

Annual Report of State Personnel Board to the Governor

Pursuant to State Employee Protection Act, § 24-50-.5-107, C.R.S.

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FY 01 Cases¹

Michael Rura v. Department of Higher Education, Colorado State University, 2001G117

(This violation of the Whistleblower Act was reported on the 2001-2002 Annual Report to the Governor.)

- On 4/14/02, the Administrative Law Judge issued an Initial Decision in this appeal, finding that Respondent violated the State Employee Protection (Whistleblower) Act; that Respondent's actions were arbitrary, capricious, and contrary to rule or law; and that Complainant is entitled to an award of attorney fees and costs.
- The Administrative Law Judge ordered reinstatement of Complainant to a comparable position under a different supervisor; back pay with interest with no offset for the Workers Compensation settlement; reinstatement of all paid leave used from 12/15/00 through his separation; attorney fees and costs; the rescission of the November 2000 grievance decision; the placing of the amended Good 1999 performance evaluation in Complainant's personnel file; and the rescission of the January 2000 Corrective Actions.
- As its 8/20/02 meeting, the Board affirmed the Initial Decision and remanded the matter to the Administrative Law Judge to determine the amount of the attorney fees and costs to be paid to Complainant.
- Following an appeal by Respondent, on 1/15/04, the Court of Appeals issued its Order Affirmed; on 6/29/04, the Mandate was issued.
- The parties reached a settlement in May 2004.

FY 02 Cases²

Lori J. Tucker v. Department of Public Health & Environment, 2002B001

- On 6/29/01, Complainant filed a notice of appeal of her termination, claiming discrimination and/or retaliation under the State Employee Protection (Whistleblower) Act.
- On 9/6/01, the Administrative Law Judge granted Complainant's motion dismissing her claims of discrimination and/or retaliation.
- After hearing, the Initial Decision of the Administrative Law Judge was issued on 3/5/01, affirming her termination. The Administrative Law Judge did not find a violation of the Whistleblower Act.
- The Initial Decision was appealed to the State Personnel Board, which affirmed the Initial Decision on 7/16/02.
- The Order of the State Personnel Board was affirmed by the Court of Appeals on 8/7/03.
- On 10/7/03, the Mandate was issued.

¹ This matter remained open at the end of FY 02 and reached resolution before the Board in FY 04.

² These matters remain open or reached resolution before the Board during FY 04.

Larry Lara v. Department of Corrections, Territorial Correctional Facility, 2002B054

- On 12/6/01, Complainant filed a notice of appeal of his termination, including retaliation for disclosures of abuse of authority and mismanagement of agency under the State Employee Protection (Whistleblower) Act, and discrimination.
- In response to a request for additional information, Complainant requested that his whistleblower charges be deleted.
- Following an investigation by the Colorado Civil Rights Division and a no probable cause finding, this matter was set for hearing.
- On 10/3/03, the Order Granting Summary Judgment; Initial Decision of the Administrative Law Judge was issued.
- On 10/15/03, the Order Denying Complainant's Petition for Reconsideration was issued.

Daniel W. Manning v. Department of Higher Education, Auraria Higher Education Center, 2002B117

- Complainant filed a notice of appeal of his termination on 4/3/02, alleging retaliation for his disclosure of unsafe conditions in the workplace, a violation of the State Employee Protection (Whistleblower) Act, and discrimination.
- The matter was referred to the Office of the Personnel Director and to the Colorado Civil Rights Division for investigation.
- The Director found no violation of the Whistleblower Act.
- Following a finding of no probable cause by the Colorado Civil Rights Division, the matter was set for Preliminary Review.
- On 9/4/03, a Preliminary Recommendation of the Director was issued, recommending that Complainant's petition for hearing be denied.
- On 9/19/03, the Board issued an Order of the State Personnel Board Denying Petition for Hearing.

