

# Annual Report of State Personnel Board to the Governor

Pursuant to State Employee Protection Act, § 24-50.5-107, C.R.S.  
July 1, 2011, through June 30, 2012

## FY 09 Cases<sup>1</sup>

**John Redding v. Department of Natural Resources, Division of Water Resources, 2009G069(C), 2010B015(C) [2010B015(C)] – no finding of a violation of Colorado’s whistleblower statute, § 24-50.5-101, et seq., C.R.S.**

- Complainant filed a petition for hearing regarding a final grievance decision, alleging retaliation for disclosures pertaining to a supervisor’s receipt of gifts from consultants whose dam construction designs would get approved, conflicts of interest, safety of citizens who lived below the high hazard dams, and supervisor-imposed work conditions, in violation of the Whistleblower Act.
- On June 3, 2009, the ALJ issued the Preliminary Recommendation of the Administrative Law Judge recommending that the petition for hearing be granted, finding: (1) Complainant’s asserted retaliatory actions listed in his information sheet constitute an alleged pattern of reprimands, admonishments, withholding of work, the threat of a less than stellar work history, and an unsatisfactory performance evaluation without any prior notice or coaching; (2) the information in the record does establish at this preliminary stage that Complainant’s protected disclosures were substantial or motivating factor in the subsequent adverse actions taken against Complainant; and (3) Complainant’s information warrants a hearing on his Whistleblower allegations.
- On June 16, 2009, the Board adopted the Preliminary Recommendation of the ALJ, granting the petition for hearing.
- The matter was set for hearing on September 15, 2009.
- On July 17, 2009, the ALJ vacated the hearing setting due to consolidation with another case and referred the matter to CCRD based on Complainant’s charges of discrimination.
- Following Complainant’s waiver of an investigation by CCRD, on August 5, 2010, Complainant filed another appeal due to his termination of employment.
- After hearing on February 23, 24, and 25 and March 2, 2010, the ALJ issued the Initial Decision of the ALJ on April 27, 2010, concluding that Complainant committed the acts upon which the termination was based; Respondent’s termination decision was not arbitrary, capricious or contrary to rule or law; Respondent did not violate the Colorado State Employee Protection Act; Respondent’s termination decision was within the range of reasonable alternatives; and Complainant is not entitled to an award of attorney fees and costs. The ALJ dismissed Complainant’s appeal with prejudice.
- On May 27, 2010, Complainant filed an appeal of the Initial Decision of the ALJ.
- On September 23, 2010, the Board issued its order adopting the Initial Decision of the ALJ.
- On October 4, 2010, Complainant filed a Notice of Appeal and Designation of Record at the Court of Appeals.
- On November 23, 2011, the Court issued its Order Affirmed.
- On March 3, 2012, the Court issued the Mandate: Order Affirmed.

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<sup>1</sup> This matter remained open during FY 12; see previous reports.

## FY 10 Cases<sup>2</sup>

### **NOTICE OF VIOLATION OF THE STATE EMPLOYEE PROTECTION (WHISTLEBLOWER) ACT:**

#### ***Ronda Katzenmeyer v. Department of Corrections, Clinical Services, 2010G005 – finding of a violation of Colorado’s whistleblower statute, § 24-50.5-101, et seq., C.R.S.***

- On July 20, 2009, Complainant filed a Whistleblower Complaint regarding disclosures of abusive treatment of an inmate, in violation of the Whistleblower Act.
- On November 3, 2009, the ALJ issued the Preliminary Recommendation of the Administrative Law Judge, recommending that a hearing be granted.
- On November 23, 2009, the Board issued its order granting the petition for hearing.
- After hearing on September 8, 9, 15, and 16, and closing of the record on October 1, 2010, the ALJ issued the Initial Decision of the ALJ on November 15, 2010, determining that Complainant engaged in protected conduct under the Act by filing an incident report regarding potential inmate abuse and participating in the fact-finding process. The ALJ also found that Complainant did not timely appeal her assignment to the Parole position in Pueblo; therefore, the Board lacks jurisdiction over that claim. Finally, the ALJ concluded that Respondent’s referral of criminal charges for prosecution against Complainant constitutes a form of penalty covered under the Whistleblower Act, and Complainant is entitled to the remedies mandated by the Act. The ALJ ordered Respondent to reimburse Complainant for any costs, including all court costs and attorney fees incurred in the proceeding before the Board and in the criminal trial held in April 2010; to expunge Complainant’s personnel file and all other DOC files of all documents relating to the criminal investigation and prosecution of Complainant; and to restore any service credit as Health Services Administrator that she may have lost since her June 11, 2009 placement on administrative leave.
- On December 6, 2010, Respondent filed its Designation of Record at the Board.
- On December 15, 2010, Respondent filed its Notice of Appeal of the ALJ’s Initial Decision.
- On April 26, 2011, the Board issued its order adopting the Initial Decision of the ALJ.
- On June 10, 2011, Respondent filed its Notice of Appeal and Designation of Record at the Court of Appeals.
- The parties entered into a settlement and, on October 11, 2011, filed a Motion to Dismiss, which was granted by the Court on November 18, 2011.
- The Mandate: Appeal Dismissed was issued on December 1, 2011.

