

**STATE PERSONNEL BOARD, STATE OF COLORADO**  
**Case No. 2010G082(C)**

---

**ORDER OF THE STATE PERSONNEL BOARD**

---

**JOHN DAVID SCHUTTE,**

Complainant,

vs.

**DEPARTMENT OF CORRECTIONS, BUENA VISTA CORRECTIONAL FACILITY,**

Respondent.

---

This matter is before the Colorado State Personnel Board ("Board") at its regularly scheduled public session held on May 15, 2012. 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. Complainant's Appeal Brief;
3. Respondent's Answer Brief;
4. Complainant's Rebuttal to Respondent's Answer Brief;
5. Respondent's Opening Brief;
6. Complainant's Answer Brief;
7. Respondent's Reply Brief.

Based upon the Board's review and consideration,

IT IS HEREBY ORDERED that the findings of fact and conclusions of law in the Initial Decision of the Administrative Law Judge and the Initial Decision of the Administrative Law Judge are ADOPTED and made an Order of the Board, based on Complainant's demonstration of a *prima facie* case of discrimination based on religion; his sincerely held religious belief that he is not to work on the Sabbath; and Respondent did not demonstrate that it was unable to reasonably accommodate Complainant's religious observances without undue hardship on the conduct of the employer's business.

Dated this 23rd day of  
**May, 2012.**



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 24<sup>th</sup> day of **May, 2012**, I electronically served true copies of the foregoing **ORDER OF THE STATE PERSONNEL BOARD**, addressed as follows:

John David Schutte

[Redacted]

Heather Smith

[Redacted]

[Redacted]

Andrea C. Woods