Lisa Baca v. Department of Corrections, 2002B110 & 2002B120

- On 2/26/02, Complainant filed a notice of appeal of a corrective and disciplinary action, alleging retaliation for disclosure of harassment, in violation of the State Employee Protection (Whistleblower) Act.
- On 4/1/02, Complainant filed a second notice of appeal of her termination, again alleging retaliation for disclosure of harassment in violations of the Act.
- On 4/12/02, the cases were consolidated, and on 5/14/02, referred to the Office of the Personnel Director for investigation. The Director found no violation of the Whistleblower Act.
- After the cases were set for hearing, Complainant filed a motion to withdraw.
- A dismissal order was issued on 8/1/03.

Carol Roberson v. Department of Higher Education, University of Colorado Health Sciences Center, 2002G064

- After a final grievance decision, Complainant filed a petition for hearing on 1/23/02, alleging retaliation for complaints relating to discrimination, in violation of the State Employee Protection (Whistleblower) Act.

- On 2/28/02, the Director issued an order dismissing Complainant's claim of whistleblower retaliation because no response to a request for additional information was filed by Complainant.
- The investigation by the Colorado Civil Rights Division resulted in a finding of no probable cause.
- On 10/9/03, the Preliminary Recommendation of the Director was issued, recommending that Complainant's petition for hearing be denied.
- On 10/27/03, the Board issued an Order of the State Personnel Board Denying Petition for Hearing.

Kevin Harvey v. Department of Human Services, Mount View Youth Services Center, 2002G129

- On 6/4/02, Complainant filed a petition for hearing, alleging retaliation for disclosure that the agency had not instituted legal training regarding medication administration, a violation of the State Employee Protection (Whistleblower) Act.
- On 8/1/02, the matter was referred to the Office of the Personnel Director for investigation. The Director found no violation of the Whistleblower Act.
- Following the issuance of a Dismissal Order on 2/14/03, the matter was set for hearing solely on Respondent's request for attorney fees.
- On 3/24/03, Complainant requested Board review of the Dismissal Order.
- On 4/2/03, a hearing was held on Respondent's request for attorney fees.
- On 5/21/03, the Administrative Law Judge issued her Initial Decision and Order Denying Respondent's Request for Attorney Fees.
- On 10/27/03, the Board issued an Order of the State Personnel Board, adopting the Dismissal Order and Initial Decision and Order Denying Respondent's Request for Attorney Fees.
- On 4/30/04, the Court of Appeals issued its Mandate, dismissing the appeal.

Suzanna Sosa v. Department of Corrections, 2002G096

- On 3/27/02, Complainant filed a petition for hearing following an adverse grievance decision.
- The petition charged that she was being discriminated and retaliated against for testifying against a warden, in violation of the State Employee Protection (Whistleblower) Act.
- On 5/22/02, the matter was referred to the Office of the Personnel Director and to the Colorado Civil Rights Division for investigation. The Director found no violation of the Whistleblower Act.
- On 7/17/03, the Colorado Civil Rights Division issued its no probable cause finding.
- On 9/25/03, the Director issued an Order Granting Respondent's Motion to Deem Petition for Hearing Abandoned, to Dismiss Petition with Prejudice.

FY 03 Cases³

Fred Neal v. Department of Transportation, 2003B015

- On 8/8/02, Complainant filed a notice of appeal of his termination, alleging discrimination and retaliation for disclosure of objectionable material in his office, a violation of the State Employee Protection (Whistleblower) Act.

³ These matters remain open or reached resolution before the Board during FY 04

- On 8/13/02, the matter was referred to the Colorado Civil Rights Division for investigation.
- On 12/11/02, the matter was referred to the Office of the Personnel Director for investigation. The Director found no violation of the Whistleblower Act.
- On 11/10/03, the Colorado Civil Rights Division issued its finding of no probable cause.
- On 7/22/04, the Initial Decision of the Administrative Law Judge was issued, affirming the action of Respondent.

Howard Lee Prince v. Department of Corrections, Division of Community Corrections and Adult Parole, 2003B044

- On 10/30/02, Complainant filed a notice of appeal of his termination, alleging discrimination and retaliation for disclosure of profanity and hostility in the workplace, a violation of the State Employee Protection (Whistleblower) Act.
- On 12/10/02, the matter was referred to the Office of the Personnel Director for investigation. The Director found no violation of the Whistleblower Act.
- Having been referred to the Colorado Civil Rights Division, the Colorado Civil Rights Division issued an Advisory Notice on 2/12/04, advising the Board that a recommendation to administratively close the matter was made based upon the charging party's signed and submitted withdrawal request.
- On 3/22/04, the Director issued a Dismissal Order, following an Order to Show Cause.