#### ***Bryan L. Friberg, Sr. v. Regents of the University of Colorado at Boulder, 2010G065 – no finding of a violation of Colorado’s whistleblower statute, § 24-50.5-101, et seq., C.R.S.***

- On March 19, 2010, Complainant filed a petition for hearing alleging discrimination based on veteran’s status and retaliation for disclosures regarding waste and abuse of public funds and abuse of authority, in violation of the Whistleblower Act.
- On April 14, 2010, the ALJ issued her Order Dismissing Whistleblower Complaint; on May 11, 2010, the ALJ issued a Procedural Order and Order for Status Report, directing Respondent to file a status report no later than June 15, 2010, that explains the process the parties have arranged for handling the grievance, in view of Complainant’s deployment for active military duty.

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<sup>2</sup> These matters remained open or were resolved during FY 12; see previous reports.

- On June 15, 2010, the University issued its Status Report, stating that it had sent Complainant an Amended Notice of Grievance by email, instructing him to contact his appointing authority no later than ten days after the first day of his return to work at the University following his overseas deployment to schedule a Step I grievance meeting.
- Complainant did not appeal the dismissal of the Whistleblower Complaint.
- Following the filing of several status reports by the University, the matter was dismissed for Complainant's failure to respond on July 25, 2012.

### FY 11 Cases<sup>3</sup>

**Arthur Robinson v. University of Colorado Denver, Information Technology Services, 2011B063 – no finding of a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.**

- On December 29, 2010, Complainant filed an appeal of his disciplinary pay reduction, alleging discrimination based on race/color.
- On February 4, 2011, Complainant filed a Whistleblower Complaint alleging that he had been threatened with termination in retaliation for exercising his free speech with his supervisor and complaining of discrimination, in violation of the Whistleblower Act.
- Following the hearing, which ended on August 11, 2011, on September 26, 2011, the ALJ determined that Complainant committed the acts for which he was disciplined, including making unprofessional comments; Respondent's disciplinary action was not arbitrary, capricious or contrary to rule or law, except its imposition of discipline for an action which had already been handled through corrective action; Respondent did not violate Title VII or the Colorado Anti-Discrimination Act, the Whistleblower Act, or Complainant's First Amendment rights; and the discipline imposed was within the range of reasonable alternatives. Dismissing the appeal with prejudice, the ALJ affirmed the disciplinary action, but Respondent is ordered to remove the reference to the imposition of discipline for Complainant's derogatory comments concerning his ITS supervisors on September 26, 2011.
- Following Complainant's appeal of the Initial Decision, the Board adopted the Initial Decision with modifications in an order dated February 28, 2012.

**Greig Bellum v. Governor's Office of Information Technology, 2011B067 – no finding of a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.**

- On January 18, 2011, Complainant filed an appeal of his disciplinary demotion and salary reduction, alleging discrimination based on gender.
- On February 1 and March 11, 2011, Complainant filed a Whistleblower Complaint alleging that on December 15 and 29, 2010, and January 4, 2011, he disclosed multiple technology security breaches violating CDOT and state policies and that on January 6, 2011, he had been demoted in retaliation for his disclosures, in violation of the Whistleblower Act.
- Following Complainant's waiver of investigation by the Colorado Civil Rights Division, the matter was set for hearing on August 11, 2011.
- Complainant withdrew his appeal and the parties filed a Stipulated Motion to Dismiss with Prejudice, which was granted by the ALJ on August 3, 2011.

**Patrick Bahl v. Colorado School of Mines, 2011B083 – no finding of a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.**

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<sup>3</sup> These matters remained open or were resolved during FY 12.

- On April 12, 2011, Complainant filed an appeal of his disciplinary demotion and salary reduction.
- On April 29, 2011, Complainant filed a Whistleblower Complaint alleging that he and his fellow police officers drafted a No Confidence letter to the Chief of Police on April 14, 2009, that resulted in a pattern of retaliation against him, culminating in a disciplinary demotion on April 6, 2011, in violation of the Whistleblower Act.
- The parties reached a settlement and filed an Unopposed Motion to Dismiss Case with Prejudice, which was granted by the ALJ on October 13, 2011.

