

PA 2/10.10/1999
c.2

COLORADO STATE PUBLICATIONS LIBRARY
3 1799 00111 4594
STATE PERSONNEL BOARD

STATE OF COLORADO



Bill Owens
Governor

The Chancery Building
1120 Lincoln Street, Suite 1420
Denver, Colorado 80203
(303) 894-2136
(303) 894-2147 (FAX)

State Employee Protection Act Annual Report of State Personnel Board July 1, 1998 through June 30, 1999

Report to the General Assembly and Governor Owens pursuant to section 24-50.5-107, C.R.S.

Robert Gusich v. Department of Corrections, case no. 97B140(C)
Opened: 5/7/97

The State Personnel Director found no reasonable basis to credit the retaliation claims following investigation.

The hearing in this case is on-going. The parties have utilized approximately fifteen days of hearing to this point. The case was delayed because the administrative law judge hearing the case for the State Personnel Board resigned to take another job. A new administrative law judge had to be assigned to pick up the case, and had to become familiar with the record. The parties are scheduled to conclude the hearing in July, 1999.

Garfield Olmsted v. Department of Revenue, case no. 97B116(C)
Opened: 2/26/97; Closed: 1/15/99

The employee waived the investigation by the State Personnel Director.

After a hearing, an administrative law judge found that respondent did retaliate against complainant due to his disclosure of information. The agency's appeal to the State Personnel Board was dismissed due to failure to file a brief. The Personnel Board issued its order June 15, 1998. The case remained open to resolve the amount of attorney fees awarded to complainant. That final issue having been resolved, the case is closed.

Ronald McCully v. Pikes Peak Community College, case no. 98B067
Opened: 12/11/97

The State Personnel Director found no reasonable basis to credit the retaliation claims following investigation.

Following hearing, an administrative law judge found that respondent did not retaliate against complainant for his disclosure of information. However, the administrative law judge did find that respondent's action was arbitrary and capricious, and reversed the action. That order was affirmed by the State Personnel Board. The case is now being appealed to the Colorado Court of Appeals. The whistleblower allegation was not appealed, and that part of the case has therefore been concluded.

Steven Suchocki v. Department of Higher Education, Front Range Community College, case no. 99B109
Opened: 4/2/99

The State Personnel Director found no reasonable basis to credit the retaliation claims following investigation.

The Director's report was received July 14, 1999. As complainant was a probationary employee when he was discharged, this case will be set for preliminary review to determine whether a hearing should be granted.

Russell J. Ingram v. Department of Transportation, case no. 99B120
Opened: 5/6/99

Case was referred to the State Personnel Director for investigation on July 9, 1999.