

# State of Colorado

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**John W. Hickenlooper**  
*Governor*

**Neil Peck**  
*Board Chair*

**Dana Shea-Reid**  
*Board Director*

**State Personnel Board**  
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Meeting Minutes  
January 16, 2018

The State Personnel Board met in public session on Tuesday, January 16, 2018, at 1525 Sherman Street, First Floor Conference Room 104, Denver, Colorado 80203.

The meeting was called to order at 9:02 a.m. Board Members Vonda Hall, Nora Kelly, Maurie Knaizer, Michelle Palmquist and Neil Peck were present in person.

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]**

Kim Burgess the State's Chief Human Resource Officer (CHRO), updated on DHR/DPA activities for the past quarter.

- DHR continues its work on the new HRIS (Human Resources Information System) design and business process. The anticipated launch is Fall, 2018.
- A statewide competency model is being developed which includes surveys and action plans for state agencies to help them address the relationship, and gaps, between staff and executive leadership.
- Ms. Burgess said there is a big push to help the legislature understand the concept of Total Compensation for employees. Lots of attention is being paid to PERA and changing the amount of contributions.
- DHR staff were commended for their "herculean effort" to review all state classifications and their minimum qualifications to help remove unnecessary barriers to applicants. Ms. Burgess stated that a significant cleanup was accomplished.
- Ms. Burgess noted the great effort undertaken by State Personnel Director, June Taylor, to introduce the issue of employee productivity and their overall health and welfare to her peers in the Governor's cabinet. Cabinet members

have been provided agency dashboards created by DHR's Risk Management which focus on employee safety and workers comp in order that specific action can be taken by each agency.

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

- A. Don Harris v. Department of Corrections, State Personnel Board case number 2017B065.

Complainant, a certified employee with the Department of Corrections, filed a Notice of Appeal seeking review of Respondent's disciplinary termination of Complainant's employment for several violations and pending criminal charges. On August 8, 2017 the Administrative Law Judge issued an Order of Dismissal and Notice of Appeal Rights based on Complainant's failure to appear at the commencement and failure to show good cause for abandonment.

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

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

- A. Gary D. Pacheco v. Department of Corrections, Division of Adult Parole, State Personnel Board case number 2017S019(c).

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 carried on the affirmative vote of the following Board members: Ms. Hall, Ms. Kelly, Mr. Knaizer, Ms. Palmquist and Mr. Peck.

## **IV. INITIAL DECISIONS OR OTHER FINAL ORDERS OF THE ADMINISTRATIVE LAW JUDGES**

- A. Christina Labazzetta v. Department of Corrections, Colorado Territorial Correctional Facility, State Personnel Board case number 2016B036.

No formal action was taken.

## V. REVIEW OF THE MINUTES FROM THE DECEMBER 19, 2017 PUBLIC MEETING OF THE STATE PERSONNEL BOARD

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

## VI. ACKNOWLEDGMENTS

### DECISIONS OF THE STATE PERSONNEL BOARD MADE AT ITS DECEMBER 19, 2017 PUBLIC MEETING:

- A. Damian Macias v. University of Northern Colorado, State Personnel Board case number 2016B021.

No formal action taken.

- B. Brittney Cisneros v. Department of Personnel & Administration, State Personnel Board case number 2017G080.

The Board voted to adopt the findings of fact and conclusions of law in the ALJ's Order of Dismissal and made an Order of the Board.

- C. Edwin Herndon v. Department of Corrections, Office of Inspector General, State Personnel Board case number 2017G056(c).

The Board voted to adopt the Preliminary Recommendation of the ALJ and deny the petition for hearing.

- D. Jennifer Lopez v. Department of Human Services, Office of Children, Youth & Families, Division of Youth Corrections, Gilliam Youth Service Center, State Personnel Board case number 2018G002.

The Board voted to adopt the Preliminary Recommendation of the ALJ and deny the petition for hearing.

## VII. ADMINISTRATIVE MATTERS & COMMENTS

### A. ADMINISTRATIVE MATTERS

- Board Counsel De Vos advised the Board that there were no new appeals at Court of Appeals. Muller and Rome are now fully briefed; McCauley is in process and the Stiles record on appeal is not yet due.

- Counsel De Vos confirmed the newly adopted rules effective January 14, 2018 have been distributed to the Board and stakeholders. She noted that the State Personnel Director's procedures in chapters 2, 3 and 7 are under review.

## B. OTHER BOARD BUSINESS

Director Shea-Reid provided an update on the Board's settlement program year-to-date for FY 2017-2018: To date, 27 cases have been settled by the Administrative Law Judges, which averages out to be 9 cases per ALJ. Director Shea-Reid commended the ALJs for their continued excellent work in the settlement program.

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

None.

## VIII. RULEMAKING

Director Shea-Reid advised that the new rules were published by the Secretary of State and are available on that site. They are also posted on the Board's web site, and have been sent to the state's HR officers and other internal stakeholders, the Attorney General's Office, external stakeholders including attorneys practicing before the Board and Colorado WINS.

The Board meeting adjourned by consensus at 9:54 a.m.

**DATED THIS 20th DAY OF FEBRUARY, 2018.**

**SIGNATURES**

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Neil Peck, Board Chair

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Michelle Palmquist, Vice Chair

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Vonda Hall, Member

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Nora Kelly, Member

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Maurie Knaizer, Member

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