**Havilah Lilly v. Board of Trustee for Metropolitan State College of Denver, Cashier Office, 2011G022, 2011G031(C), 2011G086 [2011G031(C)] – no finding of a violation of Colorado’s whistleblower statute, § 24-50.5-101, et seq., C.R.S.**

- On October 18, 2010, Complainant filed a petition for hearing (2011G022) regarding a final grievance decision, alleging discrimination based on national origin/ancestry, and alleging a whistleblower claim.
- On November 1, 2010, Complainant filed a Whistleblower Complaint, alleging that her PDQ had not been upgraded in retaliation for her disclosures regarding multiple problems with MSC’s handling of Title IV funds, in violation of the Whistleblower Act, and requested that she be allowed to withdraw her petition for hearing.
- On November 10, 2010, the ALJ issued an Order Granting Motion to Withdraw.
- On November 12, 2010, Complainant filed a second petition for hearing (2011G031) regarding MSC’s refusal to upgrade her PDQ for promotion, alleging discrimination based on national origin/ancestry, and a Whistleblower Complaint, based on her disclosures as described in and subsequent to her original petition for hearing.
- On April 6, 2011, the ALJ issued the Preliminary Recommendation of the Administrative Law Judge, recommending that a hearing be granted.
- On April 13, 2011, Complainant filed another petition for hearing which was consolidated with the November 12, 2010 petition for hearing under 2011G031(C). This petition for hearing was called “notification of retaliation.”
- On April 26, 2011, the Board issued an Order Granting the Petition for Hearing.
- On April 29, 2011, Complainant filed a petition for hearing (2011G086), which was consolidated with the November 12, 2010 petition for hearing under 2011G031(C). This petition for hearing was also called “notification of retaliation.”
- This consolidated matter was set for hearing on August 10, 2011.
- The parties settled the consolidated case and the matter was dismissed on September 29, 2011.

**Richard Mignogna v. Department of Regulatory Agencies, Division of Registrations, 2011G040 – no finding of a violation of Colorado’s whistleblower statute, § 24-50.5-101, et seq., C.R.S.**

- On December 20, 2010, Complainant filed a petition for hearing regarding a final grievance decision, alleging that the decision violated his federal or state constitutional rights, and a Whistleblower Complaint, alleging that DORA engaged in a pattern of retaliation against him consisting of a corrective action, a violation of Complainant’s First Amendment rights to freedom of speech, and prevention of the release of documents that are in the public interest, in violation of the Whistleblower Act.
- On March 7, 2011, Complainant filed a second petition for hearing regarding a final grievance decision on a second corrective action, but no whistleblower claims.

- The matter was set for preliminary review and the parties filed information sheets. The Board reviewed the recommendation of the ALJ and voted not to grant a hearing at its August 16, 2011 meeting.
- Complainant appealed the denial of a hearing to the Court of Appeals where the matter is at issue.

***Kathi Dean-Lee v. Department of Corrections, 2011G047 – no finding of a violation of Colorado’s whistleblower statute, § 24-50.5-101, et seq., C.R.S.***

- On January 6, 2011, Complainant filed a petition for hearing regarding a grievance decision and a Whistleblower Complaint, alleging that she was given a performance document in retaliation for her disclosures of discrepancies and concerns about housing transactions, in violation of the Whistleblower Act.
- On June 8, 2011, the ALJ issued the Preliminary Recommendation of the Administrative Law Judge, recommending that a hearing be granted.
- On June 27, 2011, the Board issued an Order Granting the Petition for Hearing.
- The matter was set for hearing on September 21, 2011.
- The parties settled the matter, and an Order Granting Stipulation for Dismissal with Prejudice was issued by the ALJ on August 23, 2011.

***Tim Kosak v. Department of Transportation, 2011G065 – no finding of a violation of Colorado’s whistleblower statute, § 24-50.5-101, et seq., C.R.S.***