Larry C. Stuart v. Department of Corrections, Division of Adult Parole and Community Corrections, 2003G071

- On 12/2/02, Complainant filed a notice of appeal, alleging ongoing discrimination and retaliation relative to selection for positions, in violation of the State Employee Protection (Whistleblower) Act.
- On 12/31/02, the matter was referred to the Office of the Personnel Director for investigation. The Director found no violation of the Whistleblower Act.
- Having been referred to the Colorado Civil Rights Division, the Colorado Civil Rights Division issued its finding of no probable cause on 3/17/04.
- On 5/3/04, the Administrative Law Judge issued an Order Granting Motion to Withdraw Appeal and to Voluntarily Dismiss with Prejudice.

Betty Sutak v. Department of Corrections, 2003G087, 2003B175

- On 3/5/03, Complainant filed a petition for hearing, alleging retaliation for disclosures regarding her agency's reorganization in violation of the State Employee Protection (Whistleblower) Act. This matter was referred to the agency for a response on 8/5/03.
- On 5/21/03, Complainant filed a notice of appeal of her layoff, alleging discrimination and retaliation for unspecified disclosures, a violation of the State Employee Protection (Whistleblower) Act.
- The whistleblower claim in the second case was dismissed by the Administrative Law Judge by order dated 7/2/03.
- On 10/28/03, the Personnel Director's Whistleblower Investigative Report was issued. The Director found no violation of the Whistleblower Act.
- Having been referred to the Colorado Civil Rights Division, the matter is currently under investigation.

Tina Sterling v. Regents of the University of Colorado, University of Colorado at Denver, 2003B085

- On 2/24/03, Complainant filed a notice of appeal of her layoff, alleging retaliation for disclosing financial improprieties and workplace violence, a violation of the State Employee Protection (Whistleblower) Act.
- On 3/31/03, the matter was referred to the Office of the Personnel Director for investigation. The Director found no violation of the Whistleblower Act.
- On 9/29/03, the Administrative Law Judge issued an Order Re: Respondent's Motion for Summary Judgment, dismissing the case with prejudice.

Michael Yanker v. Regents of the University of Colorado, University of Colorado at Boulder, 2003G101

- On 3/4/03, Complainant filed a petition for hearing, alleging retaliation for a disclosure of violations of health and safety regulations, in violation of the State Employee Protection (Whistleblower) Act.
- On 5/2/03, the matter was referred to the Office of the Personnel Director for investigation. The Director found no violation of the Whistleblower Act.
- On 8/26/03, the Administrative Law Judge issued an Order Granting Motion to Dismiss.

Brad Rockwell v. Department of Corrections, 2003B097

- On 3/14/03, Complainant filed a notice of appeal of his termination, alleging discrimination and retaliation for disclosure of the need for a competitive hiring process for a position in his agency, a violation of the State Employee Protection (Whistleblower) Act.
- On 4/21/03, the matter was referred to the Office of the Personnel Director for investigation. The Director found no violation of the Whistleblower Act.
- After Complainant waived investigation by the Colorado Civil Rights Division, the matter was set for hearing.
- On 12/18/03, the Administrative Law Judge issued an Order Granting Joint Request to Dismiss.

Kevin Harvey v. Department of Human Services, Mount View Youth Services Center, 2003G111

- On 3/4/03, Complainant filed a petition for hearing, alleging retaliation for previous whistleblowing activities, a violation of the State Employee Protection (Whistleblower) Act.
- On 5/9/03, the matter was referred to the Office of the Personnel Director for investigation. The Director found no violation of the Whistleblower Act.
- On 9/24/03, the Preliminary Recommendation of the Administrative Law Judge was issued, recommending that a hearing be denied.
- On 10/27/03, the Board issued an Order of the State Personnel Board Denying Petition for Hearing.

