

# State of Colorado



John W. Hickenlooper  
*Governor*

Neil Peck  
*Board Chair*

Dana Shea-Reid  
*Board Director*

**State Personnel Board**  
1525 Sherman Street, 4<sup>th</sup> Floor  
Denver, Colorado 80203  
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## **AGENDA PUBLIC BOARD MEETING June 19, 2018**

**A public meeting of the Colorado State Personnel Board will be held on Tuesday, June 19, 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 June 15, 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**

There are no Initial Decisions on appeal or other Final Orders of the ALJ for review.

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

- A. Janet R. Kipp v. Department of Corrections, Sterling Correctional Facility, State Personnel Board case number 2018S031.

Complainant, a certified employee, filed a timely petition for review of her non-selection of January 5, 2018. Complainant waived the investigation of her discrimination claim by the CCRD. The Board set her petition for preliminary review on February 28, 2018.

Complainant alleges that Respondent's decision not to offer her an open Therapeutic Community (TC) Manager position was due to age discrimination. She seeks placement in the TC Manager position at the Sterling Correctional Facility.

Respondent argues that Complainant has failed to assert a *prima facie* case of age discrimination and thus has failed to establish valid issues meriting a hearing, as required by Board Rule 8-45(G). Respondent's requests that the Board deny Complainant's petition for hearing, deny her requested relief and dismiss Complainant's appeal with prejudice.

On May 4, 2018, the Administrative Law Judge issued a Preliminary Recommendation to deny Complainant's petition for hearing and to refer the matter to the State Personnel Director for review under §24-50-112.5, C.R.S.

- B. Kevin Sanchez v. Department of Corrections, State Personnel Board case number 2018S042.

Complainant, a certified Department of Corrections (DOC or Respondent) employee, petitions the Board for a hearing to review Respondent's handling of his application for a Community Parole Team Leader position. Complainant alleges that Respondent discriminated against him on the basis of national origin/ancestry and race/color. As relief, Complainant seeks a promotion to a vacant Community Parole Team Leader position, or alternatively, an order allowing him to take the Comparative Analysis Assessment for an open Community Parole Team Leader position.

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 his petition for hearing.

On May 31, 2018, the Administrative Law Judge issued a Preliminary Recommendation to deny Complainant's petition for hearing.

- C. Katherine Forde v. Department of Corrections, State Personnel Board case number 2018S041.

Complainant, a certified Department of Corrections (DOC or Respondent) employee, petitions the Board for a hearing to review Respondent's handling of her application for a Community Parole Team Leader position. Complainant alleges that Respondent discriminated against her on the basis of gender, national origin/ancestry, and race/color. As relief, Complainant "seeks injunctive relief monetary."

Respondent argues that Complainant fails to establish grounds warranting an evidentiary hearing. As relief, Respondent requests that the Board deny Complainant's petition for hearing, deny her requested relief, and dismiss her appeal with prejudice.

On June 4, 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 MAY 15, 2018 PUBLIC MEETING OF THE STATE PERSONNEL BOARD**

#### **VI. ACKNOWLEDGMENTS**

##### **DECISIONS OF THE STATE PERSONNEL BOARD MADE AT ITS MAY 15, 2018 PUBLIC MEETING:**

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

The Board voted to adopt the Findings of Fact and Conclusions of Law in the Order of Dismissal issued by the ALJ.

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

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

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

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

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

No action taken by the Board. Prior to the Board meeting, the ALJ issued an Order of Dismissal for lack of jurisdiction; as the Complainant had resigned from her job with the state.

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

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
- Mandate in Muller v. Department of Corrections, State Personnel Board Case No. 2016G001, Court of Appeals No. 2017CA13

**B. OTHER BOARD BUSINESS**

- Report on causal connection and temporal proximity for Whistleblower claims

**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.**

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