

# State of Colorado



**John W. Hickenlooper**  
*Governor*

**Garth Lucero**  
*Board Chair*

**Dana Shea-Reid**  
*Board Director*

**State Personnel Board**  
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## Meeting Minutes May 20, 2014

The State Personnel Board met in public session on Tuesday, May 20, 2014, at the Colorado State Personnel Board, 1525 Sherman Street, 1st Floor Conference Room 103, Denver, Colorado 80203.

The meeting was called to order at 9:02 a.m. Board Members Vonda Hall, Garth Lucero, Neil Peck, and Sally Yerger were present in person. Teresa Salerno was present via teleconferencing.

There were no conflicts of interest or recusals disclosed.

Dana Shea-Reid, Board Director; Assistant Attorney General Andrea Faley, Board Counsel; and Jane Sprague, Legal Assistant, were present in person.

### **I. REPORT OF KATHY NESBITT, STATE PERSONNEL DIRECTOR (EXECUTIVE DIRECTOR, DEPARTMENT OF PERSONNEL AND ADMINISTRATION [DPA])**

#### **REPORT OF THE DIVISION OF HUMAN RESOURCES [DHR], DPA**

Kim Burgess, Chief Human Resources Officer, presented on behalf of Ms. Nesbitt and DHR and stated that she wants future reports to the Board to be updates on projects and activities but also to provide monthly updates on items or issues that may have been referred to DPA for an action. In addition, Ms. Burgess reported on the following initiatives:

- The annual performance cycle is wrapping up with final evaluations being issued.
- The next phase of the Employee Engagement Survey has been completed and departments will choose focus areas on dimensions from the survey and take the next 12-18 months to address these items. The items are not necessarily selected based on survey scores, but on the importance to the department.

- DHR's strategic plan is to develop DHR as a business partner for managers and agencies across the state and to be an expert on rules among other things.
- Commencing with the new fiscal year, there will be mandated statewide compliance training on sexual harassment, workplace violence and workplace harassment.

## II. PENDING MATTERS

There were 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

There were no Initial Decisions or other Final Orders of the Administrative Law Judges on appeal to the Board this month.

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

- A. Harvest Thomas III v. Department of Human Services, Office of Operations and Financial Services, State Personnel Board case number 2013G085.

Mr. Peck moved to adopt the Preliminary Recommendation of the Administrative Law Judge and deny Complainant's petition for hearing. Ms. Yerger seconded the motion. The motion passed on the affirmative vote of the following members: Ms. Hall, Mr. Lucero, Mr. Peck, Ms. Salerno, and Ms. Yerger.

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

Mr. Lucero moved to adopt the Preliminary Recommendation of the Administrative Law Judge and grant Complainant's petition for hearing. Ms. Hall seconded the motion. The motion passed on the affirmative vote of the following members: Ms. Hall, Mr. Lucero, Mr. Peck, Ms. Salerno, and Ms. Yerger.

- C. Phillip K. Rietz v. Colorado School of Mines, Facilities Management, State Personnel Board case number 2014G028.

Mr. Peck moved to adopt the Preliminary Recommendation of the Administrative Law Judge and deny Complainant's petition for hearing.

Mr. Lucero seconded the motion. The motion passed on the affirmative vote of the following members: Ms. Hall, Mr. Lucero, Mr. Peck, Ms. Salerno, and Ms. Yerger.

- D. Caitlin R. Monahan v. University of Colorado Denver, School of Dental Medicine, State Personnel Board case number 2014G044.

Ms. Hall moved to adopt the Preliminary Recommendation of the Administrative Law Judge and deny Complainant's petition for hearing. Mr. Peck seconded the motion. The motion passed on the affirmative vote of the following members: Ms. Hall, Mr. Lucero, Mr. Peck, Ms. Salerno, and Ms. Yerger.

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

- A. Stephen D. Harrison v. Department of Human Services, Division of Facilities Management, State Personnel Board case number 2013S031 (April 25, 2014).

Director Shea-Reid reported that there has been no appeal of this matter. The Board declined to review the case on its own motion.

## VI. REVIEW OF THE MINUTES FROM THE APRIL 15, 2014 PUBLIC MEETING OF THE STATE PERSONNEL BOARD

Mr. Peck moved to approve the Minutes from the April 15, 2014 meeting as submitted. Ms. Hall seconded the motion. The motion passed on the affirmative vote of the following Board members: Ms. Hall, Mr. Lucero, Mr. Peck, Ms. Salerno, and Ms. Yerger.

## VII. ACKNOWLEDGMENTS

### DECISIONS OF THE STATE PERSONNEL BOARD MADE AT ITS APRIL 15, 2014 PUBLIC MEETING:

- A. Theresa Chavez v. Department of Education, Office of Professional Services and Education Licensure, State Personnel Board case number 2014G011.

The Board voted to deny Complainant's petition for hearing as to Complainant's August 6, 2013 grievance process, and to remand the August 14, 2013 grievance to the agency for resolution.

- B. Shantell Honest v. Department of Human Services, Division of Youth Corrections, Platte Valley Youth Service Center, State Personnel Board case number 2014G036.

The Board voted to deny Complainant's petition for hearing.

- C. William Harry Challans v. Department of Corrections, State Personnel Board case number 2014S009.

The Board voted to deny Complainant's petition for hearing.

## VIII. ADMINISTRATIVE MATTERS & COMMENTS

### A. ADMINISTRATIVE MATTERS

- Cases on Appeal to the Board and to Appellate Courts

Board Counsel Faley advised that in Tesfaye v. Department of Revenue, 2013G026, a briefing schedule has been issued as follows: the opening brief is due June 20 and an answer brief is due July 18. At its July 15, 2014 meeting, the Board may make a decision whether to file a brief in this matter.

### B. OTHER BOARD BUSINESS

- Recruitment for new Administrative Law Judge

Director Shea-Reid stated that the top six candidates for ALJ were interviewed on May 14, 2014, by the Director, members of the Board and the State Chief Human Resource Officer. The process will continue with an informal interview of the top two candidates with the Board staff on May 21, 2014, concluding with a background and reference check and a final decision by the Director.

- ALJ Mary McClatchey's retirement date and last day with the State Personnel Board is May 28, 2014.
- Mr. Peck stated that he would not be physically present at the Board's June 17, 2014 meeting and he wanted to be sure that the Board records reflect his deep gratitude to Garth Lucero for his service to the Board, his invaluable contributions, and his gentle leadership.
- Director Shea-Reid announced that Michelle Palmquist, the new gubernatorial appointee to the Board, would be in attendance at the June 17, 2014 meeting prior to her formally taking her seat on the Board in July.

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

Laurel Davies, DPA Director of Human Resources Unit, informed the Board that she accepted a job with the Department of Education as Human Resources Director and will start July 1, replacing Wendy Kispert who is retiring.

**IX. PROPOSED LEGISLATION AND/OR RULEMAKING**

**X. EXECUTIVE SESSION**

The Board declined to enter Executive Session. The meeting ended by consensus.

**DATED THIS 17th DAY OF JUNE, 2014.**

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Garth Lucero, Board Chair

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Sally Yerger, Vice Chair

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Vonda Hall, Member

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Neil Peck, Member

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Teresa Salerno, Member