

ORDER OF THE STATE PERSONNEL BOARD

ANETT HARP,

Complainant,

vs.

DEPARTMENT OF HUMAN SERVICES, COLORADO MENTAL HEALTH INSTITUTE AT PUEBLO,

Respondent.

This matter is before the Colorado State Personnel Board ("Board") at its regularly scheduled public session held on November 17, 2009. 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. Motion for the Enforcement of the ALJ's Order Requiring Respondent to Provide Complainant Full Back Pay;
3. Motion to Permit Check to be Deposited without Prejudicing Any Issue as to the Proper Amount Owed Complainant;
4. Amended Motion for the Enforcement of the ALJ's Order Requiring Respondent to Provide Complainant Full Back Pay;
5. Response to Complainant's Motions;
6. Complainant's Brief in Support of Her Appeal of the Administrative Law Judge's Initial Decision;
7. Respondent's Answer Brief;
8. Complainant's Reply Brief in Support of Her Appeal of the Administrative Law Judge's Initial Decision.

Based upon the Board's review and consideration,

IT IS ORDERED, that the findings of fact and conclusions of law in the Initial Decision of the Administrative Law Judge are adopted, and that the Initial Decision of the Administrative Law Judge is adopted and made an Order of the Board, with the following clerical errors corrected in the Findings of Fact: the first date in paragraph 49 is corrected

to read, "July 21, 2008"; the second date in paragraph 49 is corrected to read, "July 22, 2008"; and the date in paragraph 51 is corrected to read, "July 24, 2008;" and

IT IS FURTHER ORDERED, that Complainant's Amended Motion for the Enforcement of the ALJ's Order Requiring Respondent to Provide Complainant Full Back Pay is granted, including shift differential, from the date of termination to the day prior to the reinstatement of Complainant; however, attorney fees are not awarded to Complainant; and

IT IS FURTHER ORDERED that the Motion to Permit Check to be Deposited without Prejudicing Any Issue as to the Proper Amount owed Complainant is granted, however, attorney fees are not awarded to Complainant.

Dated this 23 day of
November, 2009.


Rich Djokic, 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 26th day of November, 2009, I electronically served true copies of the foregoing **ORDER OF THE STATE PERSONNEL BOARD**, addressed as follows:

Tamara Wayland, Esq.

Michael Scott, Assistant Attorney General

[Redacted]

[Redacted]

Andrea C. Woods