant asserts Respondent failed to follow the grievance procedures. As relief, Complainant requests changes to her work environment and the leadership within her division. Complainant ultimately requests a work environment that allows her to enjoy working as a police dispatcher.

Respondent argues Complainant is requesting review of its Step 2 grievance decision but failed to demonstrate the Board has jurisdiction over her petition. Respondent requests that the Board deny Complainant's petition for hearing and dismiss it with prejudice.

On January 7, 2020, the ALJ issued a Preliminary Recommendation to deny Complainant's petition for hearing.

D. Ayman Salloum v. Department of Transportation, SPB 2019G031(c)

In this matter, a consolidation of three petitions for hearing, Complainant appeals a corrective action, his non-selection for a position for which he believes he was the most qualified, and the suggestion that he was in need of a leave of absence pursuant to the federal Family and Medical Leave Act. Complainant contends that Respondent discriminated against him on the basis of his national origin and a perceived disability and created a hostile work environment. He also alleges that Respondent retaliated against him for opposing purported unlawful discrimination, and violated his rights under the Fourteenth Amendment to the U.S. Constitution. As relief, Complainant seeks a Board order finding a discrimination violation; an order rescinding the corrective action; placement in

the position for which he applied but was not selected; back pay and benefits, with statutory interest; attorney fees and costs; and repayment of any PERA losses.

Respondent asserts that Complainant has failed to establish the existence of issues that merit an evidentiary hearing. As relief, Respondent requests that the Board deny Complainant's petition for a hearing and dismiss this matter with prejudice.

On January 8, 2020, the ALJ issued a Preliminary Recommendation to grant Complainant's petition for hearing solely on Complainant's claim that Respondent retaliated against him in violation of the Colorado Anti-Discrimination Act.

**IV. INITIAL DECISIONS OR OTHER FINAL ORDERS OF THE ADMINISTRATIVE LAW JUDGES**

There are no Initial Decisions or other Final Orders of the ALJ's for review.

**V. REVIEW OF THE MINUTES FROM THE DECEMBER 17, 2019 PUBLIC MEETING OF THE STATE PERSONNEL BOARD**

**VI. ADMINISTRATIVE MATTERS & COMMENTS**

**A. ADMINISTRATIVE MATTERS**

- Status of Cases on Appeal to the Board and Appellate Courts

**B. OTHER BOARD BUSINESS**

**C. GENERAL COMMENTS FROM ATTORNEYS, EMPLOYEE ORGANIZATIONS, PERSONNEL ADMINISTRATORS, AND THE PUBLIC**

**VII. PROPOSED LEGISLATION AND/OR RULEMAKING**

None scheduled at this time.

**VIII. EXECUTIVE SESSION**

**ADJOURN**

**REGULARLY SCHEDULED BOARD MEETINGS - 9:00 a.m.**

**Colorado State Personnel Board  
1525 Sherman Street, 1<sup>st</sup> Floor Conference Room 104  
Denver, CO 80203**

**February 18, 2020**

**March 17, 2020**

**April 21, 2020**

**May 19, 2020**

**June 16, 2020**

**July 21, 2020**

**August 18, 2020**

**September 15, 2020**

**October 20, 2020**

**November 17, 2020**

**December 15, 2020**

**January 19, 2021**