Corey Barkwill v. State of Colorado Auditor's Office, 2003G119

- On 4/2/03, Complainant filed a petition for hearing, alleging retaliation for disclosure through the grievance process of policy violations by his agency, a violation of the State Employee Protection (Whistleblower) Act.
- On 5/15/03, the matter was referred to the Office of the Personnel Director for investigation. The Director found no violation of the Whistleblower Act.

- On 9/25/03, the Director issued an Order Granting Motion to Dismiss with Prejudice.

Barbara Mickens v. Department of Corrections, Limon Correctional Facility, 2003G121

- On 4/9/03 and 4/11/03, Complainant filed two petitions for hearing, alleging retaliation through a corrective action, a violation of the State Employee Protection (Whistleblower) Act.
- On 6/9/03, the matter was referred to the Office of the Personnel Director for investigation. On 6/24/03, the case was consolidated with 2003G076, which contained an allegation of discrimination.
- The Director found no violation of the Whistleblower Act.
- Having been referred to the Colorado Civil Rights Division, the Colorado Civil Rights Division issued its finding of no probable cause on 10/29/03.
- On 8/23/04, the Director issued a Preliminary Recommendation of the Board's Director, recommending that a hearing be granted.

Eileen O'Reilly v. Regents of the University of Colorado, University of Colorado at Colorado Springs, 2003G125

- On 4/21/03, Complainant filed a petition for hearing, alleging retaliation for disclosure of the misuse of gift account monies, a violation of the State Employee Protection (Whistleblower) Act.
- On 6/12/03, the matter was referred to the Office of the Personnel Director for investigation. The Director found no violation of the Whistleblower Act.
- On 8/20/03, the Administrative Law Judge issued an Order Granting Complainant's Request to Withdraw Appeal.

Frank Carlton v. Department of Corrections, Arrowhead Correctional Facility, 2003B156

- On 5/19/03, Complainant filed a notice of appeal of his layoff, alleging discrimination and retaliation for disclosing abusive leave practices, a violation of the State Employee Protection (Whistleblower) Act.
- On 7/7/03, the matter was referred to the Office of the Personnel Director for investigation. The Director found no violation of the Whistleblower Act.
- On 5/26/04, the Administrative Law Judge consolidated Cases 2004G035 and 2004G078 with this case.
- Complainant's claims of discrimination have been referred to the Colorado Civil Rights Division, and the matter is currently under investigation.

A.L. Weber v. Department of Corrections, 2003B157 & 2003B208

- On 5/19/03, Complainant filed a notice of appeal of his layoff, alleging discrimination and retaliation for disclosures regarding assignments and qualifications for positions, a violation of the State Employee Protection (Whistleblower) Act.
- On 5/28/03, Complainant filed a second notice of appeal of his suspension with pay, again alleging discrimination and retaliation for disclosure
- On 7/29/03, the first case was referred to the Office of the Personnel Director for investigation. On 7/31/03, the second case was referred to the Office of the Personnel Director for investigation. The Director found no violation of the Whistleblower Act.
- Complainant waived investigation by the Colorado Civil Rights Division.

- The consolidated matters are currently in the prehearing phase.

Patricia Jones v. Department of Corrections, 2003B165

- On 5/20/03, Complainant filed a notice of appeal of her layoff, alleging discrimination and retaliation for disclosures relating to expenditures for office furniture, a violation of the State Employee Protection (Whistleblower) Act.
- On 7/7/03, the matter was referred to the Office of the Personnel Director and to the Colorado Civil Rights Division for investigation. The Director found no violation of the Whistleblower Act.
- The Colorado Civil Rights Division is currently investigating the discrimination claims.

Ricardo A. Jaramillo v. Community Colleges in Colorado, Community College of Aurora, 2003B178

- On 5/21/03, Complainant filed a notice of appeal of his layoff, alleging discrimination and retaliation for unspecified disclosures, a violation of the State Employee Protection (Whistleblower) Act.
- On 7/3/03, his whistleblower claim was dismissed by the Administrative Law Judge because he failed to file a whistleblower complaint.
- Having been referred to the Colorado Civil Rights Division, the Colorado Civil Rights Division issued its finding of no probable cause on 6/11/04.
- This matter is currently set for hearing on 10/12/04.

