

ORDER OF THE STATE PERSONNEL BOARD

PATRICIA JONES,

Complainant,

vs.

DEPARTMENT OF CORRECTIONS,

Respondent.

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 considered the record on appeal, including but not limited to:

1. Initial Decision of the Administrative Law Judge;
2. Respondent's Opening Brief on Appeal from the Initial Decision of the Administrative Law Judge;
3. Complainant's Responsive Brief;
4. Respondent's Reply Brief;
5. Complainant's Motion to Strike Certain Arguments and Attachments in Respondent's Reply Brief or Strike Brief in its Entirety;
6. Complainant's Motion to Allow Sur Reply;
7. Sur Reply; and
8. Respondent's Motion to Strike Complainant's Sur Reply and Accompanying Motions as Untimely.

Based upon the Board's review and consideration,

IT IS HEREBY ORDERED that, with regard to Complainant's Motion to Strike Certain Arguments and Attachments in Respondent's Reply Brief or Strike Brief in its Entirety, Complainant's request to strike Attachment 1, 2003 Layoff Process Audit: Department of Corrections, Final Report, Issued April 2006, is granted; and the remaining requests to strike the arguments on Finding #78 and Attachment 4 are denied. Complainant's Motion to Allow Sur Reply is denied as untimely. Board Rule 8-72B(A). Respondent's Motion to Strike Complainant's Sur Reply and Accompanying Motions as Untimely is rendered moot by the denial of Complainant's Motion to Allow Sur Reply.

IT IS ALSO HEREBY ORDERED that the findings of fact and conclusions of law in the Initial Decision of the Administrative Law Judge are ADOPTED; and

IT IS FURTHER ORDERED 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. (2005), as provided in Section 24-50-125.4(3), C.R.S. (2005).

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.

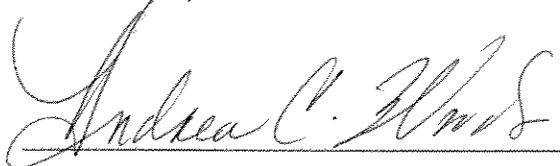
CERTIFICATE OF MAILING

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

William S. Finger
Frank & Finger, P.C.
29025-D Upper Bear Creek Road
P.O. Box 1477
Evergreen, Colorado 80437-6955

And via office mail:

Eric W. Freund, Assistant Attorney General
Employment Law Section
1525 Sherman Street, Fifth Floor
Denver, Colorado 80203



Andrea C. Woods