

STATE PERSONNEL BOARD, STATE OF COLORADO

Case No. 2001B129

ORDER OF THE STATE PERSONNEL BOARD

JOE ANN BROWN,

Complainants,

vs.

DEPARTMENT OF HIGHER EDUCATION, REGENTS OF THE UNIVERSITY OF COLORADO, UNIVERSITY OF COLORADO SYSTEM, PROCUREMENT SERVICE CENTER,

Respondent.

The State Personnel Board (the "Board") met in public session on Tuesday, January 15, 2002. During this public session, the Board reviewed the Initial Decision of the Administrative Law Judge, which was issued on December 19, 2001.

After discussion of the issues, the Board voted to review the Initial Decision of the Administrative Law Judge on its own motion. The Board directs the parties to brief the following issue: whether there is substantial evidence in the record to support the Administrative Law Judge's conclusion of law that Respondent's action in terminating Complainant's employment was arbitrary, capricious or contrary to rule or law when there is also a finding of fact that at least one of the allegations of sexual harassment was "knowingly false."

The Board will issue a briefing schedule when the record is certified. If either or both parties file an appeal from the Initial Decision of the Administrative Law Judge, their briefs shall also address any additional issues raised in the Notice(s) of Appeal.

This order represents the affirmative vote of the following Board members: Ms. Salkind, Ms. Siderius, and Ms. Daly. Ms. Lottner and Mr. Zakhem were absent.

Dated this _____ day
of January, 2002.

Melanie Daly
State Personnel Board Chair
1120 Lincoln St., Suite 1420
Denver, CO 80203

CERTIFICATE OF MAILING

This is to certify that on the _____ day of **January, 2002**, I placed true copies of the foregoing **ORDER OF THE STATE PERSONNEL BOARD** in the United States mail, postage prepaid, addressed as follows:

Edwin S. Kahn, Esquire
Kelly, Haglund, Garnsey & Kahn, LLC
1441 – 18th Street, Suite 300
Denver, CO 80202-1255

and in the interagency mail, to:

L. Louise Romero
Managing Senior Associate University Counsel
Office of University Counsel
University of Colorado at Boulder
203 Regent Administrative Center
13 UCB
Boulder, CO 80309-0013