Gene E. Muller v. Department of Corrections, Youthful Offender System, 2003B186

- On 5/23/03, Complainant filed a notice of appeal of his layoff, alleging discrimination and retaliation for disclosing use of offensive language, a violation of the State Employee Protection (Whistleblower) Act.
- On 6/9/03, the matter was referred to the Colorado Civil Rights Division for investigation.
- On 7/15/03, the matter was referred to the Office of the Personnel Director for investigation. The Director found no violation of the Whistleblower Act.
- On 6/11/04, the Colorado Civil Rights Division issued its finding of no probable cause.
- On 8/4/04, the Administrative Law Judge issued a Dismissal Order.

William Gomez v. Department of Corrections, Arkansas Valley Correctional Facility, 2003B207

- On 5/23/03, Complainant filed a notice of appeal of his layoff, alleging discrimination and retaliation for disclosing unsafe working conditions, a violation of the State Employee Protection (Whistleblower) Act.
- On 6/27/03, the matter was referred to the Colorado Civil Rights Division for investigation.
- On 7/2/03, the matter was referred to the Office of the Personnel Director for investigation. The Director found no violation of the Whistleblower Act.
- On 9/30/03, this matter was dismissed by the Administrative Law Judge.

FY 04 Cases

Andrea Najar v. Department of Corrections, 2004B009

- On 7/3/03, Complainant filed a notice of appeal of her layoff, alleging discrimination based on race/color/creed, her status as a worker's compensation recipient, and whistleblower activities, and retaliation, a violation of the State Employee Protection (Whistleblower) Act.
- On 8/14/03, the Administrative Law Judge dismissed the whistleblower claim, finding that Complainant did not identify any actual disclosure of information or disciplinary action, nor did she describe any factual basis for a whistleblower claim; she did not respond to the Request for Additional Information and has never provided the necessary information; and she has failed to state a claim for which relief may be granted pursuant to the State Employee Protection (Whistleblower) Act, C.R.S. § 24-50.5-101 *et seq.*
- Complainant waived investigation of her discrimination claim by the Colorado Civil Rights Division, and the matter was set for hearing.
- On 1/7/04, the Initial Decision of the Administrative Law Judge was issued, affirming the action of Respondent.

Patricia M. Perez v. Department of Human Services, Office of Adult and Veterans Services, 2004G013

- On 8/15/03, Complainant filed a petition for hearing, alleging that Respondent terminated her probationary employment in retaliation for her disclosures about employer/employee practices, a violation of the State Employee Protection (Whistleblower) Act.
- On 10/7/03, the matter was referred to the Office of the Personnel Director for investigation. The Director found no violation of the Whistleblower Act.
- The matter was set for preliminary review, but Complainant failed to file an information sheet.
- On 1/27/04, the Administrative Law Judge issued an Order Granting Respondent's Motion to Dismiss.

Carrol M. Brock v. Department of Human Services, Office of Adult, Disability & Rehabilitation Veterans Services, 2004G014

- On 8/18/03, Complainant filed a petition for hearing, alleging that Respondent terminated her probationary employment in retaliation for her unspecified disclosures, a violation of the State Employee Protection (Whistleblower) Act.
- She also claimed discrimination based on disability.
- Although the Administrative Law Judge issued an Order to Complete Whistleblower Complaint on 8/25/04, Complainant failed to comply with the order.
- On 8/22/03, the matter was referred to the Colorado Civil Rights Division for investigation.
- On 5/6/04, the Colorado Civil Rights Division issued its finding of no probable cause.
- On 6/30/04, the Administrative Law Judge issued a Dismissal Order, following an order to show cause to which Complainant did not respond.

Stephen M. McCrimmon v. Regents of the University of Colorado, University of Colorado at Boulder, Department of Facilities Management, 2004B064

- On 9/26/03, Complainant filed an appeal of his termination, alleging retaliation for disclosure of information that his supervisor asked him to generate false alarms so people could receive

overtime, a violation of the State Employee Protection (Whistleblower) Act. He also alleged discrimination based on age.

