

State of Colorado



Jared Polis
Governor

Michelle Palmquist
Board Chair

Rick Dindinger
Board Director

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MEETING MINUTES

August 20, 2019

The State Personnel Board met in public session on Tuesday, August 20, 2019, at 1525 Sherman Street, First Floor Conference Room 104, Denver, Colorado 80203.

The meeting was called to order at 9:02 a.m. Board Members Patricia Bangert, Nora Kelly, Maurie Knaizer, Michelle Palmquist and Sarah Wager were present in person.

Rick Dindinger, Board Director, and Assistant Attorney General Amy Lopez, Board Counsel, were present in person.

Ms. Wager recused from the discussion of Hink v. DHS (SPB 2018G065) and Jacobs v. DHS (SPB 2019G059).

I. ELECTION OF BOARD OFFICERS.

The Board conducted its annual election of officers. Ms. Kelly nominated Ms. Palmquist as the Board Chair and Mr. Knaizer as the Board Vice-Chair. Ms. Wager seconded the nominations. The motion was approved by an affirmative voice vote of the full Board. The Chair and Vice Chair will serve as officers of the Board for FY 2019-2020.

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

There was no report scheduled this month.

III. REVIEW OF INITIAL DECISIONS OR OTHER FINAL ORDERS OF THE ADMINISTRATIVE LAW JUDGES ON APPEAL TO THE BOARD.

There were no Initial Decisions or other final orders on appeal to the Board this month.

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

- A. Gary Hink v. Department of Human Services, Office of Administrative Solutions, Division of Employment Affairs, SPB 2018G065.

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

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

Ms. Wager rejoined the meeting after the vote.

B. Flavio Quintana v. Department of Revenue, SPB 2018G090.

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

C. Joe Golob v. Department of Corrections, SPB 2019S053.

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

D. Million Kahsay v. Department of Health Care Policy & Financing, SPB 2019S054.

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

E. Dawn Laws Jacobs v. Department of Human Services, Office of Community, Access & Independence, Division of Regional Center Operations, Wheat Ridge Regional Center, SPB 2019G059.

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

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. Kelly, Mr. Knaizer, and Ms. Palmquist. Ms. Bangert voted in opposition.

Ms. Wager rejoined the meeting after the vote.

F. Michael "Milo" A. Vigil v. Department of Transportation, SPB 2019G052.

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

G. Ruby Gonzalez v. Department of Health Care Policy & Financing, Office of Community Living, Policy Innovation & Engagement Division, SPB 2019S045.

Ms. Kelly moved to adopt the preliminary recommendation of the Administrative Law Judge, grant the petition for hearing on the gender discrimination claim but deny the petition for hearing on the whistleblower claim, and refer the non-selection matter to the State Personnel Director for review. Ms. Bangert seconded the motion. The motion carried on the affirmative vote of the following Board members: Ms. Bangert, Ms. Kelly, Mr. Knaizer, and Ms. Palmquist. Ms. Wager voted in opposition.

V. 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.

VI. REVIEW OF MINUTES.

MINUTES FROM THE JUNE 18, 2019, PUBLIC MEETING OF THE BOARD.

Ms. Palmquist moved to amend the minutes and approve the minutes as amended. Ms. Kelly seconded the motion. The motion carried on the affirmative vote of the following Board members: Ms. Kelly, Mr. Knaizer, and Ms. Palmquist. Ms. Bangert and Ms. Wager abstained.

MINUTES FROM THE JULY 16, 2019, PUBLIC MEETING OF THE BOARD.

Ms. Palmquist moved to amend the minutes and approve the minutes as amended. 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. Ms. Kelly abstained.

VII. ADMINISTRATIVE MATTERS & COMMENTS.

A. ADMINISTRATIVE MATTERS.

- Board Counsel Lopez advised the Board that she will conduct a conflicts of interest and ethics training at the September Board meeting.
- Board Counsel Lopez updated the Board on pending matters at the Colorado Court of Appeals.

B. OTHER BOARD BUSINESS.

- Mr. Dindinger provided the Board members with a copy of the annual whistleblower report to the governor.

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

- There were no comments made to the Board.

VIII. PROPOSED LEGISLATION OR RULEMAKING.

There was no proposed legislation or rulemaking at the meeting.

IX. EXECUTIVE SESSION.

The Board did not go into executive session.

The meeting adjourned by consensus at 10:35 a.m.

SIGNED THIS 17th DAY OF SEPTEMBER, 2019.

Michelle Palmquist, Chair

Maurie Knaizer, Vice Chair

Patricia Bangert, Board Member

Nora Kelly, Board Member

Sarah Wager, Board Member