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State of Colorado

Bill Owens
Governor

John Zakhem
Board Chair

Kristin F. Rozansky
Board Director

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August 21, 2006

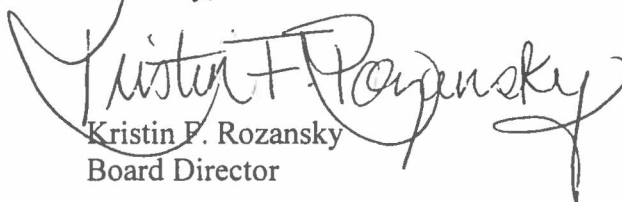
The Honorable Bill Owens
Governor of the State of Colorado
136 State Capitol Building
Denver, Colorado 80203

**RE: State Personnel Board
FY 06 Annual Report of Cases Under the State Employee Protection (Whistleblower)
Act**

Dear Sir:

Pursuant to §24-50.5-107, C.R.S., I have enclosed the State Employee Protection Act Annual Report of the Colorado State Personnel Board for Fiscal Year 2006 (July 1, 2005, through June 30, 2006). If there are questions, or if you would like additional information regarding the Report, please feel free to contact me at (303) 866-5044.

Sincerely,


Kristin F. Rozansky
Board Director

cc: State Personnel Board Members
Jeff Wells (2 copies)
Jeffrey Schutt
Karen Hoff, Librarian (4 copies)

Annual Report of State Personnel Board to the Governor

**Pursuant to State Employee Protection Act, § 24-50.5-107, C.R.S.
July 1, 2005, through June 30, 2006**

FY 03 Cases¹

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.
- On 10/15/04, the Colorado Civil Rights Division issued its opinion of no probable cause.
- Hearing was held on 10/11 and 10/12/05.
- On 12/15/05, the Administrative Law Judge issued an Initial Decision of the Administrative Law Judge, which Respondent appealed.
- The Order of the State Personnel Board adopting the initial decision was issued on 5/26/06.
- On 6/26/06, Respondent filed its notice of appeal with the Court of Appeals.

FY 04 Cases²

John Culley v. Department of Revenue, Field Audit Section, Tax Group, 2004G051, 2004G115, 2005G082, 2006B006

- 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.
- On 7/19/05, Complainant filed an appeal of his termination, and his cases were consolidated.
- After the case was set for hearing, the parties settled this matter and filed a motion to dismiss with prejudice, which was granted by order of the Administrative Law Judge on 3/27/06.

¹ These matters remain open or reached resolution before the Board during FY 06.

² These matters remain open or reached resolution before the Board during FY 06.

Timothy Bennett v. Department of Corrections, Colorado Territorial Correctional Facility, 2003B150, 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.
- On 10/25/04, the Colorado Civil Rights Division issued its opinion of no probable cause.
- Hearing was held on 10/12, 11/15, 11/16, and 12/13/05, and 2/9 and 2/10/06.
- On 6/1/06, the Administrative Law Judge issued an Initial Decision of the Administrative Law Judge, which Respondent appealed and Complainant cross-appealed.
- The matter is currently scheduled for review by the Board on 10/17/06.

FY 05 Cases³

Wolney Cunha v. Department of Transportation, 2005B006

- On 7/23/04, Complainant filed an appeal of the termination of his employment, alleging discrimination based on race and age, and retaliation for disclosure of poor quality of projects and liability problems, in violation of the State Employee Protection (Whistleblower) Act.
- On 8/31/04, 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 5/25/05.
- A hearing was held on 8/31 and 9/1/05.
- On 11/23/05, the Administrative Law Judge issued an Initial Decision of the Administrative Law Judge.

John Deelman v. Department of Education, Colorado School for the Deaf and the Blind, 2005B020

- On 8/26/04, Complainant filed an appeal of the termination of his employment and checked the box indicated on the appeal form for violation of the State Employee Protection (Whistleblower) Act; however, no separate Whistleblower complaint was filed.
- On 12/24/04, the Administrative Law Judge issued a Dismissal Order.
- On 7/20/05, the Board issued an Order of the State Personnel Board affirming the Dismissal Order.
- On 12/30/05, the Mandate of the Court of Appeals was issued, dismissing the case.

Consuelo Gonzales v. Department of Human Services, Colorado State Veterans Home, 2005B091

³ These matters remain open or reached resolution before the Board during FY 06.