- On 11/3/03, the matter was referred to the Office of the Personnel Director for investigation. The Director found no violation of the Whistleblower Act.
- Following a waiver of the Colorado Civil Rights Division's investigation into the discrimination claim, the matter was set for hearing.
- The parties settled the case, and an Order Granting Joint Motion to Dismiss was issued on 2/10/04.

LaVonne Taylor v. Department of Education, Colorado School for the Deaf and Blind, 2004G029, 2004G064

- On 10/3/03, Complainant filed a petition for hearing, appealing the 8/12/03 complaint to the Board of Nursing, which she alleged Respondent filed in retaliation for whistleblowing activities, a violation of the State Employee Protection (Whistleblower) Act.
- On 11/7/03, the matter was referred to the Office of the Personnel Director for investigation. The Director found no violation of the Whistleblower Act.
- On 1/20/04, Complainant filed another petition for hearing, appealing a performance improvement plan dated 1/7/04, which she claimed Respondent issued in retaliation for whistleblowing activities, a violation of the State Employee Protection (Whistleblower) Act.
- On 11/7/03, the matter was referred to the Office of the Personnel Director for investigation. The Director found no violation of the Whistleblower Act.
- Case 2004G029 was set for preliminary review, and the parties filed information sheets.
- Case 2004G064 was set for preliminary review, and the parties filed information sheets.

John Culley v. Department of Revenue, Field Audit Section, Tax Group, 2004G051, 2004G115

- 12/11/03, Complainant filed a petition for hearing, appealing an unsatisfactory overall performance evaluation and contending that Respondent issued the evaluation in retaliation for a grievance he filed, a violation of the State Employee Protection (Whistleblower) Act.
- On 1/21/04, the matter was referred to the Office of the Personnel Director for investigation. The Director found no violation of the Whistleblower Act.
- Case 2004G051 was set for preliminary review, and Complainant filed an information sheet on 3/18/04, the date that 2004G051 was consolidated with an earlier case, 2004G009.
- On 6/3/04, Complainant filed another petition for hearing, alleging discrimination based on age and appealing his performance rating, corrective action, and performance plan, which he claims was generated in retaliation for his whistleblowing activities, a violation of the State Employee Protection (Whistleblower) Act.
- On 6/7/04, 2004G115 was referred to the Office of the Personnel Director for investigation.
- On 7/9/04, Respondent filed "Respondent's Motion to Dismiss Whistleblower Response."
- On 7/15/04, Complainant filed "Complainant's Response Brief to Respondent's Motion to Dismiss Whistleblower Response in Case 2004G115." A ruling by the Administrative Law Judge is pending.
- Complainant filed an information sheet in the consolidated case, 2004G009(C), on 7/20/04.

Timothy Bennett v. Department of Corrections, Colorado Territorial Correctional Facility, 2004G052

- On 12/12/03, Complainant filed a petition for hearing pertaining to Respondent's denial of his grievance relating to hostile work environment and abusive treatment, issuance of a

corrective action by the warden, wrongfully being placed on administrative leave, removal of retention rights, and harassment, abuse, and retaliation for his disclosures about layoffs and the targeting of older employees by the Department of Corrections, a violation of the State Employee Protection (Whistleblower) Act.

- On 1/21/04, the matter was referred to the Colorado Civil Rights Division for investigation.
- After the case was consolidated with an earlier case, 2003B150, the matter was referred to the Office of the Personnel Director for investigation. The Director found no violation of the Whistleblower Act.
- The investigation at the Colorado Civil Rights Division is pending.

Joseph Encinias v. Department of Transportation, 2004G054

- On 12/15/03, Complainant filed a petition for hearing, alleging retaliation in the form of a corrective action, a violation of the State Employee Protection (Whistleblower) Act.
- On 12/23/03, the Administrative Law Judge issued an Order Dismissing Petition for Hearing without Prejudice, instructing the parties to complete the grievance process.

Paul Lehnertz v. Department of Human Services, Office of Adult, Disability & Rehabilitation Services, 2004G055

- On 12/24/03, Complainant filed a petition for hearing, alleging that the corrective action Respondent imposed upon him was in retaliation for disclosures he had made regarding the fiscal and budgetary processes of the state veterans nursing homes, a violation of the State Employee Protection (Whistleblower) Act.
- On 2/3/04, Complainant's request to withdraw his petition was granted by order of the Administrative Law Judge.

