

# State of Colorado



**John W. Hickenlooper**  
*Governor*

**Neil Peck**  
*Board Chair*

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

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

Meeting Minutes  
June 19, 2018

The State Personnel Board met in public session on Tuesday, June 19, 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 Nora Kelly, Maurie Knaizer, and Neil Peck were present in person. Michelle Palmquist participated via conference call. 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]**

Report rescheduled for July.

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

There were no Initial Decisions on appeal or other Final Orders of the ALJ for review.

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

A. Janet R. Kipp v. Department of Corrections, Sterling Correctional Facility, State Personnel Board case number 2018S031.

Mr. Knaizer moved to adopt Preliminary Recommendation of the ALJ and deny the petition for hearing. Mr. Peck seconded the motion. The motion carried on the affirmative vote of the following Board members: Ms. Kelly, Mr. Knaizer, Ms. Palmquist and Mr. Peck.

- B. Kevin Sanchez v. Department of Corrections, State Personnel Board case number 2018S042.

Ms. Palmquist moved to adopt Preliminary Recommendation of the ALJ and deny the petition for hearing. Mr. Peck seconded the motion. The motion carried on the affirmative vote of the following Board members: Ms. Kelly, Mr. Knaizer, Ms. Palmquist and Mr. Peck.

- C. Katherine Forde v. Department of Corrections, State Personnel Board case number 2018S041.

Mr. Peck moved to adopt Preliminary Recommendation of the ALJ and deny the petition for hearing. Mr. Knaizer seconded the motion. The motion carried on the affirmative vote of the following Board members: Ms. Kelly, Mr. Knaizer, Ms. Palmquist and Mr. Peck.

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

There were no Initial Decisions or other Final Orders of the Administrative Law Judges for review.

#### **V. REVIEW OF THE MINUTES FROM THE MAY 15, 2018 PUBLIC MEETING OF THE STATE PERSONNEL BOARD**

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

#### **VI. ACKNOWLEDGMENTS**

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

- A. Thomas Dangerfield v. Department of Transportation, State Personnel Board case number 2018B013.

The Board voted to adopt the Findings of Fact and Conclusions of Law in the Order of Dismissal issued by the ALJ.

- B. Sabra Janko v. Department of Labor and Employment, State Personnel Board case number 2018G041.

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

- C. Janet Monson v. Department of Human Services, Office of Community Access, Wheat Ridge Regional Center, State Personnel Board case number 2018G035.

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

- D. Heidi Poliafico v. Department of Revenue, Division of Motor Vehicles, Driver's License Section, State Personnel Board case number 2018G049.

No action taken by the Board. Prior to the Board meeting, the ALJ issued an Order of Dismissal for lack of jurisdiction; as the Complainant had resigned from her job with the state.

- E. Matthew McNew v. Department of Public Safety, State Personnel Board case number 2018G037(c).

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 updated the Board on the status of appeals: A mandate was issued in Muller v. DOC; an appeal was filed with Court of Appeals for Meiderhoff v. DOT; an oral argument for McCauley v. DOR is scheduled for July 24; Stiles v. DOC in the briefing process and Complainant's attorney has joined in the Board's Reply Brief.

Counsel De Vos would like to schedule a training session for the Board at the next Board meeting to discuss legal implications of the recent decision of the U.S. Supreme Court regarding the Masterpiece Cake appeal.

### B. OTHER BOARD BUSINESS

Director's Report:

- Director Shea-Reid reviewed a report on causal connection and temporal proximity for Whistleblower claims which was included in the Board packets.
- Petitions to nominate a candidate for the elected Board position currently held by Nora Kelly are due by close of business July 2, 2018. The Director informed the Board that in the event Ms. Kelly is the only candidate to submit petitions for nomination, there will be no general election and the Director will certify Ms. Kelly as appointed to a second term on the Board. If, however, sufficient petitions are received on behalf of another candidate, there will be a general election for certified employees to vote.
- The recruitment process is underway to fill the half time Board Assistant position which will be vacant as of July 1. The job has been posted and closes on June 14, 2018.

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

**VIII. PROPOSED LEGISLATION OR RULEMAKING**

**IX. EXECUTIVE SESSION**

The Board meeting adjourned by consensus at 9:28 a.m.

**DATED THIS 17th DAY OF JULY, 2018.**

SIGNATURES

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Neil Peck, Board Chair

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Michelle Palmquist, Vice Chair

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Nora Kelly, Member

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Maurie Knaizer, Member

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