

State of Colorado



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Governor

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Meeting Minutes
May 21, 2019

The State Personnel Board met in public session on Tuesday, May 21, 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 Nora Kelly, Maurie Knaizer, Michelle Palmquist and Neil Peck were present in person. Vonda Hall was absent.

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

Ms. Palmquist recused from discussion on Wahdan v. Department of Public Safety.

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

Ms. Palmquist moved to adopt the Finding of Fact and Conclusions of Law of the Administrative Law Judge in the Initial Decision of the Administrative Law Judge affirming the disciplinary action of Respondent. 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.

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

- A. Braulio A. Rojas v. Colorado State University, State Personnel Board case number 2018G027.

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

- B. Ghada Wahdan v. Department of Public Safety, State Personnel Board case number 2019G029.

Ms. Palmquist recused herself from discussion of this case and left the meeting room.

Mr. Peck moved to adopt the Preliminary Recommendation of the Administrative Law Judge 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 and Mr. Peck. Ms. Palmquist rejoined the Board after the Board vote was taken.

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 APRIL 16, 2019 PUBLIC MEETING OF THE STATE PERSONNEL BOARD

Mr. Peck moved to approve the minutes as submitted. Ms. Palmquist seconded the motion. The motion passed on the affirmative vote of the following Board members: 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. Joanie Israel Cleveland v. Department of Revenue, Division of Gaming, State Personnel Board case number 2018B079

The Board voted to adopt the findings of fact and conclusions of law in the Initial Decision of the Administrative Law Judge and made an Order of the Board.

VII. ADMINISTRATIVE MATTERS & COMMENTS

A. ADMINISTRATIVE MATTERS

Status of Cases on Appeal to the Board and Appellate Courts. Board Counsel Lopez reported:

- Stiles v. Department of Corrections, Brief of Amici Curiae was filed 5/1/19. The Board's brief in opposition to the petition is due 5/29/2019.

- Quintana v. Department of Revenue, order of the Court determining there is no final, appealable agency action.
- Bloem v. Department of Healthcare, Policy & Finance-briefing has been completed and the case is moving forward.

B. OTHER BOARD BUSINESS

Director's Report:

- The Board election was announced on May 9 to all state employees and the nomination process for candidates is in process. The deadline for petitions is July 1 at close of business
- The Governor has selected an appointee for the Board and a formal announcement will be made once the notice of appointment has been issued.
- Board Director Shea-Reid made the public announcement that she will be retiring and her last day is July 31, 2019.

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

VIII. PROPOSED LEGISLATION OR RULEMAKING

IX. EXECUTIVE SESSION

At 9:27 a.m., Mr. Peck made a motion to enter into Executive Session for purposes of receiving legal advice pursuant to § 24-6-402(3)(a)(II) regarding Stiles v. Department of Corrections and for purposes of discussing confidential personnel matters pursuant to § 24-6-402(3).

Ms. Palmquist seconded the motion. The motion carried by the affirmative vote of the full Board. The Board re-entered open session at 10:10 a.m.

There was no further business to be conducted.

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

DATED THIS 18th DAY OF JUNE, 2019.

SIGNATURES

Neil Peck, Chair

Michelle Palmquist, Vice Chair

Vonda Hall, Member

Nora Kelly, Member

Maurie Knaizer, Member