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# STATE OF COLORADO

## STATE PERSONNEL BOARD

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



Bill Owens  
Governor

September 1, 2000

Governor Bill Owens  
136 State Capitol Building  
Denver, CO 80203

RE: STATE PERSONNEL BOARD  
ANNUAL WHISTLEBLOWER REPORT

Dear Governor:

Attached please find the State Employee Protection Act Annual Report of the State Personnel Board for the period July 1, 1999 through June 30, 2000.

If you have questions or concerns, or would like additional information, please feel free to contact me at (303) 894-2144.

Sincerely,

G. Charles Robertson  
Director

cc: Department of Education  
Attn: State Publications  
201 East Colfax  
Denver, CO 80203

Sue Ellen Quam  
Legislative Liaison  
General Support Services

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### State Employee Protection Act Annual Report of State Personnel Board July 1, 1999 through June 30, 2000

Report to the Governor  
pursuant to section 24-50.5-107, C.R.S.

#### FY 99 Cases<sup>1</sup>

<u>Case No.</u>	<u>Description</u>	<u>Status</u>
97 B 140	Robert Gusich v. Dept. of Corrections	<ul style="list-style-type: none"><li>➤ Upon termination, Complainant alleged a violation of the State Employee Protection Act. After 17 days of hearing, the hearing in this matter concluded on July 22, 1999.</li><li>➤ The Initial Decision of the Administrative Law Judge ("ALJ") concluded that Respondent agency's termination of Complainant should be affirmed.</li><li>➤ The Board upheld the ALJ Initial Decision at its public board meeting on March 21, 2000.</li></ul>
99 B 109	Steven Suchocki v. Dept. of Higher Education, Front Range Comm. College	<ul style="list-style-type: none"><li>➤ Complainant was a probationary employee allegedly terminated for unsatisfactory performance. Complainant alleged his termination was in violation of the State Employee Protection Act. As a result, the matter was set for preliminary review.</li></ul>

<sup>1</sup> These matters remained open at the end of FY 99 and reached resolution before the Board in FY 00.

99 B 120	Russell J. Ingram v. Dept. of Transportation	➤ The Preliminary Recommendation of the ALJ of 12/23/99 was that no hearing should be granted and that termination was appropriate.
		➤ The Board adopted the Preliminary Recommendation on 1/24/00.
		➤ Complainant was a probationary employee terminated for misconduct. Complainant alleged his termination was in violation of the State Employee Protection Act.
		➤ The Preliminary Recommendation of the ALJ of 2/22/00 was that no hearing should be granted and that termination was appropriate.
		➤ The Board adopted the Preliminary Recommendation on 3/24/00.

#### **FY 00 Cases**

<b><u>Case No.</u></b>	<b><u>Description</u></b>	<b><u>Status</u></b>
2000 B 13	Valerie K. Little v. Dept. of Higher Education, Community College of Aurora	➤ Complainant alleged a violation of the State Employee Protection Act. After Complainant failed to respond persuasively to an order to show cause as to the foundation of her allegation, the matter was dismissed on 8/25/00.
2000 B 133	Dennis Stark v. Dept. of Human Services, Child Support Enforcement	➤ Complainant filed a Notice of Appeal on 4/21/00 alleging his resignation was forced on 12/31/99 because he disclosed information.  ➤ Complainant failed to respond sufficiently to an order to show cause as to why his claim was untimely and why there was a violation of the State Employee Protection Act.  ➤ The claim was dismissed on 5/4/00
2000 B 92	Lowell O. Ferrel v.	➤ Complainant was a probationary employee who alleged a violation of the

	Dept. of Corrections, Sterling Correctional Facility	State-Employee Protection Act. However, Complainant failed to provide any information to support the allegation.
		➤ The matter was dismissed on 2/14/00.
2000 G 70	Kevin Harvey v. Dept. of Human Services	➤ Complainant filed a Notice of Appeal on 1/10/00 claiming violation of the State Employee Protection Act, alleging the corrective action he received was retaliatory.  ➤ This matter is currently set for Preliminary Review.