- On March 11, 2011, Complainant filed the first of a series of petitions for hearing regarding grievance decisions and Whistleblower Complaints, alleging that the agency has been retaliating against him for filing grievances, claiming discrimination under the Americans with Disability Act and agency violations of FMLA, in violation of the State Employee Protection Act.
- On March 14, 2011, Complainant filed a second petition for hearing regarding CDOT’s failure to provide accommodations under the ADA.
- On March 28, 2011, Complainant filed an appeal of a disciplinary action imposed for vandalizing state property and alleged a violation of the Whistleblower Act.
- On April 7, 2011, Complainant filed another petition for hearing, alleging discrimination based on disability, and a Whistleblower Complaint, alleging that the agency has continued to retaliate against him by giving him 2 random drug tests in 6 weeks, in violation of the Whistleblower Act.
- On May 3, 2011, Complainant filed a petition for hearing following his receipt of a Step II grievance decision.
- On June 14, 2011, Complainant filed a petition for hearing requesting the consolidation of three grievances for hearing purposes.
- Following consolidation of the grievances, the matter was referred to CCRD for investigation of the discrimination claims.
- On July 1, 2011, Complainant filed a Whistleblower Complaint regarding CDOT’s continuing harassment of him and its creation of a hostile work environment targeting his disability.
- On November 2, 2011, the ALJ issued a Preliminary Recommendation recommending that the petition for hearing be granted, which was adopted by the Board.
- The matter was set for hearing, but the parties settled and the matter was dismissed on February 16, 2012.

**Barbara Bloem v. Department of Health Care Policy & Financing, 2011G073 – no finding of a violation of Colorado’s whistleblower statute, § 24-50.5-101, et seq., C.R.S.**

- On March 28, 2011, Complainant filed a Whistleblower Complaint, alleging that the agency was withholding work from her and diminishing her job duties due to discrimination and retaliation based on disability, retaliating against her for reporting discrimination and for disclosing state department actions that are against public interest, in violation of the Whistleblower Act.
- On September 7, 2011, the ALJ issued a Preliminary Recommendation recommending that the petition for hearing be granted, which was adopted by the Board.
- The matter was set for hearing, but the parties settled and the matter was dismissed on February 16, 2012.

**Rick Dawson v. Department of Health Care Policy & Financing, 2011G085 - no finding of a violation of Colorado’s whistleblower statute, § 24-50.5-101, et seq., C.R.S.**

- On May 2, 2011, Complainant filed a petition for hearing alleging that it had been 30 days since he filed a grievance with no response and that his federal and statutory constitutional right and the grievance process had been violated, and a Whistleblower Complaint, alleging that he had been admonished for filing Petitions for Declaratory Order with the Board, told not to assist coworkers with their grievances or personnel matters, and been given a low rating on his annual performance review, in violation of the Whistleblower Act.
- On June 28, 2011, the ALJ issued an Order Granting Motion to Dismiss Grievance Appeal as moot, preserving the Whistleblower Claim.
- The ALJ issued a Preliminary Recommendation recommending that the petition for hearing be denied, which was adopted by the Board.
- Complainant filed a Notice of Appeal at the Court of Appeals on October 27, 2011.
- By Order of the Court on March 13, 2012, the matter was dismissed.
- The Mandate: Appeal Dismissed without Prejudice was issued on May 10, 2012.

**FY 12 Cases**

**Dennis Johnson v. Department of Transportation, 2012B013(C) – no finding of a violation of Colorado’s whistleblower statute, § 24-50.5-101, et seq., C.R.S.**

- On August 9, 2011, Complainant filed an appeal of his disciplinary termination, alleging retaliation leading to a hostile work environment and an unspecified violation of the Whistleblower Act.
- On August 17, 2011, Complainant filed a response to the request for additional information by submitting an appeal form but did not file a separate Whistleblower Complaint or provide any additional information regarding his Whistleblower claim.
- Following the January 25, 2012 hearing, on March 13, 2012, the ALJ determined that Complainant, a Transportation Maintenance worker II who worked for CDOT in an isolated area, stole several items from CDOT, including a 55-gallon barrel of oil, used tires, a cordless drill, and a transmission jack. During the investigative process, he was not forthcoming with the truth. In addition, he directed a temporary worker to load the barrel of oil onto his personal vehicle so he could take it home, an egregious violation of his duty to lead those under his supervision. Complainant was terminated. The termination was sustained, and there was no finding of a violation of Colorado’s whistleblower statute, § 24-50.5-101, et seq., C.R.S.
- There was no appeal of the Initial Decision of the Administrative Law Judge.

**Theresa Dixon v. Department of Revenue, 2012B015 – no finding of a violation of Colorado’s whistleblower statute, § 24-50.5-101, et seq., C.R.S.**

- On August 15, 2011, Complainant filed an appeal of her probationary termination and a Whistleblower Complaint, alleging retaliation in violation of the Whistleblower Act because she disclosed in a report that a co-worker knowingly issued a faulty ticket to a driver and alleging discrimination based on gender.
- The matter was referred to Civil Rights for investigation of the discrimination allegation and to Respondent for a response to the Whistleblower Complaint.
- The parties settled the matter without Complainant’s filing a charge at Civil Rights and without Respondent’s response to the Whistleblower claim. The matter was not set for hearing.
- On October 14, 2011, the ALJ issued an Order Granting Unopposed Motion to Dismiss.

