

# State of Colorado



**Jared Polis**  
*Governor*

**Michelle Palmquist**  
*Acting Board Chair*

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

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

The State Personnel Board met in public session on Tuesday, July 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 Trish Bangert, Maurie Knaizer, Michelle Palmquist and Sarah Wager were present in person. Nora Kelly was absent.

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

Director Shea-Reid introduced new Board members Patricia Bangert and Sarah Wager.

Ms. Bangert recused from discussion on Johns vs. DOLA and Ms. Wager recused from discussion on Totty v. DHS.

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

DPA Executive Director Kara Veitch introduced herself and Ramona Gomoll, the new Chief HR Officer and noted she looked forward to continuing the strong business relationship between DPA and the Board.

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

There are no Initial Decisions on appeal or other final orders of the ALJ's for review.

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

- A. John M. Artuso v. University of Colorado at Colorado Springs, Department of Parking and Transportation Services, State Personnel Board case number 2019G067.

Ms. Palmquist moved to adopt the preliminary recommendation of the Administrative Law Judge and deny the petition for hearing and dismiss with prejudice. Mr. Knaizer seconded the motion. The motion carried on the affirmative vote of the following Board members: Ms. Bangert, Mr. Knaizer, Ms. Palmquist and Ms. Wager.

- B. Antoinette Johns v. Department of Local Affairs, State Personnel Board case number 2019G044.

Ms. Bangert recused herself from discussion on this case and left the meeting room.

Mr. Knaizer moved to adopt the preliminary recommendation of the Administrative Law Judge and deny the petition for hearing. Ms. Wager seconded the motion. The motion carried on the affirmative vote of the following Board members: Mr. Knaizer, Ms. Palmquist and Ms. Wager.

Ms. Bangert rejoined the Board after the Board vote was taken.

- C. Seth Downs v. Department of Personnel & Administration, Office of State Controller, Central Collection Services, State Personnel Board case number 2018G056.

Ms. Palmquist 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. Bangert, Mr. Knaizer, Ms. Palmquist and Ms. Wager.

- D. Tabari Totty v. Department of Human Services, Office of Children, Youth & Families, Division of Youth Services, State Personnel Board case number 2019S049

Ms. Wager recused herself from discussion on this case and left the meeting room.

Ms. Bangert moved to adopt the preliminary recommendation of the Administrative Law Judge and deny the petition for hearing and refer to the Director for review. Mr. Knaizer seconded the motion. The motion carried on the affirmative vote of the following Board members: Ms. Bangert, Mr. Knaizer and Ms. Palmquist.

Ms. Wager rejoined the Board after the Board vote was taken.

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

- A. Dean Copley v. Department of Corrections, Sterling Correctional Facility, State Personnel Board case number 2019B034.

No formal action required on the part of the Board.

- B. Jacque Anderson v. Department of Human Services, State Veteran's Community Living Center at Fitzsimons, State Personnel Board case number 2018B056(c).

No formal action required on the part of the Board.

**V. REVIEW OF THE MINUTES FROM THE JUNE 18, 2019 PUBLIC MEETING OF THE STATE PERSONNEL BOARD**

Due to a lack of quorum to approve the June 18, 2019 minutes, the minutes were tabled until the August 20, 2019 Board meeting.

**II. ACKNOWLEDGMENTS**

**DECISIONS OF THE STATE PERSONNEL BOARD MADE AT ITS MAY 21, 2019 PUBLIC MEETING:**

- A. Doris McCauley v. Department of Revenue, Division of Motor Vehicles, Driver's License Section, State Board of Parole, State Personnel Board case number 2014B061, Court of Appeals case number 2017CA921.

In compliance with the Court of Appeals order, the Board remanded this matter back to the ALJ to determine the amount of damages as a sum certain and to enter an award in that amount.

- B. Katie Lee v. Department of Human Services, Office of Behavioral Health, Colorado Mental Health Institute at Fort Logan, State Personnel Board case number 2019S046.

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

- C. Brenda K. Cody v. Department of Revenue, Executive Director's Office, State Personnel Board case number 2019G057.

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

- D. Jonathan McDonald v. Department of Law, State Personnel Board case number 2018G046.

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

- E. Lorenzo Wright v. Department of Labor & Employment, Division of Unemployment Insurance, State Personnel Board case number 2019B038.

No formal action taken.

**VIII. ADMINISTRATIVE MATTERS & COMMENTS**

- A. ADMINISTRATIVE MATTERS

Board Counsel Lopez advised the Board that there were no new developments with appeals to Court of Appeals. *Purdue v. DORA* is set for oral argument on August 6, 2019 at 9:00. The argument will be streamed if Board members are interested in viewing it.

- Mandate issued in Quintana v. Department of Revenue, State Personnel Board case number 2018G090, Court of Appeals No. 19CA368

Board Counsel Lopez advised the Board that in September she will conduct the regular training provided for the Board by counsel on ethics and conflicts of interest. This will be during executive session at the September meeting.

#### **B. OTHER BOARD BUSINESS**

- Annual conflict interest disclosures were distributed the Board members for their signature in accordance with the State Personnel Board's conflict of interest policy.
- Director Shea-Reid advised the Board that the annual election of Board officers will occur at the August 20 Board meeting when the full Board is in attendance. Board officers, which include the Chair and the Vice Chair, are elected each fiscal year for a one-year term.

#### **Director's Report:**

- Director Shea-Reid announced that the July 16 Board meeting is her last as she will retire at the end of the month. She introduced Rick Dindinger who was selected by the Board in a competitive process in June to be the new Director of the State Personnel Board. Mr. Dindinger begins his role as Director on August 5, 2019. Director Shea-Reid expressed her pride and pleasure in having had the opportunity to work with the State Personnel Board as a Board member for five years and as Director for seven years and thanked the Board members for their service to the state. She further thanked the HR and legal community members for taking the time to attend monthly Board meetings and emphasized the value of the meetings as a learning opportunity for state agencies.
- Acting Chair Palmquist thanked the Director for her years of dedicated service and working diligently to ensure the Board was always able to operate smoothly and effectively.

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

### **IX. PROPOSED LEGISLATION OR RULEMAKING**

### **X. EXECUTIVE SESSION**

The meeting adjourned by consensus at 9:34 a.m.

**DATED THIS 20th DAY OF AUGUST, 2019.**

**SIGNATURES**

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Michelle Palmquist, Acting Chair

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Trish Bangert, Member

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Maurie Knaizer, Member

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Sarah Wager, Member