

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
April 19, 2016

The State Personnel Board met in public session on Tuesday, April 19, 2016, 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 Vonda Hall, Nora Kelly, Michelle Palmquist, and Neil Peck were present in person. Teresa Salerno participated via teleconference.

Dana Shea-Reid, Board Director and Eric Maxfied, serving as Board Counsel, 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 that there was nothing new to share with the Board, and asked if there were any questions or comments from Board members. There were none.

II. PENDING MATTERS AT THE COURT OF APPEALS

A. James Jimerson v. Department of Corrections, Buena Vista Correctional, State Personnel Board case number 2015B003.

Complainant filed a motion to the Board for Stay of Appeals Proceedings followed by Respondent's Response for Stay of Appeal and Request for Attorney's Fees and Costs, and Complainant's Response in Opposition to Respondent's Motion for Attorney's Fees.

The Board deliberated on the matter. Mr. Peck moved to deny the motion for stay of the appeals process. Ms. Hall seconded the motion. The motion passed on the affirmative vote of Ms. Hall, Ms. Palmquist, Mr. Peck and Ms. Salerno. Ms. Kelly voted in opposition.

Ms. Kelly moved to deny the Respondent's request for attorney's fees and costs. Ms.

Hall seconded the motion. The motion passed on the affirmative vote of Mr. Hall, Ms. Kelly, Ms. Palmquist, Mr. Peck and Ms. Salerno.

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

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

- A. Carol J. Kromer v. Department of Corrections, Colorado Board of Parole, State Personnel Board case number 2016G054.

Ms. Palmquist 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, Ms. Kelly, Ms. Palmquist, Mr. Peck and Ms. Salerno.

- B. Jason Goode v. Governor's Office of Information and Technology, State Personnel Board case number 2016G005.

On April 18, 2016 Respondent filed an Expedited Notice of Settlement and Request to Stay Board Review Pending Execution. No further action was taken by the Board on this matter.

- C. Seth Downs v. Department of Labor & Employment, Unemployment Insurance Division, State Personnel Board case number 2016G040(C).

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

- D. William D. Nauroth v. University of Northern Colorado, Information Management and Technology, State Personnel Board case number 2016G050(C).

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

- E. Jamie Thornton v. Department of Public Health & Environment, Office of Legal and Regulatory Compliance, State Personnel Board case number 2016G056.

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

motion passed on the affirmative vote of the following Board members: Ms. Hall, Ms. Kelly, Ms. Palmquist and Ms. Salerno. Mr. Peck voted in opposition.

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

A. Carol Cordova v. Department of Human Services, Office of Community Access & Independence, State Personnel Board case number 2015B089. (March 14, 2016)

The Board took no formal action in this matter.

VI. REVIEW OF THE MINUTES FROM THE MARCH 15, 2015 PUBLIC MEETING OF THE STATE PERSONNEL BOARD

Mr. Peck moved to approve the minutes as submitted. Ms. Hall seconded the motion. The motion passed on the affirmative vote of the following Board members: Ms. Hall, Ms. Kelly, Ms. Palmquist, Mr. Peck and Ms. Salerno.

VII. ACKNOWLEDGMENTS

DECISIONS OF THE STATE PERSONNEL BOARD AT ITS MARCH 15, 2015 PUBLIC MEETING:

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

The Board voted to adopt the Findings of Fact of the Administrative Law Judge but reverse Conclusions of Law 1 and 2 and to remand to the ALJ to determine remedy.

B. Tamsen Kinkaid v. Department of Human Services, State Veteran's Community Center, State Personnel Board case number 2016G013.

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

C. Scott Grover v. Department of Corrections, Arkansas Valley Correctional Facility, State Personnel Board case number 2016G034.

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

D. Greg Goldman v. Department of Transportation, State Personnel Board case number 2015B108. (March 4, 2016)

The Board took no formal action in this Initial Decision.

VIII. ADMINISTRATIVE MATTERS & COMMENTS

A. ADMINISTRATIVE MATTERS

- Cases on appeal to the Board and to Appellate Court.

Board Counsel Maxfield advised the Board that Brett Williams v. Department of Public Safety has settled. Director Shea-Reid additionally advised that Greg Goldman v. Department of Transportation has appealed his initial decision to the Board.

B. OTHER BOARD BUSINESS

Director Shea-Reid noted that the terms of two Board members would conclude on June 30, 2016. Mr. Peck, who was appointed by the Governor is seeking re-appointment for a second term. Ms. Hall, who was elected to the Board has indicated that she will run for a second term. Director Shea-Reid said the Board election will be announced in May.

Staffing update: Director Shea-Reid said that a recruitment process is underway to fill a half time Administrative Assistant position. The process closes on Wednesday, April 20 and the hope is to fill the position by the latter part of May.

Director Shea-Reid added that there are no longer concerns about funding a contract ALJ to preside over a six day hearing in April, 2016 as the hearing was reset for October, 2016. A State Personnel Board ALJ will be available to conduct the hearing by October and there will no longer be a need to pay for the services of an external judge.

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 9:49 a.m., Mr. Peck made a motion to enter into Executive Session for the purpose of discussing the annual review of the Board Director, a personnel matter required to be kept confidential, pursuant to § 24-6-402(3) C.R.S. Ms. Palmquist seconded the motion.

The motion passed on the affirmative vote of the following Board members: Ms. Hall, Ms. Kelly, Ms. Palmquist and Mr. Peck. Ms. Salerno had been excused earlier in the Board meeting.

Executive Session ended by consensus at 10:40 a.m.

XI. BOARD DELIBERATION

There was no further deliberation.

The Board meeting ended by consensus at 10:41 a.m.

DATED THIS 17th DAY OF MAY, 2016.

SIGNATURES

Neil Peck, Board Chair

Vonda Hall, Vice Chair

Nora Kelly, Member

Michelle Palmquist, Member

Teresa Salerno, Member
