

STATE PERSONNEL BOARD, STATE OF COLORADO
Case No. 2016B058

ORDER OF THE STATE PERSONNEL BOARD

FULTON RUSHING, JR.
Complainant,

vs.

DEPARTMENT OF HUMAN SERVICES, OFFICE OF CHILDREN YOUTH & FAMILIES
DIVISION OF YOUTH CORRECTIONS, SPRING CREEK YOUTH SERVICE CENTER
Respondent.


This matter is before the Colorado State Personnel Board ("Board") at its regularly scheduled meeting held on May 16, 2017. 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 Opening Brief;
3. Respondent's Opening Brief;
4. Complainant's Answer Brief;
5. Respondent's Answer Brief;
6. 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 are **ADOPTED** and the ALJ's Order rescinding termination is **MODIFIED** to restore Complainant to his prior position of Correctional Youth Security Officer II with back pay, statutory interest and benefits commencing on February 13, 2016, the effective date of his termination, and adjusted by a 5% reduction in pay effective February 13, 2016 for a period of one year. It is **FURTHER ORDERED** that Complainant shall be issued a corrective action with an order to participate in training in the proper use of force in the performance of his job duties.

Dated this 18th day
Of May, 2017.



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.

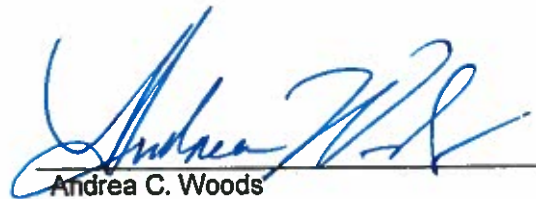
In the event this decision is appealed, the party filing the appeal with the Court of Appeals must name in the appeal and serve such appeal upon the State Personnel Board and all other parties who have appeared as parties to this action. See Section 24-4-106(11)(d), C.R.S. The State Personnel Board can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

CERTIFICATE OF MAILING

This is to certify that on the 18th day of May, 2017, I electronically served a true copy of the foregoing **ORDER OF THE STATE PERSONNEL BOARD** as follows:

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