

State of Colorado



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Meeting Minutes February 17, 2015

The State Personnel Board met in public session on Tuesday, February 17, 2015, at the Colorado State Personnel Board, 1525 Sherman Street, First Floor Conference Room 103, Denver, Colorado 80203.

The meeting was called to order at 9:00 a.m. Board Members Michelle Palmquist, Neil Peck, and Sally Yerger were present in person. Board Member Teresa Salerno was present via teleconferencing. Board Member Vonda Hall was absent.

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

I. REPORT OF DEPARTMENT OF PERSONNEL AND ADMINISTRATION [DPA] AND REPORT OF THE DIVISION OF HUMAN RESOURCES [DHR], DPA

Kim Burgess, State Chief Human Resources Officer, reported to the Board on behalf of DPA/DHR as follows:

- JBC approved funding for CORE and a Human Resources Information System (HRIS). The HRIS supplemental approval is considered a monumental achievement that will allow a single source data base of information for all employees in one place. An RFP for the HRIS project is scheduled for issue on April 1, 2015 after business requirements are finalized.
- The study of PERA retirement benefits as part of the total compensation package indicates that the benefit is “slightly larger” than the private sector, but not as far above market as it would be assumed.
- The JBC response to total compensation recommendations resulted in committee support of increasing the employer contribution slightly for an 80/20 ratio on healthcare for FY15-16.
- The proposal to provide healthcare coverage for temporary employees was denied by the JBC.
- Data on Director’s reviews over the last seven months focused on the selection process with appeals stemming from applicants’ failure to meet

minimum qualifications or failing to pass a background check. DHR continues to work with agencies to increase the number of situations where a review is done and relief to complainant is granted or not.

- The General Professional (GP) class study is underway and will include new class descriptions, allocation to new series, better benchmarking and market analysis for compensation.

II. PENDING MATTERS AT THE COURT OF APPEALS

There were no pending matters at the Court of Appeals for review 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. Natalie Van Note v. Department of Corrections, Denver Women's Correctional Facility, State Personnel Board case number 2015G018(C).

The Board moved to table this matter for later in the meeting in order to obtain legal advice during Executive Session.

- B. Damian Macias v. University of Northern Colorado, State Personnel Board case number 2015G045.

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

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

- A. Yolanda York v. Department of Human Services, Division of Youth Corrections, Gilliam Youth Services Center, State Personnel Board case number 2014B049 (January 29, 2015).

- B. Liz Hageman v. Department of Corrections, Division of Adult Parole, State Personnel Board case number 2014B120 (January 22, 2015) - Order Granting Summary Judgement.

VI. REVIEW OF THE MINUTES FROM THE JANUARY 20, 2014 PUBLIC MEETING OF THE STATE PERSONNEL BOARD

Mr. Peck moved to approve the Minutes from the January 20, 2015 meeting as submitted. Ms. Yerger seconded the motion. The motion passed on the affirmative vote of the following Board members: Ms. Palmquist, Mr. Peck, Ms. Salerno, and Ms. Yerger.

VII. ACKNOWLEDGMENTS

DECISIONS OF THE STATE PERSONNEL BOARD MADE AT ITS JANUARY 20, 2015 PUBLIC MEETING:

- A. Joanne Brown v. Department of Human Services, Colorado Mental Health Institute at Pueblo, State Personnel Board case number 2012B128 (May 28, 2014).

The Board voted to provide notice that it has declined to act upon or to address Respondent's Motion for Stay of Final Agency Order Pending Appeal as the Board no longer has jurisdiction over this matter.

- B. Tameka Austin v. Department of Human Services, Division of Youth Corrections, Lookout Mountain Youth Services Center, State Personnel Board case number 2014G066.

The Board voted to adopt the Preliminary Recommendation of the Administrative Law Judge and deny the petition for hearing.

- C. Brett Ellis v. Department of Public Safety, Colorado Bureau of Investigation, State Personnel Board case number 2015G012.

The Board voted to adopt the Preliminary Recommendation of the Administrative Law Judge and deny the petition for hearing.

- D. Matthew Bergstrom v. Department of Corrections, Colorado Territorial Correctional Facility, State Personnel Board case number 2015G020.

The Board voted to adopt the Preliminary Recommendation of the Administrative Law Judge and grant the petition for hearing.

VIII. ADMINISTRATIVE MATTERS & COMMENTS

- A. ADMINISTRATIVE MATTERS

- Cases on Appeal to the Board and to Appellate Courts

Board Counsel Faley briefed the Board on cases before the Court of Appeals.

B. OTHER BOARD BUSINESS

Director Shea-Reid reported on the following:

- Ms. Palmquist's appointment to the Board was approved by the Senate Confirmation Committee and her appointment will be confirmed on consent agenda by the Senate.
- The ALJ position that will be vacant at the end of February was posted February 6 and closes February 20, 2015.
- Legal Assistant Jane Sprague is retiring effective April 1, 2015.

Director Shea-Reid presented a budget briefing to the Board including copies of the most recent operating budget. She advised she had been working with the budget office for months to reconcile a projected budget projected deficit of approximately \$6000 that was identified two months into the new fiscal year. She also addressed the fact that the Legal Services budget has been significantly impacted by complex cases before the Court of Appeals and, as of this date, has been drawn down to \$3200 for the balance of the fiscal year. It is anticipated that there will be additional costs associated with cases on appeal that will not be covered by existing funds this fiscal year. The Director said loss of funds for legal services would significantly impact the work of the Board and its statutory responsibilities. Board members discussed the fact that the State Personnel Board is constitutionally mandated and appropriate funding is required in order to do the work. Board members agreed that the Director should continue to work with DPA budget officers for a resolution.

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

There were no comments.

IX. PROPOSED LEGISLATION AND/OR RULEMAKING

X. EXECUTIVE SESSION

At 9:41 a.m., Ms. Yerger made a motion to enter into Executive Session for the purpose of receiving legal advice on specific legal questions, pursuant to § 24-6-402(3)(a)(II), C.R.S., including the question of the interplay between Board Rules

and agency grievance procedures, as applicable in Natalie Van Note v. Department of Corrections, State Personnel Board case number 2015G018(C).

The motion was seconded by Mr. Peck. The motion passed on the affirmative vote of the following Board members: Ms. Palmquist, Mr. Peck, Ms. Salerno, and Ms. Yerger. Executive Session ended by consensus at 9:55 a.m.

XI. BOARD DELIBERATION

A. Natalie Van Note v. Department of Corrections, Denver Women's Correctional Facility, State Personnel Board case number 2015G018(C).

Following Executive Session and having received advice from Board Counsel, Ms. Salerno moved to adopt the Preliminary Recommendation of the Administrative Law Judge and grant the petition for hearing. Ms. Palmquist seconded the motion. The motion passed on the affirmative vote of the following Board members: Ms. Palmquist, Ms. Salerno, and Ms. Yerger. Mr. Peck voted in opposition to the motion.

The Board meeting ended by consensus at 10:21 A.M.

DATED THIS 17TH DAY OF MARCH, 2015.

Sally Yerger, Board Chair

Neil Peck, Vice Chair

Michelle Palmquist, Member

Teresa Salerno, Member