

ORDER OF THE STATE PERSONNEL BOARD

CHARLES HENDRICKS,

Complainant,

vs.

DEPARTMENT OF CORRECTIONS,
DENVER RECEPTION AND DIAGNOSTIC CENTER,

Respondent.

The State Personnel Board (the "Board") met in public session on December 19, 2000. During this public session, the Board considered the record on appeal, including but not limited to:

1. Initial Decision of the Administrative Law Judge;
2. Opening Brief of Respondent-Appellant;
3. Answer Brief of Complainant-Appellee; and
4. Reply Brief of Respondent-Appellant.

The Board voted to adopt the findings of fact of the Administrative Law Judge ("ALJ") in the Initial Decision of the Administrative Law Judge, dated July 25, 2000, but to reverse the ALJ on one or more conclusions of law. The conclusions of law which the Board voted to reverse were: (1) The disciplinary demotion imposed was not within the reasonable range of available alternatives to the appointing authority (Conclusion of Law #2); and (2) the actions of the Respondent were arbitrary and capricious (Conclusion of Law #3). The Board found that the disciplinary demotion imposed was within the reasonable range of available alternatives and that the actions of the Respondent were not arbitrary and capricious.

This order represents the affirmative vote of the following Board members: Ms. Hoffman, Ms. Daly, Ms. Lottner, and Ms. Siderius. Mr. Zakhem voted against the motion.

Dated this _____ day
of December, 2000.

Joy Hoffman
Board Chair
State Personnel Board
1120 Lincoln Street, Suite 1420
Denver, CO 80203

NOTICE OF APPEAL

Each party has the following rights:

1. To abide by this decision of the State Personnel Board; or
2. To appeal this decision to the Colorado Court of Appeals within 45 days pursuant to Section 24-4-106(11), C.R.S. (2000), as provided in Section 24-50-125.4(3), C.R.S. (2000).

In the event the decision is appealed, the Board requests that a copy of the Notice of Appeal filed with the Court of Appeals also be filed with the State Personnel Board at: 1120 Lincoln Street, Suite 1420, Denver, CO 80203. Such will aide in the timely preparation of the record.

CERTIFICATE OF MAILING

This is to certify that on the _____ day of December, 2000, I placed true copies of the foregoing ORDER OF THE STATE PERSONNEL BOARD, in the United States mail, postage prepaid, addressed as follows:

Todd J. McNamara, Esq.
Kristina James, Esq.
Todd J. McNamara, P.C.
1700 Lincoln Street, Suite 3850
Denver, Co 80203-4538

And in the interagency mail, addressed as follows:

Susan J. Trout
Joseph Q. Lynch
Assistant Attorneys General
Employment Section
1525 Sherman Street, 5th Floor
Denver, CO 80203
