

State of Colorado



John W. Hickenlooper
Governor

Neil Peck
Acting Board Chair

Dana Shea-Reid
Board Director

State Personnel Board
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Meeting Minutes July 21, 2015

The State Personnel Board met in public session on Tuesday, July 21, 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 Teresa Salerno, Vonda Hall, and Neil Peck were present in person. Michelle Palmquist was absent and excused.

Dana Shea-Reid, Board Director; Assistant Attorney General Andrea Faley, Board Counsel; Eric Maxfield, Senior Assistant Attorney General; and Cindy Klyn, 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

June Taylor, who was appointed by the Governor as the Executive Director of DPA in May, 2015 was formally introduced to Board members.

There was no further report on behalf of DPA/DHR.

II. PENDING MATTERS AT THE COURT OF APPEALS

Rodney Smith v. Colorado State University, State Personnel Board case number 2014B019, Court of Appeals number 2014CA2350.

Ms. Hall moved that the board decline to take action in the briefing process at the Court of Appeals. Ms. Salerno seconded the motion. The motion passed on an affirmative vote of the following Board members: Ms. Hall, Mr. Peck, Ms. Salerno.

Joanne Brown v. Department of Human Services, Colorado Mental Health Institute at Pueblo, State Personnel Board case number 2012B128, Court of Appeals number 2014CA2383.

Mr. Peck moved that the board decline to take action in the briefing process at the Court of Appeals. Ms. Hall seconded the motion. The motion passed on an affirmative vote of the following Board members: Ms. Hall, Mr. Peck, Ms. Salerno.

Brett Williams v. Department of Public Safety, State Personnel Board case number 2011G028, Court of Appeals number 2014CA0390.

Mr. Maxfield will request an extension for oral argument which has been scheduled for September 29, 2015 as he will not be available that day. Participation in oral argument was previously agreed to by the Board. No further action required.

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

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. Rodney Carr v Department of Labor and Employment, Unemployment Insurance Program, State Personnel Board case number 2015G021.

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

B. Mary Ziegler v. Department of Corrections, Corrections Training Academy, State Personnel Board case number 2015G088.

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

C. Lynn Michel v. Department of Transportation, State Personnel Board case number 2015G091 (C).

Mr. Peck moved to adopt the Preliminary Recommendation of the Administrative Law Judge and grant the petition for hearing. Ms. Salerno seconded the motion. The

motion passed on the affirmative vote of the following Board members: Ms. Hall, Mr. Peck and Ms. Salerno.

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

Shawn Boston v. Department of Human Services, Division of Youth Corrections, Lookout Mountain Youth Service Center, State Personnel Board case number 2015B022 (June 26, 2015).

The Board took no action in this matter.

VI. REVIEW OF THE MINUTES FROM THE JUNE 16, 2015 PUBLIC MEETING OF THE STATE PERSONNEL BOARD

Approval of the minutes from the June 16, 2015 meeting was tabled until the August Board meeting. Mr. Peck did not attend the June 16 meeting and therefore would have to abstain from voting and the remaining two Board members, Ms. Hall and Ms. Salerno, did not constitute the quorum necessary to approve Board minutes.

VII. ACKNOWLEDGMENTS

DECISIONS OF THE STATE PERSONNEL BOARD MADE AT ITS JUNE 16, 2015 PUBLIC MEETING:

- A. Rhonda Johnson v Department of Public Safety, State Personnel Board case number 2014G093.

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

- B. Micki Perez-Thompson v. Department of Transportation, State Personnel Board case number 2014G095(c).

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

- C. Kelley Kessler v. Department of Transportation State Personnel Board case number 2014G104

The Board voted to adopt the Preliminary Recommendation of the Administrative Law Judge and deny the petition for hearing and refer to the Director of Personnel for further action if appropriate.

- D. Kathi Dean-Lee v. Department of Corrections, State Personnel Board case number 2015G031.

The Board voted to adopt the Preliminary Recommendation of the Administrative Law Judge and deny the petition for hearing and refer to the Director of Personnel for further action if appropriate.

- E. Bernard Whitney v. Department of Human Services, Division of Employment Affairs, Office of Administrative Solutions, State Personnel Board case number 2015G061.

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

- F. Susan Ure v. Department of Human Services, Colorado Mental Health Institute at Pueblo State Personnel Board case number 2015G080.

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

VIII. ADMINISTRATIVE MATTERS & COMMENTS

A. ADMINISTRATIVE MATTERS

B. OTHER BOARD BUSINESS

Director Shea-Reid announced that 2015 Board Election process will close at midnight on Friday, July 24, 2015. Ms. Salerno inquired about any outreach issues or technical difficulties getting election information to employees through agency HR Directors. Director Shea-Reid reported that this year the election announcement and voting instructions were sent to State employees through the Governor's Communications Office all-employee email "blast". DPA Communications Director Sabrina D'Agosta was very helpful in expediting the request for the email distribution and is working with the Director to ensure this form of communication to employees from the State Personnel Board is authorized for each election year.

The newly elected Board member will be attending the August 18 Board meeting at which time the Board will elect its officers. Mr. Peck, who was Vice-Chair, has assumed the acting role of Board Chair in the interim. Director Shea-Reid requested that any Board member interested in being an officer should let her know prior to the August meeting.

Director Shea-Reid announced that this will be Board Counsel Faley's last Board meeting. Ms. Faley has accepted a job with DORA as Program Director and will be leaving the Attorney General's Office at the end of July.

Eric Maxfield advised that he will represent the Board for the next couple of Board meetings and will hopefully have another attorney assigned to the Board by the September meeting.

Ms. Faley thanked the Board and said she has enjoyed the opportunity to work as counsel for the Board for the past two years and is looking forward to new challenges with DORA. The Board extended its appreciation and best wishes to Ms. Faley.

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

IX. PROPOSED LEGISLATION AND/OR RULEMAKING

X. EXECUTIVE SESSION

The Board did not enter into Executive Session.

The Board meeting ended by consensus at 9:54 A.M.

2015 *October*
DATED THIS ~~15th~~ DAY OF ~~SEPTEMBER~~, 2015.

Vonda Hall, Member

Vonda Hall

Neil Peck, Chair

Neil Peck

Teresa Salerno, Member

Teresa Salerno