Marilyn Y. Charlesworth v. Trustees of the State Colleges in Colorado, Mesa State College, 2004G058

- On 1/5/04, Complainant filed a petition for hearing, alleging discrimination based on disability and retaliation for unspecified disclosures, a violation of the State Employee Protection (Whistleblower) Act.
- On 1/20/04, in response to a request for additional information, Complainant asked that the whistleblower charges be dismissed.
- On 2/3/04, the Administrative Law Judge issued an Order Dismissing Petition for Hearing without Prejudice and directed Complainant to pursue her issues through the agency's grievance process.

Mark Fuller v. Department of Human Services, Office of Adult, Disability & Rehabilitation Services, 2004B105

- On 1/8/04, Complainant appealed his termination, alleging retaliation for disclosures he made regarding agency actions, policies, regulations, practices and procedures, and including the lack of sufficient funding, expenditure issues, financial mismanagement, the lack of fiscal accountability, personnel and inventory deficiencies, cash flow, cost report, revenue problems, and deficiencies in providing proper resident nursing care. Such retaliation is a violation of the State Employee Protection (Whistleblower) Act.
- On 2/12/04, the matter was referred to the Office of the Personnel Director for investigation. The Director found no violation of the Whistleblower Act.
- After the case was set for hearing, the parties settled the matter.

- On 5/24/04, the Administrative Law Judge issued an Order Granting Complainant's Motion to Dismiss Appeal with Prejudice.

Kathleen D. Starling, Department of Revenue, Tax Group, 2004G079

- On 2/17/04, Complainant filed a petition for hearing, alleging retaliation in the form of a corrective action, a violation of the Whistleblower Act.
- On 4/6/04, the matter was referred to the Office of the Personnel Director for investigation. The Director found no violation of the Whistleblower Act.
- The matter was set for preliminary review, but Complainant did not file an information sheet.
- On 7/6/04, the Administrative Law Judge issued an Order Granting Motion to Dismiss.

Brucene Wilson v. Community Colleges of Colorado, Front Range Community College, 2004G083

- On 3/4/04, Complainant filed a petition for hearing, alleging retaliation for her disclosures regarding the conduct of her colleagues and some students on 12/12/03, a violation of the State Employee Protection (Whistleblower) Act.
- On 4/8/04, the Administrative Law Judge issued a Dismissal Order, finding that the Board lacked jurisdiction to hear a case for an employee outside the state personnel system.

Shimila Stewart, Department of Human Services, Division of Youth Corrections, Platte Valley Youth Service Center, 2004B132

- On 3/9/04, Complainant filed an appeal of her termination, alleging discrimination based on disability and race/color/national origin and retaliation for filing multiple internal grievances, a violation of the State Employee Protection (Whistleblower) Act.
- On 6/7/04, the matter was referred to the Office of the Personnel Director for investigation. The Director found no violation of the Whistleblower Act.
- The case is currently set for hearing.

Stephen Bullock v. Department of Human Services, Division of Disability Determination Services, 2004G085

- On 3/8/04, Complainant filed a petition for hearing, alleging retaliation for his reporting of workplace violence by being placed on administrative leave, a violation of the State Employee Protection (Whistleblower) Act.
- On 4/7/04, the matter was referred to the Office of the Personnel Director for investigation. The Director found no violation of the Whistleblower Act.
- The matter was set for preliminary review.
- On 8/17/04, the Administrative Law Judge dismissed the case with prejudice because Complainant failed to file an information sheet that complied with the requirements of the Notice of Preliminary Review.

Don Smith v. Department of Human Services, Division of Youth Corrections, Platte Valley Youth Service Center, 2004B133

- On 3/11/04, Complainant filed an appeal of his demotion, alleging retaliation by the appointing authority, a violation of the State Employee Protection (Whistleblower) Act.
- On 5/3/04, the matter was referred to the Office of the Personnel Director for investigation. The Director found no violation of the Whistleblower Act.

- The case was set for hearing, and the parties settled the matter.
- On 7/29/04, the Administrative Law Judge vacated the hearing date, pending the receipt of a joint motion to dismiss.

