

State of Colorado



John W. Hickenlooper
Governor

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Board Director

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Meeting Minutes
April 17, 2018

The State Personnel Board met in public session on Tuesday, April 17, 2018, at 1525 Sherman Street, First Floor Conference Room 104, Denver, Colorado 80203.

The meeting was called to order at 9:00 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]

No quarterly report this month.

II. 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 on Appeal before the Board this month.

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

- A. Sara L. Copas v. Department of Human Services, Office of Children, Youth & Families, Division of Youth Corrections, Lookout Mountain Youth Services Center, State Personnel Board case number 2017G039

Ms. Hall moved to adopt the Preliminary Recommendation of the Administrative Law Judge and deny the petition for hearing and refer the alleged violation of Fair Labor Standards Act to the State Personnel Director for review. Mr. Peck 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.

- B. Gina Marie Dodge v. Department of Human Services, Office of Children, Youth & Families, Division of Child Welfare, State Personnel Board case number 2018G038.

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

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

In order to preserve the Board's ability to review an Initial Decision within 30 days of issuance, the Board, on its own motion, voted on March 20, 2018 to defer to April 17, 2018 its review of the Initial Decision issued by the Administrative Law Judge on March 9, 2018 regarding Bloem v. Department of Health Care, Policy & Financing, State Personnel Board number 2016G011(C).

- A. Barbara Bloem v. Department of Health Care Policy & Financing, State Personnel Board case number 2016G011(C).

No formal action was taken.

- B. Cassandra Singleton v. Department of Corrections, State Personnel Board case number 2017B078.

No formal action was taken.

- C. Order Dismissing Case for Lack of Jurisdiction- Jeffreyson R. Gieck v. Governor's Office of Information Technology, State Personnel Board case number 2017G074.

No formal action was taken.

V. REVIEW OF THE MINUTES FROM THE MARCH 20, 2018 PUBLIC MEETING OF THE STATE PERSONNEL BOARD

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

VI. ACKNOWLEDGMENTS

DECISIONS OF THE STATE PERSONNEL BOARD MADE AT ITS MARCH 20, 2018 PUBLIC MEETING:

- A. Curtis Brooks v. Department of Human Services, Office of Children, Youth & Families, Division of Youth Corrections, Lookout Mountain Youth Service Center, State Personnel Board case number 2018G030.

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

- B. Michelle Cordova v. Department of Public Safety, Executive Security Unit, State Personnel Board case number 2018G039.

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

- C. David Livesay v. Department of Transportation, State Personnel Board case number 2018G040.

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

- D. William Miederhoff v. Department of Transportation, State Personnel Board case number 2018G026.

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

- E. Yi Yu v. Department of Public Safety, Colorado State Patrol, Port of Entry Branch, State Personnel Board case number 2017B070.

No formal action taken.

VII. ADMINISTRATIVE MATTERS & COMMENTS

A. ADMINISTRATIVE MATTERS

Board Counsel De Vos reviewed the status of cases on appeal to the Board and Appellate Courts: Board Order was affirmed in Muller v. Department of Corrections; Mandate issued in Rome v. University of Colorado at Colorado Springs. Counsel advised the Board that Stiles v. Department of Corrections was being briefed and she requested conference in executive session regarding the Board's position on briefing.

Counsel De Vos will be out of the country and will not be attending the May Board meeting. Eric Maxfield will substitute on her behalf for that meeting.

B. OTHER BOARD BUSINESS

Director's Report:

- Director Shea-Reid updated the Board on the e-filing project. A gap analysis was conducted in February to outline unmet needs of the State Personnel Board and the new system. In March the Director and the Senior Board Assistant, Andrea Woods, the Subject Matter Expert (SME) for the project, attended a meeting with the vendor, staff from OIT and the Director of OAC to discuss the gap analysis and the feasibility of the system for SPB use. Director Shea-Reid has also been in communications with Brian Van Sickle, the Director of OIT for DPA to share concerns about the e-filing system deficits. She has also kept the State Personnel Director, June Taylor, updated on the issue. Director Shea-Reid expressed concerns that the vendor cannot design a system that would meet SPB needs with existing funds or hours currently available from the vendor or OIT, and believes

the vendor thinks it can simply modify existing processes designed for OAC to meet SPB business needs. The OAC system is not yet fully operational. Director Shea-Reid noted that the SPB business needs were not included in the initial RFP or in the subsequent contract and scope of work. She has made preliminary inquiries to another software vendor to determine if SPB purchasing its own software for case management might be the most practical move.

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

VIII. PROPOSED LEGISLATION OR RULEMAKING

Mr. Knaizer inquired about the Board's role in proposed legislation. Counsel De Vos responded that if the Board initiates or writes legislation the Board can be involved, but, if not, members of the Board should not testify on behalf of or in opposition to proposed legislation. Director Shea-Reid noted that the fiscal notes are an initial step in the introduction of new legislation and only when there is a contradiction or violation of existing rule, law or state constitution is a policy comment accepted at the agency level. She continued that very rarely does legislation come through the fiscal note process that is a concern to the State Personnel Board, but when it does, such as the recent legislation regarding termination of Department of Human Services employees, which would have resulted in the loss of employee rights under the State Personnel System Act, a policy note was submitted by the Director on behalf of SPB. In the DHS legislation, contradictions to the constitution or case law were noted and the subsequent draft of the legislation reflected those corrections.

IX. EXECUTIVE SESSION

At 9:40 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 briefing the Stiles appeal before the Court of Appeals; and pursuant to § 24-6-402(3), C.R.S. for a confidential personnel matter regarding the annual evaluation of the State Personnel Board Director. Ms. Palmquist seconded the motion. The motion passed on the affirmative vote of the Board.

Director Shea-Reid excused herself from the portion of the executive session regarding her annual evaluation and left the meeting room.

Executive Session ended by consensus at 10:10 a.m. There was no additional Board deliberation.

The Board meeting adjourned by consensus at 10:11 a.m.

DATED THIS 15th DAY OF MAY, 2018.

SIGNATURES

Neil Peck, Board Chair

Michelle Palmquist, Vice Chair

Vonda Hall, Member

Nora Kelly, Member

Maurie Knaizer, Member
