

State of Colorado



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MEETING MINUTES

August 16, 2022

The State Personnel Board met on August 16, 2022. The Board held its meeting via webinar using Zoom. Members of the public attended the meeting via webinar. In advance of the meeting, the Board posted information about the agenda and the webinar on its website.

The meeting was called to order at 9:00 a.m. Board Members Kimberley Dempster, 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 via webinar.

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 TO THE STATE PERSONNEL BOARD.

A. Robert McBride v. Department of Corrections, SPB 2022B032.

Following discussion of the appeal of the Administrative Law Judge's Order Denying Complainant's Motion for Attorneys' Fees, including the parties' briefs, the Board acted as follows: Dempster moved to affirm the Order Denying Complainant's Motion for Attorneys' Fees. Lee seconded the motion. The motion carried on the affirmative vote of the following Board members: Dempster, Lee, Thomas, and Wager. Ruchman voted in opposition.

B. Karen Selman v. Department of Human Services, SPB 2022B045.

Chair Wager recused from consideration of this agenda item due to a conflict or the potential of an appearance of a conflict. Wager exited the meeting. Vice Chair Ruchman chaired the discussion of this agenda item.

Following discussion of the appeal of the Administrative Law Judge's Initial Decision, including Respondent's brief, the Board acted as follows: Thomas moved to affirm the Initial Decision. Lee seconded the motion. The motion

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

Following the Board's discussion and vote, Wager returned to the meeting.

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

A. Laura Gabbay v. Department of Human Services, SPB 2022G057.

Following discussion of the Administrative Law Judge's Preliminary Recommendation, the Board acted as follows: Thomas moved to modify the recommendation and grant a hearing on Complainant's claim of disability discrimination and claim of retaliation. Lee seconded the motion. The motion carried on the affirmative vote of the following Board members: Dempster, Lee, Ruchman, Thomas, 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).

A. Doris McCauley v. Department of Revenue, SPB 2014B061(c).

The Board did not take any action.

V. REVIEW OF MINUTES FROM THE JULY 19, 2022, PUBLIC MEETING OF THE STATE PERSONNEL BOARD.

Ruchman moved to approve the minutes as submitted. Dempster seconded the motion. The motion carried on the affirmative vote of the following Board members: Dempster, Lee, Ruchman, Thomas, and Wager.

VI. ADMINISTRATIVE MATTERS & COMMENTS.

A. ADMINISTRATIVE MATTERS.

- Anderson reminded everyone that the Board's annual ethics and statutory training will take place on September 20, 2022.
- Dindinger reported on various trends with respect to the Board's appeals, preliminary recommendations, initial decisions, and settlement program.

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.

There was no proposed legislation or rulemaking at the meeting.

VIII. EXECUTIVE SESSION.

None.

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

SIGNED THIS 20th DAY OF SEPTEMBER, 2022.

Sarah Wager, Chair

David Ruchman, Vice Chair

Kimberley Dempster, Board Member

F. Robert Lee, Board Member

Euell Thomas, Board Member