

State of Colorado



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Governor

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Board Director

State Personnel Board
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AGENDA PUBLIC BOARD MEETING May 15, 2018

A public meeting of the Colorado State Personnel Board will be held on Tuesday, April 17, 2018 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 May 10, 2018.

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]

Quarterly report.

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

- A. Thomas Dangerfield v. Department of Transportation, State Personnel Board case number 2018B013.

Complainant, a certified employee with the Department of Transportation, filed a Notice of Appeal seeking review of Respondent's disciplinary termination of Complainant's employment for continued performance issues, error rates and for Complainant's display of insubordination during the R 6-10 meeting. On December 27, 2017, the Administrative Law Judge issued an Order of Dismissal with Prejudice based on Complainant's failure to appear at the commencement and failure to show good cause for abandonment.

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

- A. Sabra Janko v. Department of Labor and Employment, State Personnel Board case number 2018G041.

Complainant, formerly a Hearing Officer II in Respondent's Division of Labor Standards and Statistics, petitions the Board for a hearing to review Respondent's termination of her probationary employment. Complainant alleges that Respondent terminated her employment for refusing to incorporate feedback that she believes was in violation of the Colorado Wage Act into one of her written decisions. As relief, Complainant seeks reinstatement as a Hearing Officer II at another state agency, back pay, and substitution of her termination letter with a letter of resignation.

Respondent argues that Complainant fails to establish grounds warranting an evidentiary hearing. As relief, Respondent requests that the Board deny all relief requested by Complainant and deny her petition for hearing.

On April 11, 2018, the Administrative Law Judge issued a Preliminary Recommendation that Complainant's petition for hearing be denied.

- B. Janet Monson v. Department of Human Services, Office of Community Access, Wheat Ridge Regional Center, State Personnel Board case number 2018G035.

Complainant claims retaliation for raising concerns about medication management to be performed by employees in reallocated positions, and seeks an order finding a violation of the Whistleblower Act. Complainant seeks protection from disciplinary action, an end to a hostile work environment, and an award of attorney's fees and costs. Complainant also seeks review of the positions at issue for proper job classification and actual job duties compared with business needs.

Respondent argues that Complainant lacks standing to pursue this complaint, as Respondent has not yet imposed any disciplinary action on her. Respondent also argues that Complainant has failed to establish grounds that merit a hearing in this case; therefore, Complainant's petition for a hearing and request for relief should be denied.

On April 17, 2018, the Administrative Law Judge issued a Preliminary Recommendation that Complainant's petition for hearing be granted.

- C. Heidi Poliafico v. Department of Revenue, Division of Motor Vehicles, Driver's License Section, State Personnel Board case number 2018G049.

Complainant disputes Respondent's Step II Grievance Decision. Complainant asserts that Respondent should have reallocated her sooner from a Technician I to a Technician II. Complainant seeks retroactive pay at the level of a Technician II for the period from January 2, 2017 through December 1, 2017.

Respondent denies Complainant's allegations. Respondent requests the Board to deny Complainant's Petition for Hearing and dismiss the matter.

On April 23, 2018, the Administrative Law Judge issued a Preliminary Recommendation that Complainant's petition for hearing be denied and referred to the State Personnel Director.

- D. Matthew McNew v. Department of Public Safety, State Personnel Board case number 2018G037(c).

Complainant asserts that Respondent issued two corrective actions in retaliation for disclosures he made about Respondent's construction projects. Complainant claims that Respondent's actions violate the Whistleblower Act. Complainant seeks removal of the two corrective actions from his personnel file and an award of his attorney fees and costs.

Respondent denies Complainant's allegations. Respondent requests that the Board deny Complainant's petition for hearing and dismiss the matter.

On April 24, 2018, 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 of the Administrative Law Judges for review.

V. REVIEW OF THE MINUTES FROM THE APRIL 17, 2018 PUBLIC MEETING OF THE STATE PERSONNEL BOARD

VI. ACKNOWLEDGMENTS

DECISIONS OF THE STATE PERSONNEL BOARD MADE AT ITS APRIL 17, 2018 PUBLIC MEETING:

- A. Sara L. Copas v. Department of Human Services, Office of Children, Youth & Families, Division of Youth Corrections, Lookout Mountain Youth Services Center, State Personnel Board case number 2017G039.

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

- B. Gina Marie Dodge v. Department of Human Services, Office of Children, Youth & Families, Division of Child Welfare, State Personnel Board case number 2018G038.

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

- C. Barbara Bloem v. Department of Health Care Policy & Financing, State Personnel Board case number 2016G011(c).

No formal action taken.

- D. Cassandra Singleton v. Department of Corrections, State Personnel Board case number 2017B078.

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

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

The Board reviewed the Order Dismissing Case for Lack of Jurisdiction. No formal action taken.

VII. ADMINISTRATIVE MATTERS & COMMENTS

A. ADMINISTRATIVE MATTERS

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

B. OTHER BOARD BUSINESS

- Update on upcoming election for State Personnel Board

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

VIII. PROPOSED LEGISLATION AND/OR RULEMAKING

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