

# State of Colorado



**Jared Polis**  
*Governor*

**Neil Peck**  
*Board Chair*

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

**State Personnel Board**  
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Meeting Minutes  
February 19, 2019

The State Personnel Board met in public session on Tuesday, February 19, 2019, at 1525 Sherman Street, First Floor Conference Room 104, Denver, Colorado 80203.

The meeting was called to order at 9:07 a.m. Board Members Nora Kelly, Maurie Knaizer, and Michelle Palmquist were present in person; Vonda Hall participated via conference call and Neil Peck was absent.

Dana Shea-Reid, Board Director and Amy Lopez, Board Counsel were present in person.

**I. REPORT OF DEPARTMENT OF PERSONNEL AND ADMINISTRATION [DPA] AND REPORT OF THE DIVISION OF HUMAN RESOURCES [DHR]**

Agenda item pending until further notice.

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

- A. Flavio Quintana v. Department of Revenue, State Personnel Board case number 2018G090.

The Board discussed at length the application of state statute and Board Rule 8-41(a) regarding the subject matter jurisdiction of the Board in petitions for hearing from trial service employees. Finding there was a reasonable basis in law to reverse the Administrative Law Judge's dismissal, the Board determined that the dismissal should be reversed and the matter remanded to the ALJ for a discretionary review and a preliminary recommendation to the Board.

Ms. Palmquist moved that the Board should reverse the Administrative Law Judge's dismissal of the petition for hearing based on the Board's lack of subject matter jurisdiction and to reverse the judge's decision that the Complainant must allege another basis for a discretionary review and that the Board should remand the matter to the Administrative Law Judge for a full discretionary review and preliminary recommendation. Mr. Knaizer seconded the motion. The motion

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

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

- A. Richard Paar v. Department of Corrections, Sterling Correctional Facility, State Personnel Board case number 2019G027.

Ms. Hall moved to adopt the Preliminary Recommendation of the ALJ 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, Ms. Kelly, Mr. Knaizer and Ms. Palmquist.

- B. Leanna Bernabei v. Department of Corrections, Arkansas Valley Correctional Facility, State Personnel Board case number 2019G019.

Ms. Palmquist moved to adopt the Preliminary Recommendation of the ALJ 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 and Ms. Palmquist.

- C. Jason Soltani v. Department of Human Services, Colorado Mental Health Institute at Pueblo, State Personnel Board case number 2019G026.

Ms. Hall moved to adopt the Preliminary Recommendation of the ALJ 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 and Ms. Palmquist.

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

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

### **V. REVIEW OF THE MINUTES FROM THE JANUARY 15, 2019 PUBLIC MEETING OF THE STATE PERSONNEL BOARD**

Ms. Palmquist 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. Hall, Ms. Kelly, Mr. Knaizer and Ms. Palmquist.

### **VI. ACKNOWLEDGMENTS**

**DECISIONS OF THE STATE PERSONNEL BOARD MADE AT ITS JANUARY 15, 2019 PUBLIC MEETING:**

- A. Derek Armentrout v. Department of Corrections, Division of Adult Parole & Community Corrections, State Personnel Board case number 2019S018.

The Board voted to adopt the Preliminary Recommendation of the ALJ and deny the petition for hearing and referred the matter to the State Personnel Director for a Director's review.

- B. Linda Torres v. Colorado State University at Pueblo, State Personnel Board case number 2018S039(c).

The Board voted to adopt the Preliminary Recommendation of the ALJ and deny the petition for hearing and referred the matter to the State Personnel Director for a Director's review.

- C. Michelle Muller v. Department of Corrections, Colorado Board of Parole, State Personnel Board case number 2018B012.

No formal action taken.

**VII. ADMINISTRATIVE MATTERS & COMMENTS**

- A. ADMINISTRATIVE MATTERS

Status of Cases on Appeal to the Board and Appellate Courts

- Board Counsel Lopez informed the Board that the Stiles decision was published on January 15, 2019 and the Respondent's request for rehearing was denied. Respondent has until February 22, 2019 to petition for certiorari.
- Mandate was issued in Singleton v. DOC, dismissing the appeal with prejudice.
- Respondent's brief was filed in Purdue v. DORA, in which the Board joins with Respondent in the appeal. The Board had previously adopted the PR denying a hearing for Purdue.

- B. OTHER BOARD BUSINESS

Director's Report:

- Governor Polis has appointed Kara Vietch as DPA Executive Director. Ms. Vietch was the former Deputy Director of DPA. The position of State Chief HR Officer previously held by Kim Burgess was recently posted for recruitment by DPA.
- Mileage reimbursement rate has increased to 52 cents per mile and will be reflected in the expense reimbursement forms this month.

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

## **VIII. PROPOSED LEGISLATION OR RULEMAKING**

## **IX. EXECUTIVE SESSION**

The meeting adjourned by consensus at 10:20 a.m.

**DATED THIS 19<sup>th</sup> DAY OF FEBRUARY, 2019.**

**SIGNATURES**

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Neil Peck, 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