

STATE PERSONNEL BOARD, STATE OF COLORADO
Case No. 2015G105

ORDER OF THE STATE PERSONNEL BOARD DENYING PETITION FOR HEARING

JULIE MAESTAS
Complainant,

vs.

DEPARTMENT OF HUMAN SERVICES, OFFICE OF EARLY CHILDHOOD, BACKGROUND
INVESTIGATIONS UNIT
Respondent.

This matter is before the Colorado State Personnel Board ("Board") at its regularly scheduled public session held on October 20, 2015. During this public session, the Board considered the Preliminary Recommendation of the Administrative Law Judge.

Based upon the Board's review and consideration of the Preliminary Recommendation, the Board finds that the business need for the transfer of the Background Investigation Unit from Pueblo to Denver was contemplated by the Respondent well before the date of the adverse action affecting the Complainant's work site. The Board further finds that the temporal proximity between Complainant's protected disclosures and the Respondent's announcement of the decision to transfer Complainant's work away from Pueblo is not sufficient to raise an inference of a causal connection between Complainant's disclosure and Respondent's adverse action. The Board finds that the retaliation element of a Whistleblower claim is not sufficiently shown.

IT IS HEREBY ORDERED that the Preliminary Recommendation of the Administrative Law Judge is rejected, and that the petition for hearing is **DENIED**.

Dated this 23rd day
Of October, 2015.



Neil Peck, Board Chair
State Personnel Board
1525 Sherman Street, 4th Floor
Denver, CO 80203

NOTICE OF APPEAL

1. To abide by the decision of the State Personnel Board; or
2. To appeal this decision to the Colorado Court of Appeals within 49 days pursuant to Section 24-50-125.4(3), C.R.S., in the method described at Section 24-4-106(11), C.R.S., and in accordance with applicable Colorado Appellate Rules.

In the event this decision is appealed, the party filing the appeal with the Court of Appeals must name in the appeal and serve such appeal upon the State Personnel Board and all other parties who have appeared as parties to this action. See Section 24-4-106(11)(d), C.R.S. The State Personnel Board can be served at: 1525 Sherman Street, 4th Floor, Denver, Colorado 80203.

CERTIFICATE OF MAILING

This is to certify that on the 23rd day of **October 2015**, I electronically served a true copy of the foregoing **ORDER OF THE STATE PERSONNEL BOARD DENYING PETITION FOR HEARING** as follows:

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