

State of Colorado



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State Personnel Board
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AGENDA PUBLIC BOARD MEETING December 19, 2017

A public meeting of the Colorado State Personnel Board will be held on Tuesday, December 19, 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 December 14, 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]

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

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

III. 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.

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

In order to preserve the Board's ability to review an Initial Decision within 30 days of issuance, the Board, on its own motion, voted on November 21, 2017 to defer to December 19, 2017 its consideration of the Initial Decision issued by the Administrative Law Judge on November 9,

2017 regarding *Macias v. University of Northern Colorado*, State Personnel Board case number 2016B021.

- A. Damian Macias v. University of Northern Colorado, State Personnel Board case number 2016B021.

Complainant, a former certified state employee, seeks review of Respondent's termination of his employment on September 30, 2015. Complainant alleges that the termination was arbitrary, capricious and contrary to rule or law, and was motivated by discrimination on the basis of race/ancestry, age, disability and organizational membership, as well as retaliation directed against him as a whistleblower in violation of the State Employee Protection Act, §24-50.5-101, *et seq.*, C.R.S. (Whistleblower Act). Complainant seeks reinstatement with full back pay and benefits.

Respondent seeks affirmance of its termination of Complainant's employment and denial of Complainant's discrimination claims and whistleblower complaint. Respondent also seeks an award of attorney fees and costs due to Complainant's pursuit of a frivolous and groundless appeal.

On November 9, 2017, the Administrative Law Judge issued an Initial Decision affirming Respondent's termination of Complainant's employment and dismissed Complainant's appeal with prejudice. The ALJ did not award attorney fees and costs.

V. REVIEW OF THE MINUTES FROM THE NOVEMBER 21, 2017 PUBLIC MEETING OF THE STATE PERSONNEL BOARD

VI. ACKNOWLEDGMENTS

DECISIONS OF THE STATE PERSONNEL BOARD MADE AT ITS NOVEMBER 21, 2017 PUBLIC MEETING:

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

The Board voted to adopt the findings of fact and conclusions of law in the ALJ's Order of Dismissal and made an Order of the Board.

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

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

- C. 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.

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

VII. ADMINISTRATIVE MATTERS & COMMENTS

A. ADMINISTRATIVE MATTERS

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

B. OTHER BOARD BUSINESS

The 2018 calendar of scheduled Board meetings is included with this month's agenda and will appear as always in the monthly Board agenda. For the public, the annual calendar of Board meeting is published on the Board's web site.

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

VIII. PROPOSED LEGISLATION AND/OR RULEMAKING

Update on the rulemaking on Board Rules in Chapter 8.

IX. EXECUTIVE SESSION

ADJOURN:

2018 REGULARLY SCHEDULED BOARD MEETINGS - 9:00 a.m.

January 16, 2018	Colorado State Personnel Board 1525 Sherman Street, 1st Floor Conference Room 103 Denver, CO 80203
February 20, 2018	Colorado State Personnel Board 1525 Sherman Street, 1st Floor Conference Room 104 Denver, CO 80203
March 20, 2018	Colorado State Personnel Board 1525 Sherman Street, 1st Floor Conference Room 104 Denver, CO 80203
April 17, 2018	Colorado State Personnel Board 1525 Sherman Street, 1st Floor Conference Room 104 Denver, CO 80203
May 15, 2018	Colorado State Personnel Board 1525 Sherman Street, 1st Floor Conference Room 104 Denver, CO 80203
June 19, 2018	Colorado State Personnel Board 1525 Sherman Street, 1st Floor Conference Room 104 Denver, CO 80203
July 17, 2018	Colorado State Personnel Board 1525 Sherman Street, 1st Floor Conference Room 104 Denver, CO 80203
August 21, 2018	Colorado State Personnel Board 1525 Sherman Street, 1st Floor Conference Room 104 Denver, CO 80203
September 18, 2018	Colorado State Personnel Board 1525 Sherman Street, 1st Floor Conference Room 104 Denver, CO 80203
October 16, 2018	Colorado State Personnel Board 1525 Sherman Street, 1st Floor Conference Room 104 Denver, CO 80203
November 20, 2018	Colorado State Personnel Board 1525 Sherman Street, 1st Floor Conference Room 104 Denver, CO 80203
December 18, 2018	Colorado State Personnel Board 1525 Sherman Street, 1st Floor Conference Room 104 Denver, CO 80203