Delvina L. Crist v. Regents of the University of Colorado, University of Colorado at Boulder, Department of Arts and Science, 2004B137

- On 3/19/04, Complainant filed an appeal of her involuntary, non-disciplinary demotion, alleging discrimination based on age, race/color/national origin, and sex, and retaliation for reporting accounting rule violations to the area accountant, a violation of the State Employee Protection (Whistleblower) Act.
- Complainant waived investigation by the Colorado Civil Rights Division on 4/14/04.
- The parties settled the matter, and on 6/1/04, the Administrative Law Judge issued an Order Granting Stipulated Joint Motion to Dismiss with Prejudice.

Alex V. Evonitz v. Department of Transportation, 2004B142

- On 4/1/04, Complainant filed an appeal of his disciplinary and corrective action, alleging that Respondent imposed such actions in retaliation for his disclosures of information about a temporary supervisor, in violation of the State Employee Protection (Whistleblower) Act.
- On 5/5/04, the matter was referred to the Office of the Personnel Director for investigation. The Director found no violation of the Whistleblower Act.
- The case was set for hearing, the parties settled the matter, and on 8/31/04, the Administrative Law Judge issued an Order Granting Unopposed Motion to Dismiss.

William Harris v. Department of Labor and Employment, Labor Market Information, 2004G093

- On 4/16/04, Complainant filed a petition for hearing following Respondent's denial of his grievance of a corrective action. He alleged that the corrective action was imposed in retaliation for his involvement in a data-sharing dispute, in violation of the State Employee Protection (Whistleblower) Act.
- On 6/9/04, the matter was referred to the Office of the Personnel Director for investigation. The Director found no violation of the Whistleblower Act.
- The matter was set for preliminary review, and the parties filed information sheets.

Young Sook Lee v. Regents of the University of Colorado, 2004G094

- On 4/15/04, Complainant filed a petition for hearing, appealing his non-certification and termination during the probationary period, and alleging retaliation for her disclosures that co-workers falsified their work hours, in violation of the State Employee Protection (Whistleblower) Act.
- On 6/8/04, the matter was referred to the Office of the Personnel Director for investigation. The Director found no violation of the Whistleblower Act.
- The matter was set for preliminary review, but Complainant did not file an information sheet.
- On 8/31/04, the Administrative Law Judge issued an Order Granting University's Motion to Deny Discretionary Hearing.

Diane M. Callaham v. Department of Natural Resources, Accounting and Financing, 2004B170

- On 5/10/04, Complainant filed an appeal of the termination of her employment, alleging retaliation for disclosure of information, a violation of the State Employee Protection (Whistleblower) Act.
- On 6/14/04, the matter was referred to the Office of the Personnel Director for investigation. The Director found no violation of the Whistleblower Act.
- The matter was set for preliminary review on 7/13/04.
- On 7/15/04, Respondent filed a Motion to Dismiss to which Complainant did not respond.
- On 8/11/04, the Administrative Law Judge issued an Order Granting Motion to Dismiss.

Beverly Miller, Department of Labor and Employment, 2004G118

- On 6/22/04, Complainant filed a petition for hearing contending that Respondent transferred her to Fremont County in retaliation for filing a complaint with the U.S. Department of Labor, a violation of the State Employee Protection (Whistleblower) Act.
- Following an Amended Request for Additional Information Regarding Whistleblower Complaint, to which Complainant did not respond, the Administrative Law Judge issued a Dismissal Order on 8/4/04.

Cary Kelliher v. Department of Revenue, Field Audit Section, Tax Group, 2004G121

- On 6/28/04, Complainant filed a petition for hearing alleging that Respondent gave him scores on his revenue performance evaluation which are arbitrary and capricious and based on retaliation and retribution as threatened by the evaluation reviewer, a violation of the State Employee Protection (Whistleblower) Act.
- On 7/30/04, Respondent filed its Motion to Dismiss and Response to Whistleblower Complaint.
- On 8/2/04, the matter was referred to the Office of the Personnel Director for investigation.
- On 8/3/04, Complainant filed his response to the motion to dismiss.