

State of Colorado



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Governor

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State Personnel Board
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AGENDA PUBLIC BOARD MEETING September 20, 2016

A public meeting of the Colorado State Personnel Board will be held on Tuesday, September 20, 2016 1525 Sherman Street, 1st Floor Conference Room 103, Denver, Colorado 80203. The public meeting will commence at 9:00 a.m.

Reasonable accommodation will be provided **upon request** for persons with disabilities. If you are a person with a disability who requires an accommodation to participate in this meeting, please notify Board staff at 303-866-3300 by September 16, 2016.

CALL TO ORDER

- Attendance.
- Disclosure of any potential conflicts of interest with regard to present Board business and notice of recusal, if applicable.

I. REPORT OF DEPARTMENT OF PERSONNEL AND ADMINISTRATION [DPA] AND REPORT OF THE DIVISION OF HUMAN RESOURCES [DHR]

II. PENDING MATTERS

There are no pending matters before the Board this month.

III. REVIEW OF INITIAL DECISIONS OR OTHER FINAL ORDERS OF THE ADMINISTRATIVE LAW JUDGES ON APPEAL TO THE STATE PERSONNEL BOARD

- A. Kathy Starling v. Department of Revenue, Tax Audit and Compliance Division, State Personnel Board case number 2014G013.

On May 17, 2016 the ALJ issued an Order Modifying Award of Remedies.

On August 8, 2016, the Complainant filed its Opening Brief concerning damages. Complainant requests reinstatement to Tax Examiner II position and attorney fees and costs. On August 8, 2016, the Respondent filed its Opening Brief concerning the remedy order. Respondent requests remedies of the cease and

desist provisions and monetary damages ordered by ALJ Dindinger be removed for not being grounded in evidentiary hearing and legal support.

IV. REVIEW OF PRELIMINARY RECOMMENDATIONS OF THE ADMINISTRATIVE LAW JUDGES TO GRANT OR DENY PETITIONS FOR HEARING

There are no Preliminary Recommendations of the ALJ before the Board this month.

V. INITIAL DECISIONS OR OTHER FINAL ORDERS OF THE ADMINISTRATIVE LAW JUDGES

- A. Bernard Whitney v. Department of Human Services, Division of Employment Affairs, Office of Administrative Solutions, State Personnel Board case number 2015G061.

On August 22, 2016, Administrative Law Judge Keith Shandalow entered the Initial Decision of the Administrative Law Judge in this matter ("Initial Decision"). The Initial Decision upheld Respondent's disciplinary termination of Complainant's probationary employment. The ALJ found that Respondent's actions were not a violation of the State Employee Protection Act and affirmed Complainant's termination and referred the matter to the State Personnel Director for further review.

VI. REVIEW OF THE MINUTES FROM THE AUGUST 16, 2016 PUBLIC MEETING OF THE STATE PERSONNEL BOARD

VII. ACKNOWLEDGMENTS

DECISIONS OF THE STATE PERSONNEL BOARD MADE AT ITS AUGUST 16, 2016 PUBLIC MEETING:

- A. Thomas Reyes v. Department of Transportation, State Personnel Board case number 2016S021.

The Board voted to adopt the Preliminary Recommendation of the Administrative Law Judge and grant the Petition for Hearing.

- B. Mark Jones v. Board of Director's for Auraria Higher Education Center, Auraria Police Department, State Personnel Board case number 2015S013(c).

The Board voted to adopt the Preliminary Recommendation of the Administrative Law Judge and grant the Petition for Hearing.

- C. Machhendra Thapa v. Department of Military and Veterans Affairs, State Personnel Board case number 2016G077.

The Board voted to adopt the Preliminary Recommendation of the Administrative Law Judge and deny the Petition for Hearing.

VIII. ADMINISTRATIVE MATTERS & COMMENTS

A. ADMINISTRATIVE MATTERS

- Cases on Appeal to Appellate Courts
- Mandate/Order of Dismissal in Grover v. DOC, State Personnel Board Case No. 2015G110, Court of Appeals No. 16CA080
- Mandate/Order Affirmed in Robinson v. UCD, State Personnel Board Case No. 2012B131, Court of Appeals No. 14CA2108 and Order Denying Petition for Writ of Certiorari in Supreme Court Case No. 16SC161

B. OTHER BOARD BUSINESS

(Director's Report)

- New reimbursement form and rate change

C. GENERAL COMMENTS FROM ATTORNEYS, EMPLOYEE ORGANIZATIONS, PERSONNEL ADMINISTRATORS, AND THE PUBLIC

IX. PROPOSED LEGISLATION AND/OR RULEMAKING

X. EXECUTIVE SESSION

- Updated guidance for Board members from Board counsel on legal and ethical issues.
- Confidential personnel matter

ADJOURN:

REGULARLY SCHEDULED BOARD MEETINGS - 9:00 a.m.

January 19, 2016	Colorado State Personnel Board 1525 Sherman Street, 1st Floor Conference Room 103 Denver, CO 80203
February 16, 2016	Colorado State Personnel Board 1525 Sherman Street, 1st Floor Conference Room 103 Denver, CO 80203
March 15, 2016	Colorado State Personnel Board 1525 Sherman Street, 1st Floor Conference Room 103 Denver, CO 80203
April 19, 2016	Colorado State Personnel Board 1525 Sherman Street, 1st Floor Conference Room 103 Denver, CO 80203
May 17, 2016	Colorado State Personnel Board 1525 Sherman Street, 1st Floor Conference Room 103 Denver, CO 80203
June 21, 2016	Colorado State Personnel Board 1525 Sherman Street, 1st Floor Conference Room 103 Denver, CO 80203
July 19, 2016	Colorado State Personnel Board 1525 Sherman Street, 1st Floor Conference Room 103 Denver, CO 80203
August 16, 2016	Colorado State Personnel Board 1525 Sherman Street, 1st Floor Conference Room 103 Denver, CO 80203
September 20, 2016	Colorado State Personnel Board 1525 Sherman Street, 1st Floor Conference Room 103 Denver, CO 80203
October 18, 2016	Colorado State Personnel Board 1525 Sherman Street, 1st Floor Conference Room 103 Denver, CO 80203
November 15, 2016	Colorado State Personnel Board 1525 Sherman Street, 1st Floor Conference Room 103 Denver, CO 80203
December 20, 2016	Colorado State Personnel Board 1525 Sherman Street, 1st Floor Conference Room 103 Denver, CO 80203