- On 2/25/05, Complainant filed an appeal of the termination of her employment, alleging that she suffered retaliation for disclosure that she observed an employee of Veterans Center loading Veterans Center supplies into his personal automobile on a Sunday, in violation of the State Employee Protection (Whistleblower) Act.
- On 4/5/05, the matter was referred to the Office of the Personnel Director for investigation.
- On 5/11/05, Complainant withdrew her Whistleblower complaint.
- Hearing was held on 8/25, 8/26, and 9/12/05.
- On 11/10/05, the Administrative Law Judge issued an Initial Decision of the Administrative Law Judge.
- Although Complainant filed a notice of appeal, no briefs were filed, and on 3/28/06, the Board Director granted Respondent's motion to dismiss.

Russell Guerrero v. Department of Corrections, Division of Adult Parole and Community Corrections and Youthful Offender System, 2005B098

- On 3/16/05, Complainant filed an appeal of the termination of his employment, alleging discrimination based on retaliation and retaliation for disclosure of mismanagement at the YOS Program by DOC administrative officials, in violation of the State Employee Protection (Whistleblower) Act.
- On 3/21/05, the case was consolidated with Brian Manzanares v. Department of Corrections, Division of Adult Parole and Community Corrections and Youthful Offender System, 2005B052.
- On 4/8/05, 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 this matter and filed a motion to dismiss with prejudice, which was granted by order of the Administrative Law Judge on 1/20/06.

Rex Hopper v. Regents of the University of Colorado, University of Colorado at Colorado Springs, Colorado University Bookstore, 2005B129

- On 5/20/05, Complainant filed an appeal of the termination of his employment, alleging that he suffered retaliation for disclosure that another employee took software from the bookstore without purchasing it, in violation of the State Employee Protection (Whistleblower) Act.
- On 7/29/05, 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 this matter and filed a motion to dismiss with prejudice, which was granted by order of the Administrative Law Judge on 1/18/06.

Nancy Resnick v. Department of Human Services, Colorado Mental Health Institute at Fort Logan, 2005G021

- On 9/3/04, Complainant filed a petition for hearing from the termination of her employment during the probationary period, alleging retaliation for disclosure of unsafe conditions at Fort Logan to the Pharmacy Board, in violation of the State Employee Protection (Whistleblower) Act.
- On 12/10/04, the matter was referred to the Office of the Personnel Director for investigation. The Director found no violation of the Whistleblower Act.
- On 5/10/06, the Preliminary Recommendation of the Administrative Law Judge was issued, recommending that a hearing be denied.
- The Order of the State Personnel Board adopting the Preliminary Recommendation of the Administrative Law Judge was adopted by order dated 6/22/06.

Timothy Bennett v. Department of Corrections, Fort Lyon Correctional Facility, 2005G028

- On 9/27/04, Complainant filed a petition for hearing, alleging discrimination based on retaliation and retaliation for disclosure of unsafe conditions at the facility, in violation of the State Employee Protection (Whistleblower) Act.
- On 11/15/04, the matter was referred to the Office of the Personnel Director for investigation. The Director found no violation of the Whistleblower Act.
- By letter dated 12/30/04, the Colorado Civil Rights Division informed the Board that it administratively closed the investigation into discrimination at Complainant's request.
- On 10/31/05, the Preliminary Recommendation of the Administrative Law Judge was issued, recommending that a hearing be denied.
- The Order of the State Personnel Board adopting the Preliminary Recommendation of the Administrative Law Judge was adopted by order dated 11/16/05.

Toni R. Lucci-Wolgamott v. Department of Natural Resources, Board of Land Commissioners, 2005G044

- On 11/12/04, Complainant filed a petition for hearing from the termination of her employment during the probationary period, alleging discrimination based on sex and retaliation, and retaliation for disclosure of irregularities in the selection process, in violation of the State Employee Protection (Whistleblower) Act.
- On 12/2/04, the Administrative Law Judge dismissed Complainant's discrimination claims upon her request.
- On 12/22/04, the matter was referred to the Office of the Personnel Director for investigation. The Director found no violation of the Whistleblower Act.
- On 1/10/06, the Preliminary Recommendation of the Administrative Law Judge was issued, recommending that a hearing be granted.
- The Order of the State Personnel Board adopting the Preliminary Recommendation of the Administrative Law Judge was adopted by order dated 3/5/06.
- The matter is currently being reset for hearing.

