

State of Colorado



John W. Hickenlooper
Governor

Neil Peck
Board Chair

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Board Director

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Meeting Minutes
June 21, 2016

The State Personnel Board met in public session on Tuesday, June 21, 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 9:03 a.m. Board Members Nora Kelly, Michelle Palmquist, Neil Peck and Teresa Salerno were present in person. Vonda Hall was absent.

Dana Shea-Reid, Board Director and Leanne De Vos, 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

No updates to report this month.

II. PENDING MATTERS AT THE COURT OF APPEALS

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

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

Mr. Peck moved to adopt the Findings of Fact and Conclusions of Law in the Initial Decision of the Administrative Law Judge. Ms. Salerno seconded the motion. The motion passed on the affirmative vote of the following Board members: Ms. Palmquist, Mr. Peck and Ms. Salerno. Ms. Kelly voted in opposition.

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

- A. Andrea Mora v. Department of Human Service, Office of Administrative Solutions, Division of Employment Affairs, State Personnel Board case number 2016G047.

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

- B. John Kovacs v. Department of Personnel and Administration, State Personnel Board case number 2016S015.

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

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

VI. REVIEW OF THE MINUTES FROM THE MAY 17, 2016 PUBLIC MEETING OF THE STATE PERSONNEL BOARD

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

VII. ACKNOWLEDGMENTS

DECISIONS OF THE STATE PERSONNEL BOARD AT ITS MAY 17, 2016 PUBLIC MEETING:

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

The Board took no formal action on the Administrative Law Judge's Order Regarding Remedy.

- B. Peter C. Martinez v. Department of Personnel and Administration, State Personnel Board case number 2016G053.

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

- C. Barry M. Johnson v. University of Northern Colorado, State Personnel Board case number 2016S014.

The Board voted to adopt the Preliminary Recommendation of the Administrative Law Judge and grant the petition for hearing on Complainant's claim of age discrimination.

VIII. ADMINISTRATIVE MATTERS & COMMENTS

A. ADMINISTRATIVE MATTERS

- Board Counsel De Vos updated the Board on the status of appeals to the Court of Appeals. The Court has just issued decisions affirming the State Personnel Board in three cases: Sheridan, Smith and Chen.

B. OTHER BOARD BUSINESS

Director's Report:

Director Shea-Reid reported that Neil Peck was appointed by the Governor for a second 3-year term on the State Personnel Board and Vonda Hall, who was unopposed in the recent election, was certified for her second 3-year term on the Board.

Director Shea-Reid advised that the Board is fully staffed now, with the start of the new Board Assistant June 20.

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

There were no comments.

IX. PROPOSED LEGISLATION AND/OR RULEMAKING

X. EXECUTIVE SESSION

XI. BOARD DELIBERATION

The Board meeting ended by consensus at 9:30 a.m.

DATED THIS 19th DAY OF JULY, 2016.

SIGNATURES

Neil Peck, Chair

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Nora Kelly, Member

Michelle Palmquist, Member

Teresa Salerno, Member