**Robert Davis v. Department of Human Services, Colorado State Veterans Home at Fitzsimons, 2012B057 – no finding of a violation of Colorado’s whistleblower statute, § 24-50.5-101, et seq., C.R.S.**

- On December 20, 2011, Complainant filed an appeal of a disciplinary action and a Whistleblower Complaint, alleging retaliation in violation of the Whistleblower Act because he filed a Whistleblower Complaint in June 2011 and wrote letters to Governor Hickenlooper and Executive Director Bicha, which were never resolved.
- The matter was referred Respondent for a response to the Whistleblower Complaint.
- Following receipt of Respondent’s response, the case was set for hearing on May 3, 2011; however, prior to that date, the parties reached a settlement.
- On May 2, 2012, the ALJ issued an Order Granting the Unopposed Motion to Dismiss Appeal with Prejudice.

**Susan Franta v. Department of Public Health and Environment, 2012B021, 2012B059 – no finding of a violation of Colorado’s whistleblower statute, § 24-50.5-101, et seq., C.R.S.**

- On September 6, 2011, Complainant filed an appeal of a disciplinary pay reduction. The case was set for hearing on December 2, 2011; however, the case was reset for hearing due to discovery issues.
- On December 23, 2011, Complainant filed an appeal of a disciplinary termination and a Whistleblower Complaint, alleging retaliation in violation of the Whistleblower Act because she was put on administrative leave based on what she deemed to be lies against her and discrimination based on age.
- The matter was referred to Civil Rights for investigation of the discrimination allegation and to Respondent for a response to the Whistleblower Complaint.
- The case was consolidated with an earlier case (2012B021), and Complainant was provided with an extension of time to file a charge at Civil Rights.
- The parties settled the consolidated case and the case was dismissed by order of the ALJ on March 15, 2012.

**Richard Mignogna v. Department of Regulatory Agencies, Public Utilities Commission, 2012B061 - this matter has not yet gone to hearing on the allegation of a violation of Colorado’s whistleblower statute, § 24-50.5-101, et seq., C.R.S.**

- On January 9, 2012, Complainant filed an appeal of his termination and a Whistleblower Complaint, alleging retaliation in violation of the Whistleblower Act. In his Whistleblower Complaint, he stated the termination was the “culmination of a series of corrective actions initiated by Director Dean to placate complaints by Public Service of Colorado against Dr. Mignogna,” a Professional Engineer III and Senior Authority on Renewable Energy for the PUC. In addition, the retaliation was also the result of Complainant’s filing of Case 2011G040(C), currently on appeal to the Colorado Court of Appeals, Case No. 11CA2117.
- The matter was referred to Respondent for a response to the Whistleblower Complaint.
- Following receipt of Respondent’s response to the Whistleblower Complaint, the case was set for hearing on September 12-14, 2012.

**Michael O’Riordan v. Colorado State University, CSU Bookstore, 2012B075 – *no finding of a violation of Colorado’s whistleblower statute, § 24-50.5-101, et seq., C.R.S.***

- On February 6, 2012, Complainant filed a Whistleblower Complaint, alleging retaliation in violation of the Whistleblower Act because he reported theft by a co-worker of materials from the bookstore.
- On February 10, 2012, Complainant filed a notice of appeal of his termination,
- The matter was referred Respondent for a response to the Whistleblower Complaint.
- Following receipt of Respondent’s response to the Whistleblower Complaint, the case was set for hearing on June 28, 2012.
- The parties settled the case and the case was dismissed by the ALJ on June 22, 2012, in the Order Granting Unopposed Motion to Dismiss.

**Dena Pisciotte v. Department of Revenue, 2012B126 – *this matter has not yet gone to hearing on the allegation of a violation of Colorado’s whistleblower statute, § 24-50.5-101, et seq., C.R.S.***

- On June 8, 2012, Complainant filed an appeal of her termination and a Whistleblower Complaint, alleging retaliation in violation of the Whistleblower Act because she disclosed her concerns that her supervisor was under the influence of drugs to management and she told her division director that the division director was in violation of the agency’s Statement of Understanding and an Executive Order. In addition, she alleged discrimination based on gender, disability, national origin, organizational membership, political affiliation, religion and breastfeeding.
- The matter was referred to Civil Rights for investigation of the discrimination allegations and to Respondent for a response to the Whistleblower Complaint.
- On August 3, 2012, Respondent filed its response to the Whistleblower Complaint.

