

State of Colorado



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State Personnel Board
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AGENDA PUBLIC BOARD MEETING November 21, 2017

A public meeting of the Colorado State Personnel Board will be held on Tuesday, November 21, 2017 at 1525 Sherman Street, 1st Floor Conference Room 104, 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 November 16, 2017.

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]

Next quarterly report scheduled for December 19, 2017.

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

- A. Brittney Cisneros v. Department of Personnel and Administration, State Personnel Board case number 2017G080.

Complainant, a probationary employee, filed a petition for the Board to review her administrative discharge and alleged discrimination based on disability and maternity/pregnancy. On June 16, 2017, the Administrative Law Judge issued an Order of Dismissal based on Complainant's untimely filing of her appeal with the Board. The ALJ determined Complainant's filing exceeded the Board's deadline to appeal by over three months.

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

A. Edwin Herndon v. Department of Corrections, Office of Inspector General, State Personnel Board case number 2017G056(c).

Complainant disputes a final grievance decision that denied his request for more investigative resources at Respondent's Buena Vista Correctional Facility. Complainant asserts that Respondent's failure to give him a manageable workload constitutes retaliation in violation of the Whistleblower Act. As relief, Complainant requests "adequate investigative resources. Investigators imbedded into BPCF to ensure case load is sustainable and assistance to alleviate backload of open cases." In this consolidated matter, Complainant also disputes a negative performance evaluation. He requests removal of negative comments from the evaluation and a Level II rating instead of a Level I rating.

Respondent asserts that Complainant fails to show valid issues that merit an evidentiary hearing. Respondent requests the Board to deny Complainant's Petition for Hearing.

On October 23, 2017, the Administrative Law Judge issued a Preliminary Recommendation that Complainant's petition for hearing be denied.

B. Jennifer Lopez v. Department of Human Services, Office of Children, Youth & Families, Division of Youth Corrections, Gilliam Youth Service Center, State Personnel Board case number 2018G002.

Complainant petitions for hearing alleges Respondent's termination of her probationary employment was motivated by sexual harassment and retaliation. Complainant seeks removal of Respondent's allegations of misconduct from her personnel file and reversal of her termination. Complainant would like to be reconsidered for employment in another facility.

Respondent argues that Complainant failed to establish a *prima facie* case of sexual harassment or retaliation. Respondent seeks denial of Complainant's petition for hearing and requests dismissal of Complainant's appeal with prejudice.

On October 24, 2017, the Administrative Law Judge issued a Preliminary Recommendation that Complainant's petition for hearing be denied.

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

There are no Initial Decisions or other Final Orders before the Board this month.

V. REVIEW OF THE MINUTES FROM THE OCTOBER 17, 2017 PUBLIC MEETING OF THE STATE PERSONNEL BOARD

VI. ACKNOWLEDGMENTS

DECISIONS OF THE STATE PERSONNEL BOARD MADE AT ITS OCTOBER 17, 2017 PUBLIC MEETING:

- A. Luke Ewing v. Department of Agriculture, State Personnel Board case number 2017S009.

The Board voted to adopt the Preliminary Recommendation of the ALJ and grant Complainant's petition for hearing based Complainant's disability discrimination claim only.

- B. Jeffreyson R. Gieck v. Governor's Office of Information Technology, State Personnel Board case number 2017G074.

The Board voted to adopt the Preliminary Recommendation of the ALJ and grant Complainant's petition for hearing.

- C. LaVerne J. Matthew v. Department of Local Affairs, State Personnel Board case number 2017G046.

The Board voted to adopt the Preliminary Recommendation of the ALJ and deny Complainants' petition for hearing.

- D. Laura Saurini v. Department of Corrections, Office of Clinical & Correctional Services, Division of Clinical Services, State Personnel Board case number 2016B075.

No formal action was taken.

- E. Vicki Armstrong v. Department of Human Services, Office of Children, Youth & Families, Division of Youth Corrections, Adams Youth Services Center, State Personnel Board case number 2017B016.

No formal action was taken.

VII. ADMINISTRATIVE MATTERS & COMMENTS

- A. ADMINISTRATIVE MATTERS

- Status of Cases on Appeal to the Board and Appellate Courts

- B. OTHER BOARD BUSINESS

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

VIII. RULEMAKING OF BOARD RULES-CHAPTER 8
Discussion and adoption of proposed change to Board Rules

IX. EXECUTIVE SESSION

ADJOURN:

2017 REGULARLY SCHEDULED BOARD MEETINGS - 9:00 a.m.

January 17, 2017	Colorado State Personnel Board 1525 Sherman Street, 1st Floor Conference Room 103 Denver, CO 80203
February 21, 2017	Colorado State Personnel Board 1525 Sherman Street, 1st Floor Conference Room 104 Denver, CO 80203
March 21, 2017	Colorado State Personnel Board 1525 Sherman Street, 1st Floor Conference Room 104 Denver, CO 80203
April 18, 2017	Colorado State Personnel Board 1525 Sherman Street, 1st Floor Conference Room 104 Denver, CO 80203
May 16, 2017	Colorado State Personnel Board 1525 Sherman Street, 1st Floor Conference Room 104 Denver, CO 80203
June 20, 2017	Colorado State Personnel Board 1525 Sherman Street, 1st Floor Conference Room 104 Denver, CO 80203
July 18, 2017	Colorado State Personnel Board 1525 Sherman Street, 1st Floor Conference Room 104 Denver, CO 80203
August 15, 2017	Colorado State Personnel Board 1525 Sherman Street, 1st Floor Conference Room 104 Denver, CO 80203
September 19, 2017	Colorado State Personnel Board 1525 Sherman Street, 1st Floor Conference Room 104 Denver, CO 80203
October 17, 2017	Colorado State Personnel Board 1525 Sherman Street, 1st Floor Conference Room 104 Denver, CO 80203
November 21, 2017	Colorado State Personnel Board 1525 Sherman Street, 1st Floor Conference Room 104 Denver, CO 80203
December 19, 2017	Colorado State Personnel Board 1525 Sherman Street, 1st Floor Conference Room 104 Denver, CO 80203