

# State of Colorado



**Jared Polis**  
*Governor*

**Neil Peck**  
*Board Chair*

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

**State Personnel Board**  
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Meeting Minutes  
April 16, 2019

The State Personnel Board met in public session on Tuesday, April 16, 2019, 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 was present. First Assistant Attorney General Billy Seiber attended as Board Counsel in the absence of Counsel Amy Lopez.

## **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. Joanie Israel Cleveland v. Department of Revenue, Division of Gaming, State Personnel Board case number 2018B079.

Ms. Palmquist moved to adopt the Finding of Fact and Conclusions of Law of the Administrative Law Judge upholding the disciplinary action of the appointing authority. 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.

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

There were no Preliminary Recommendations of the ALJ's for review.

#### **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 FEBRUARY 19, 2019 PUBLIC MEETING OF THE STATE PERSONNEL BOARD**

Ms. Palmquist noted a typo in section VII and 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, Mr. Knaizer, Ms. Palmquist and Mr. Peck. Ms. Kelly abstained.

#### **VI. ACKNOWLEDGMENTS**

##### **DECISIONS OF THE STATE PERSONNEL BOARD MADE AT ITS MARCH 19, 2019 PUBLIC MEETING:**

- A. Valerie Bishop v. Department of Human Services, State Veteran's Community Living Center at Fitzsimons, State Personnel Board case number 2019G012(c).

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

- B. Vrlina Nozlic v. Department of Human Services, State Personnel Board case number 2019S039.

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

- C. Michael Peterson v. Community Colleges of Colorado, Pikes Peak Community College, State Personnel Board case number 2019G007.

The Board voted to adopt the Preliminary Recommendation of the ALJ and deny the petition for hearing. The Board further ordered the matter be remanded to the ALJ to determine whether the State Personnel Board or the ALJ has legal authority to impose attorney fees without a request from one of the parties, and if so, whether attorney fees should be imposed in this current matter.

#### **VII. ADMINISTRATIVE MATTERS & COMMENTS**

##### **A. ADMINISTRATIVE MATTERS**

Status of Cases on Appeal to the Board and Appellate Courts

Acting Board Counsel Seiber reviewed the status of appeals to the Board and the Court of Appeals:

- McCauley v. Department of Revenue-the COA vacated the order and issued a remand to the Board with direction on 3/28/2019.

- Stiles v. Department of Corrections- Petition for Writ of Certiorari was filed by Respondent 4/11/2019. Counsel advised the Board that Stiles will be a subject for executive session when the Board enters it later in this meeting.
- Bloem v. Department of Health Care, Policy & Finance-Briefing is in process and Respondent filed its answer brief on 4/5/2019.

#### B. OTHER BOARD BUSINESS

Director Shea-Reid noted the two upcoming transitions on the Board:

- Vonda Hall's second term on the Board will conclude June 30. A vacancy announcement will be emailed to state employees the week of May 6, 2019 to inform them of a Board election and the commencement of the nomination process for candidates.
- Neil Peck's second term on the Board will also conclude June 30. This is a gubernatorial appointment and applications are being accepted by the Governor's Office of Boards and Commissions.

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

### VIII. PROPOSED LEGISLATION OR RULEMAKING

#### IX. EXECUTIVE SESSION

At 9:12 a.m., Mr. Peck made a motion to enter into Executive Session for purposes of receiving legal advice on specific legal questions pursuant to § 24-6-402(3)(a)(II), C.R.S. regarding the petition for certiorari filed by Respondent in Stiles and pursuant to § 24-6-402 (3), C.R.S. for the purpose of conducting the annual evaluation of the Board's Director. Mr. Knaizer seconded the motion. The motion carried by the affirmative vote of the full Board.

The Board re-entered open session at 9:46 a.m.

There was no further business to be conducted.

The meeting adjourned by consensus at 9:47 a.m.

**DATED THIS 21st DAY OF MAY, 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