**Y’evette Thomas v. Department of Human Services, Division of Youth Corrections, Marvin W. Foote Youth Services Center, 2012B127 - *no finding of a violation of Colorado’s whistleblower statute, § 24-50.5-101, et seq., C.R.S.***

- On June 14, 2012, Complainant filed an appeal of her 3% reduction of pay for three months, alleging retaliation in violation of the Whistleblower Act because of unspecified disclosures and discrimination based on harassment.
- The matter was referred to the Colorado Civil Rights Division for investigation of the discrimination allegations.
- Following a request for additional information, to which Complainant failed to respond, the ALJ dismissed the Whistleblower Claim.

**Arthur Robinson v. University of Colorado Denver, Information Technology Services, 2012B131 - this matter has not yet gone to hearing on the allegation of a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.**

- On June 22, 2012, Complainant filed an appeal of his disciplinary termination and a Whistleblower Complaint, alleging retaliation in violation of the Whistleblower Act because of his disclosure to the Board that the University asked a co-worker to report concerns about Complainant to them and alleging discrimination based on age, national origin and race.
- On June 28, 2012, the matter was referred to the Colorado Civil Rights Division for investigation of the discrimination allegations and to Respondent for a response to the Whistleblower Complaint.

**Jill Oliver v. Department of Human Services, Colorado Mental Health Institute at Fort Logan, 2012G003 – no finding of a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.**

- On July 6, 2011, Complainant filed a petition for hearing regarding an adverse grievance decision and a Whistleblower Complaint, alleging retaliation for her transfer in violation of the Whistleblower Act because of her disclosure to the appointing authority that the actions of a nurse manager was creating an unsafe work environment that led to Complainant's assault by a patient.
- The matter was referred to Respondent for a response to the Whistleblower Complaint.
- Following receipt of Respondent's response to the Whistleblower Complaint, the case was set for preliminary review and the parties filed information sheets.
- On December 7, 2011, the ALJ issued a preliminary recommendation recommending that a hearing be denied.
- On December 21, 2011, the Board issued its order adopting the preliminary recommendation and denying Complainant's petition for hearing.
- Complainant did not file an appeal of the Board Order.

**Toni Reed v. Department of Regulatory Agencies, Public Utilities Commission, 2012G004 – no finding of a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.**

- On July 11, 2011, Complainant filed a petition for hearing challenging her probationary termination and a Whistleblower Complaint, alleging retaliation for violation of the Whistleblower Act because of her disclosure through the agency website of her lack of training and alleging unspecified discrimination.
- The matter was referred to Respondent for a response to the Whistleblower Complaint and to Civil Rights for investigation of the discrimination allegations.
- Following receipt of Respondent's response to the Whistleblower Complaint and Civil Rights' disclosure of a conflict of interest which prohibited it from investigating Complainant's claim, the case was set for preliminary review and the parties filed information sheets.
- On December 7, 2011, the ALJ issued a preliminary recommendation recommending that a hearing be denied.
- On December 21, 2011, the Board issued its order adopting the preliminary recommendation and denying Complainant's petition for hearing.
- Complainant did not file an appeal of the Board Order.

**Marlene Ryckert v. Department of Labor and Employment, 2012G005 – no finding of a violation of Colorado’s whistleblower statute, § 24-50.5-101, et seq., C.R.S.**

- On July 11, 2011, Complainant filed a petition for hearing after receiving an adverse grievance decision and a Whistleblower Complaint alleging retaliation for violation of the Whistleblower Act because of her disclosure in which she denied allegations of poor performance and discrimination based on age, appearance, and race.
- On July 20, 2011, Complainant filed a petition for hearing challenging her probationary termination and a Whistleblower Complaint, alleging retaliation for violation of the Whistleblower Act for her disclosures in filing a petition for hearing and Whistleblower Complaint on July 11, 2011, and alleging discrimination based on age, retaliation, and race.
- The matter was referred to Respondent for a response to the Whistleblower Complaint and to Civil Rights for investigation of the discrimination allegations.
- Following receipt of Respondent’s response to the Whistleblower Complaint and Complainant’s waiver of an investigation by Civil Rights, the case was set for preliminary review and the parties filed information sheets.
- On December 7, 2011, the ALJ issued a preliminary recommendation recommending that a hearing be denied.
- On December 21, 2011, the Board issued its order adopting the preliminary recommendation and denying Complainant’s petition for hearing.
- Complainant did not file an appeal of the Board Order.

