

ORDER OF THE STATE PERSONNEL BOARD ON REMAND

DAN WELLS and BARRY RICE,

Complainants,

vs.

DEPARTMENT OF HIGHER EDUCATION, UNIVERSITY OF COLORADO AT DENVER, AURARIA MEDIA CENTER, AURARIA LIBRARY and AURARIA HIGHER EDUCATION CENTER,

Respondents.

This matter is before the Colorado State Personnel Board ("Board") at its regularly scheduled public session held on May 16, 2006. During this public session, the Board reviewed the Mandate/Order from the Court of Appeals which Affirmed in Part, Reversed in Part, and Remanded the Case with Directions.

Based upon the Board's review and consideration, the Board voted to enter an order reinstating the Administrative Law Judge's order regarding Rice, adopting the findings of fact and conclusions of law in the Initial Decision of the Administrative Law Judge, in conformance with the order from the Court of Appeals.

IT IS ORDERED, therefore, that the Initial Decision of the Administrative Law Judge is adopted and made an Order of the Board.

Dated this 26 day of
May, 2006.



John Zakhem, Board Chair
State Personnel Board
633 17th Street, Suite 1320
Denver, Colorado 80202-3604

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., as provided in Section 24-50-125.4(3), C.R.S.

In the event the decision is appealed, pursuant to Section 24-4-106(11)(b), C.R.S., the party filing the appeal with the Court of Appeals must serve the State Personnel Board with a copy of the Notice of Appeal at: 633 17th Street, Suite 1320, Denver, Colorado 80202-3604. In addition to serving the State Personnel Board with a copy of the Notice of Appeal, the party filing the appeal with the Court of Appeals must name the State Personnel Board as a party (appellee) to the appeal. Section 24-4-106(11)(d), C.R.S.

CERTIFICATE OF MAILING

This is to certify that on the 1st day of ~~May~~ June, 2006, I placed true copies of the foregoing **ORDER OF THE STATE PERSONNEL BOARD ON REMAND** in the United States mail, postage prepaid, addressed as follows:

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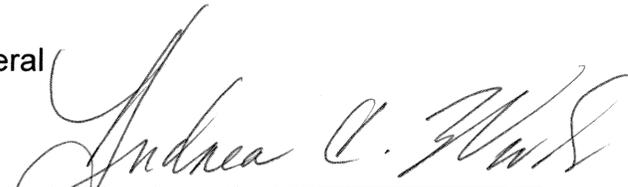
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and in the interagency mail, to:

John A. Lizza, First Assistant Attorney General
State Services Section
1525 Sherman Street, 5th Floor
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Andrea C. Woods