

State of Colorado



John W. Hickenlooper.
Governor

Rich Djokic
Board Chair

Dana Shea-Reid
Board Director

State Personnel Board
633 17th Street, Suite 1320
Denver, Colorado 80202-3604
Phone (303) 866-3300
Fax (303) 866-5038

Meeting Minutes April 16, 2013

The State Personnel Board met in public session on Tuesday, April 16, 2013, at the Colorado State Personnel Board, 633 17th Street, Suite 1400, Courtroom 1, Denver, Colorado 80202-3604.

The meeting was called to order at 9:46 a.m., as there were delays due to weather. Board Member Teresa Salerno was present in person. Board Members Rich Djokic, Garth Lucero, Anthony Marquez and Sally Yerger were present via teleconferencing.

Dana Shea-Reid, Board Director; Assistant Attorneys General Eric Maxfield and Andrea Faley, Board Counsel; and Jane Sprague, Legal Assistant, were present in person.

I. REPORT OF KATHY NESBITT, STATE PERSONNEL DIRECTOR (EXECUTIVE DIRECTOR, DEPARTMENT OF PERSONNEL AND ADMINISTRATION [DPA])

Deborah Layton-Root, Director, Chief Human Resources Officer, gave a report to the Board on behalf of Ms. Nesbitt regarding the status of initiatives as follows:

- DPA is focusing on the rules and the development of Technical Guidance in preparation for the second rulemaking scheduled for May 7, 2013.
- DPA is offering "At Your Service" training on customer service and engagement systems for all of DPA personnel. "HR University" is scheduled for April 25, 2013.
- The new Wellness program has partnered with Kaiser and the partnership was previewed at the Partnership Meeting.
- Staffing at DHR is under restructure and has created nine new positions, including a total rewards manager, most of which are filled.
- The Board was provided the new DHR organization chart showing the positions created.
- The Total Compensation Report is to be presented to Kathy Nesbitt by mid-May 2013.
- DHR will be conducting a second engagement survey on organizational vitality in October 2013.

II. PENDING MATTERS

There were no Pending Matters before the Board this month.

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

There were no Initial Decisions or other Final Orders of the Administrative Law Judges 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. Floyette Peaker v. Department of Human Services, Colorado State Veterans Nursing Home at Fitzsimons, State Personnel Board case number 2013G036.

Mr. Djokic moved to adopt the Preliminary Recommendation of the Administrative Law Judge and to deny the petition for hearing. Mr. Marquez seconded the motion. The motion passed on the affirmative vote of the following Board members: Mr. Lucero, Mr. Marquez, Ms. Salerno, Ms. Yerger, and Mr. Djokic.

- B. Maurice G. Carter v. Department of Transportation, State Personnel Board case number 2013G037.

Mr. Marquez moved to adopt the Preliminary Recommendation of the Administrative Law Judge and to deny the petition for hearing. Ms. Salerno seconded the motion. The motion passed on the affirmative vote of the following Board members: Mr. Lucero, Mr. Marquez, Ms. Salerno, Ms. Yerger, and Mr. Djokic.

- C. Rita Rittenmeyer v. Department of Transportation, State Personnel Board case number 2013G041.

Mr. Marquez moved to adopt the Preliminary Recommendation of the Administrative Law Judge and to deny the petition for hearing. Mr. Djokic seconded the motion. The motion passed on the affirmative vote of the following Board members: Mr. Lucero, Mr. Marquez, Ms. Salerno, Ms. Yerger, and Mr. Djokic.

- D. Michael Zordani v. Department of Corrections, Denver Complex, State Personnel Board case number 2013G055.

Mr. Marquez moved to adopt the Preliminary Recommendation of the Administrative Law Judge and to deny the petition for hearing. Mr. Djokic seconded the motion. The motion passed on the affirmative vote of the following Board members: Mr. Lucero, Mr. Marquez, Ms. Salerno, Ms. Yerger, and Mr. Djokic.

V. INITIAL DECISIONS OR OTHER FINAL ORDERS OF THE ADMINISTRATIVE LAW JUDGES

- A. Richard L. Homann v. Department of Public Safety, Division of Fire Safety and Control, State Personnel Board case number 2013B004 (March 21, 2013), Order Granting Complainant's Motion for Summary Judgment.

Director Shea-Reid reported that Respondent filed a Designation of Record in this matter.

VI. REVIEW OF THE MINUTES FROM THE FEBRUARY 19 AND MARCH 19, 2013 PUBLIC MEETINGS OF THE STATE PERSONNEL BOARD

The Minutes from the February 19 and March 19, 2013 meetings were tabled until the May meeting because there only one Board member present to sign the Minutes.

VII. ACKNOWLEDGMENTS

DECISIONS OF THE STATE PERSONNEL BOARD MADE AT ITS MARCH 19, 2013 PUBLIC MEETING:

- A. James Beard v. Community Colleges of Colorado, Front Range Community College, State Personnel Board case number 2013B043.

The Board voted to adopt the Preliminary Recommendation of the Administrative Law Judge and to deny the petition for hearing.

- B. John Carrigan v. Department of Corrections, State Personnel Board case number 2013G049.

The Board voted to adopt the Preliminary Recommendation of the Administrative Law Judge and to deny the petition for hearing.

- C. Mark Walton v. Department of Labor and Employment, Unemployment Insurance, State Personnel Board case number 2013S019.

The Board voted to adopt the Preliminary Recommendation of the Administrative Law Judge, to deny the petition for hearing, and to refer the matter to the State Personnel Director for further action, as appropriate.

VIII. REPORT OF THE DIVISION OF HUMAN RESOURCES, DPA – See Section I.

IX. ADMINISTRATIVE MATTERS & COMMENTS

A. ADMINISTRATIVE MATTERS

- Case Status Report
- Cases on Appeal to the Board and to Appellate Courts

B. OTHER BOARD BUSINESS

Interim Board Counsel Maxfield introduced new Board Counsel Andrea Faley, who joined the AG's office in May 2012 and works for the Division of Insurance. Board Counsel Faley stated that she had worked in plaintiffs' employment law, including discrimination cases, and with a non-profit organization.

Director Shea-Reid reported that she would be providing the Board members with a prototype of the new website at the next Board meeting and added that Ms. Sprague is in the process of preparing for the transfer of information from the old website to the new website.

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

There were no comments.

X. PROPOSED LEGISLATION AND/OR RULEMAKING

There will be a joint rulemaking session on May 7, 2013, at the Colorado Department of Transportation, beginning at 1:30 P.M. during which the Board will consider changes to Chapter 8 of the Board Rules.

XI. EXECUTIVE SESSION

- A. Executive Session Minutes of February 19, 2013
- B. Attorney advice concerning legal implications of records requests to Board
- C. Attorney advice concerning a party's communication with Board counsel or Board staff regarding matters pending before the Board

Executive Session was tabled until the May meeting because there was only one member present to sign the Minutes.

XII. BOARD DELIBERATION

A. Board deliberation and decision, if any, regarding XI. B.

B. Board deliberation and decision, if any, regarding XI. C.

There was no Board deliberation because there was no Executive Session.

The Board meeting ended by consensus.

* * * * *

DATED THIS 21st DAY OF MAY, 2013.

Rich Djokic, Board Chair

Anthony Marquez, Vice Chair

Garth Lucero, Member

Teresa Salerno, Member

Sally Yerger, Member