**Suzanne Sigona v. Department of Health Care Policy and Financing, 2012G007 – no finding of a violation of Colorado’s whistleblower statute, § 24-50.5-101, et seq., C.R.S.**

- On July 21, 2011, Complainant filed a petition for hearing challenging a final grievance decision and a Whistleblower Complaint alleging retaliation for violation of the Whistleblower Act because of her disclosure to the Acting Medicaid Director of the abusive behavior of her supervisor.
- The matter was referred to Respondent for a response to the Whistleblower Complaint.
- Following receipt of Respondent’s response to the Whistleblower Complaint, the case was set for preliminary review and the parties filed information sheets.
- On December 7, 2011, the ALJ issued a preliminary recommendation recommending that a hearing be denied.
- On December 21, 2011, the Board issued its order adopting the preliminary recommendation and denying Complainant’s petition for hearing.
- Complainant did not file an appeal of the Board Order.

**Casey Osborn v. University of Colorado, Police Department, 2012G028 – no finding of a violation of Colorado’s whistleblower statute, § 24-50.5-101, et seq., C.R.S.**

- On October 4, 2011, Complainant filed a petition for hearing and Whistleblower Complaint challenging a corrective action and alleging retaliation for violation of the Whistleblower Act because of his disclosure to his supervisor through comments he made about another officer.
- The matter was referred to Respondent for a response to the Whistleblower Complaint.
- Following the referral of the Whistleblower Complaint to Respondent, Complainant requested withdrawal of his case on November 14, 2011.
- On November 15, 2011, the ALJ issued an order granting Complainant’s request to withdraw his appeal.

**Jason Meisner v. University of Colorado, Police Department, 2012G029 – no finding of a violation of Colorado’s whistleblower statute, § 24-50.5-101, et seq., C.R.S.**

- On October 4, 2011, Complainant filed a petition for hearing and Whistleblower Complaint challenging a corrective action and alleging retaliation for violation of the Whistleblower Act because of his disclosure to his supervisor through comments he made about another officer.
- The matter was referred to Respondent for a response to the Whistleblower Complaint.
- Following the referral of the Whistleblower Complaint to Respondent, Complainant requested withdrawal of his case on October 25, 2011.
- On October 26, 2011, the ALJ issued an order granting Complainant’s request to withdraw his appeal.

**Christopher Melvin v. University of Colorado, Police Department, 2012G030 – no finding of a violation of Colorado’s whistleblower statute, § 24-50.5-101, et seq., C.R.S.**

- On October 4, 2011, Complainant filed a petition for hearing and Whistleblower Complaint challenging a corrective action and alleging retaliation for violation of the Whistleblower Act because of his disclosure to his supervisor through comments he made about another officer.
- The matter was referred to Respondent for a response to the Whistleblower Complaint.
- Following the referral of the Whistleblower Complaint to Respondent, Complainant requested withdrawal of his case on November 15, 2011.
- On November 15, 2011, the ALJ issued an order granting Complainant’s request to withdraw his appeal.

**Douglas Schreffler v. Department of Revenue, 2012G032 – no finding of a violation of Colorado’s whistleblower statute, § 24-50.5-101, et seq., C.R.S.**

- On October 27, 2011, Complainant filed a petition for hearing challenging a final grievance decision, alleging unspecified Whistleblower claims and alleging discrimination based on disability and religion.
- The matter was deferred to agency by the ALJ pending the outcome of a November 1, 2011 Board Rule 6-10 meeting and the parties were ordered to file a status report.
- On January 19, 2012, the ALJ issued an order to show cause as to why the matter should not be dismissed as abandoned or untimely.
- Absent a timely reply, the ALJ dismissed the matter on February 8, 2012.

**Susan Franta v. Department of Public Health and Environment, 2012G040 – no finding of a violation of Colorado’s whistleblower statute, § 24-50.5-101, et seq., C.R.S.**

- On November 10, 2011, Complainant filed a Whistleblower Complaint alleging retaliation for disclosures that her supervisors lied on her performance evaluation.
- On November 23, 2011, Complainant filed an unresolved grievance alleging discrimination based on age.
- On November 28, 2011, the ALJ issued an order to show cause as to why the matter should not be dismissed for Complainant’s failure to follow Board rules and to file a proper Whistleblower Complaint.
- Absent a timely reply, the ALJ dismissed the matter on December 14, 2011.

