

ORDER OF THE STATE PERSONNEL BOARD ON REMAND

RANDY PFAFF,

Complainant,

vs.

DEPARTMENT OF CORRECTIONS,

Respondent.

This matter is before the Colorado State Personnel Board ("Board") at its regularly scheduled public session held on January 15, 2008. During this public session, the Board considered the Mandate from the Court of Appeals, Court of Appeals No. 05CA1937, Order Affirmed in part, Reversed in Part, and Case Remanded with Directions; Opinion Modified and Petition for Rehearing Denied, received January 4, 2008, by the Board.

Based upon the Board's review and consideration,

IT IS HEREBY ORDERED that the Initial Decision of the Administrative Law Judge, with regard to Conclusions of Law 2 ("Complainant did not commit the acts upon which discipline was based") and 3 ("Respondent's demotion of Complainant was arbitrary and capricious and contrary to rule or law"), is affirmed, and Respondent is ordered to reinstate Complainant to the rank of Lieutenant retroactive to the date of demotion and to pay Complainant full back pay and benefits to the date of demotion.

IT IS FURTHER ORDERED that, once the record is returned to the Board from the Court of Appeals, Board staff shall set a briefing schedule on the issue of the reconsideration of the award of attorney fees and costs to Complainant, as mandated by the Court of Appeals.

Dated this 18 day of
January, 2008.



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

CERTIFICATE OF MAILING

This is to certify that on the 22nd day of January, 2008, 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:

Sandra L. Wright, Esquire
Post Office Box 746298
Arvada, Colorado 80006-6298

And in the interagency mail to:

Stacy L. Worthington
First Assistant Attorney General
Civil Litigation & Employment Law Section
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Denver, Colorado 80203

