

State of Colorado



John W. Hickenlooper
Governor

Neil Peck
Board Chair

Dana Shea-Reid
Board Director

State Personnel Board
1525 Sherman Street 4th Floor
Denver, Colorado 80203
Phone (303) 866-3300
Fax (303) 866-5038

Meeting Minutes
February 26, 2016

The State Personnel Board met in public session on Friday, February 26, 2016 at the Ralph Carr Judicial Center, 1300 Broadway, Conference Room I-D, Denver, CO, 80203 in a special session to complete a pending matter tabled at the February 16, 2016 regularly scheduled Board meeting and, additionally, to review a Preliminary Recommendation issued by the Administrative Law Judge.

The meeting was called to order at 10:03 a.m. Board Members Vonda Hall, Nora Kelly, Michelle Palmquist and, Neil Peck participated via teleconference call. Teresa Salerno was absent.

Dana Shea-Reid, Board Director and Leanne DeVos, Board Counsel were present in person.

I. PENDING MATTER:

MOTION AND FINAL BOARD ORDER OF THE STATE PERSONNEL BOARD REGARDING AN INITIAL DECISION OF THE ADMINISTRATIVE LAW JUDGE ON APPEAL TO THE STATE PERSONNEL BOARD

- A. Kathy Starling v. Department of Revenue, Tax Audit and Compliance Division, State Personnel Board case number 2014G013 (August 21, 2015).

The Board tabled further action until after Executive Session in order to receive legal advice from Board Counsel. (See IV. BOARD DELIBERATION).

II. REVIEW OF PRELIMINARY RECOMMENDATION OF THE ADMINISTRATIVE LAW JUDGE TO GRANT OR DENY PETITION FOR HEARING

- A. Stacy Bishop v. Department of Corrections, San Carlos Correctional Facility, State Personnel Board case number 2016G007.

Ms. Palmquist moved to adopt the Preliminary Recommendation of the Administrative Law Judge to Grant the petition for hearing; Ms. Kelly seconded the motion. The motion passed on the affirmative vote of Ms. Hall, Ms. Kelly and Ms. Palmquist. Mr. Peck voted in opposition.

III. EXECUTIVE SESSION

At 10:20 a.m., Mr. Peck 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. regarding an appeal of an Initial Decision regarding Kathy Starling v. Department of Revenue, Tax Audit and Compliance. The motion was seconded by Ms. Kelly. The motion passed on the affirmative vote of the following Board members: Mr. Kelly, Ms. Hall, Ms. Palmquist and Mr. Peck.

Executive Session ended at 10:50 a.m.

IV. BOARD DELIBERATION

Kathy Starling v. Department of Revenue, Tax Audit and Compliance Division, State Personnel Board case number 2014G013 (August 21, 2015).

The Board returned to open session for deliberation and members noted that there were no findings regarding Exhibit 12, the letter from Angelita Sims in Human Resources to Mr. Racow, and testimony regarding an alert to the posting and that the Administrative Law Judge's findings were insufficient to allow them to make ultimate findings of fact.

Ms. Kelly moved to remand to the Administrative Law Judge to make additional findings regarding Exhibit 12 and testimony about an email notification to Mr. Racow; Ms. Palmquist seconded the motion.

Prior to the vote, Mr. Peck stated his dissent with the Board's action.

The motion passed on the affirmative vote of Ms. Hall, Ms. Kelly, and Ms. Palmquist. Mr. Peck voted in opposition.

The Board Meeting ended by consensus at 11:02 a.m.

DATED THIS 15th DAY OF MARCH, 2016.

SIGNATURES

Neil Peck, Board Chair

Vonda Hall, Vice Chair

Nora Kelly, Member

Michelle Palmquist, Member