**Kathy Otten v. Department of Labor and Employment, Workforce Development Programs, 2012G052 – this matter has not yet gone to hearing on the allegation of a violation of Colorado’s whistleblower statute, § 24-50.5-101, et seq., C.R.S.**

- On January 12, 2012, Complainant filed a petition for hearing and Whistleblower Complaint alleging retaliation by being passed over for reallocation due to her disclosures in voicing her opposition for her supervisors had taken with regard to grant money.
- The matter was referred to Respondent for a response to the Whistleblower allegations.
- Following receipt of Respondent's response, the matter was set for preliminary review on March 7, 2012, and the parties filed information sheets.
- On June 6, 2012, the ALJ issued a preliminary recommendation recommending that a hearing be granted.
- On June 21, 2012, the Board issued its order adopting the preliminary recommendation and granting Complainant's petition for hearing.
- The matter was set for hearing on September 19, 2012; however, on July 13 and August 1, 2012, Complainant requested an administrative stay of the matter until a possible conflict in representation could be resolved.
- The matter is currently stayed through August 8, 2012.

**Lorraine Ruhtenberg v. Department of Revenue, Central Department Operations, 2012G054 – no finding of a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.**

- On January 20, 2012, Complainant filed a petition for hearing and incomplete Whistleblower Complaint alleging unspecified violation of the Whistleblower Act, following an adverse grievance decision.
- The ALJ issued a show cause order with regard to timeliness of the filing.
- Absent a timely response, the ALJ dismissed the matter on February 9, 2012.

**Charlie Highland v. Department of Revenue, Central Department Operations, 2012G055 – no finding of a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.**

- On January 24, 2012, Complainant filed a petition for hearing and Whistleblower Complaint regarding his failure to be hired following his temporary position.
- Following his submittal of responses to two show cause orders, the ALJ dismissed the matter and referred it to the State Personnel Director for investigation.

**Kenneth Cancian v. Department of Transportation, 2012G060 – no finding of a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.**

- On February 1 and 13, 2012, respectively, Complainant filed a petition for hearing challenging an adverse grievance decision and alleging discrimination based on religion, and a Whistleblower Complaint alleging violation of the Whistleblower Act regarding his supervisor's failure to follow the Fair Labor Standards Act.
- The matter was referred to Respondent for a response to the Whistleblower Complaint and to the Civil Rights Division for investigation of the discrimination allegations.
- Following receipt of Respondent's response to the Whistleblower Complaint and Complainant's waiver of an investigation by Civil Rights, the case was set for preliminary review.
- Following notification that Complainant did not wish to pursue his case in a Motion to Dismiss filed by Respondent, the ALJ dismissed the matter on May 22, 2012.

**Franklin Ortega v. Community Colleges in Colorado, Pueblo Community College, 2012S010 – this matter has not yet gone to hearing on the allegation of a violation of Colorado’s whistleblower statute, § 24-50.5-101, et seq., C.R.S.**

- On November 17, 2011, Complainant filed a petition for Director’s review challenging the abolishment of a part-time police position, a Whistleblower Complaint regarding his failure to be hired after he made disclosures to Human Resources in violation of the Whistleblower Act, and an allegation of discrimination based on national origin.
- The matter was referred to Respondent for a response to the Whistleblower Complaint and to the Civil Rights Division for investigation of the discrimination allegations.
- Following receipt of a No Probable Cause Opinion from Civil Rights and the response to the Whistleblower Complaint from Respondent, the matter was set for preliminary review and the parties filed information sheets.
- The case is scheduled to be reviewed at the September 18, 2012 Board meeting.

**Kate Kelly v. Department of Transportation, 2012S027 – this matter has not yet gone to hearing on the allegation of a violation of Colorado’s whistleblower statute, § 24-50.5-101, et seq., C.R.S.**

- On April 27, 2012, Complainant filed a petition for Director’s review challenging the failure of the agency to hire her for a land surveyor position, a Whistleblower Complaint alleging retaliation for her filing complaints and grievances as disclosures to management violation of the Whistleblower Act, and an allegation of discrimination based on harassment.
- The matter was referred to Respondent for a response to the Whistleblower Complaint and to the Civil Rights Division for investigation of the discrimination allegations.
- Following receipt of the response to the Whistleblower Complaint from Respondent, the ALJ issued a memorandum that the Board would not proceed until an opinion had been rendered by Civil Rights.

**James Knudsen v. Department of Transportation, 2012S032 – no finding of a violation of Colorado’s whistleblower statute, § 24-50.5-101, et seq., C.R.S.**

- On May 21, 2012, Complainant filed a petition for Director’s review challenging his failure to be promoted and alleging unspecified Whistleblower retaliation.
- On May 30, 2012, the ALJ issued a request for additional information.
- Absent a response from Complainant, on June 14, 2012, the ALJ dismissed the case and referred it to the State Personnel Director for investigation.