Allyson Broska v. Department of Labor and Employment, 2005G099

- On 5/6/05, Complainant filed a petition for hearing from the termination of her employment during the probationary period, alleging discrimination based on sex, and retaliation for disclosure of male co-worker's interaction and sexual harassment complaint resulting in termination of employment, in violation of the State Employee Protection (Whistleblower) Act.
- On 6/7/05, Complainant filed her Verification of Filing Discrimination Charge at the Colorado Civil Rights Division.
- On 6/28/05, the matter was referred to the Office of the Personnel Director for investigation. The Director found no violation of the Whistleblower Act.
- On 3/30/06, the Colorado Civil Rights Division issued its opinion of no probable cause.
- The case was set for Preliminary Review, but Complainant failed to file an information sheet, and the matter was dismissed following a motion to dismiss by Respondent on 6/20/06.

Saadia E. Naiman v. Department of Public Safety, Colorado State Patrol, 2005G102

- On 5/10/05, Complainant filed a petition for hearing, alleging discrimination based on creed, race, retaliation, and sex, and retaliation for disclosure of harassing behaviors and workplace

hostility according to CSP Operations Manual, in violation of the State Employee Protection (Whistleblower) Act.

- On 6/30/05, Complainant filed her Verification of Filing Discrimination Charge at the Colorado Civil Rights Division.
- On 7/1/05, the matter was referred to the Office of the Personnel Director for investigation. The Director found no violation of the Whistleblower Act.
- On 3/7 and 3/17/06, the Colorado Civil Rights Division issued its opinions of no probable cause.
- The case was set for Preliminary Review, but Complainant failed to file an information sheet.
- An order to show cause was issued by the Administrative Law Judge on 7/11/06.

John Warnock v. Department of Corrections, Colorado State Penitentiary, 2005G11

- On 6/22/05, Complainant filed a petition for hearing from the termination of his employment during the probationary period, alleging discrimination based on disability and age, and retaliation for disclosure of information, in violation of the State Employee Protection (Whistleblower) Act.
- On 8/24/05, the Administrative Law Judge dismissed the Whistleblower claim because Complainant failed to file a separate complaint and did not respond to a request for additional information.
- Complainant having waived investigation by the Colorado Civil Rights Division, the matter was set for preliminary review.
- Upon review, the Administrative Law Judge set this case for hearing.
- After the case was set for hearing, the parties settled this matter and filed a motion to dismiss with prejudice, which was granted by order of the Administrative Law Judge on 7/19/06.

FY 06 Cases

Carl L. Littlejohn v. Department of Transportation, Colorado State Penitentiary, 2006B003

- On 7/11/05, Complainant filed an appeal of the termination of his employment, alleging discrimination based on "other," and retaliation for disclosure of information, in violation of the State Employee Protection (Whistleblower) Act.
- Following a response by Complainant to a request for additional information, the Administrative Law Judge dismissed this case on 10/04/05.

Edward L. Donaldson v. Department of Public Safety, Colorado State Patrol, 2006B026

- On 10/05/05, Complainant filed an appeal of the termination of his employment, alleging discrimination based on race/color/creed, disability, age, sex, national origin/ancestry, and retaliation for disclosure of information, in violation of the State Employee Protection (Whistleblower) Act.
- On 12/5/05, Complainant filed a Notice of Intent to Resolve Grievance through mediation.
- On 12/23/05, this matter was referred to the Colorado Civil Rights Division.
- Subsequently, this case was consolidated with another case filed by Complainant (2006B051).
- The Colorado Civil Rights Division issued its finding of no probable cause on 8/8/06 on Complainant's first case.

Shan Ziel v. Department of Human Services, Division of Youth Corrections, Platte Valley Youth Services Center, 2006B030

- On 10/21/05, Complainant filed an appeal of the termination of his employment, alleging discrimination based on disability and retaliation for disclosure of information, in violation of the State Employee Protection (Whistleblower) Act.
- On 10/27/05, this matter was referred to the Colorado Civil Rights Division and to the Office of the Personnel Director for investigation.
- The parties settled this matter and filed a motion to dismiss with prejudice, which was granted by order of the Administrative Law Judge on 12/14/05.

Kim-Loan B. Saber v. Department of Human Services, Division of Refugee Services, 2006B041

- On 10/21/05, Complainant filed an appeal of her demotion and downward allocation of her position, alleging discrimination based on age and other, as well as retaliation for disclosure of information, in violation of the State Employee Protection (Whistleblower) Act.
- On 1/26/06, the matter 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, and the matter was set for hearing.
- The parties settled this matter and filed a motion to dismiss with prejudice, which was granted by order of the Administrative Law Judge on 6/7/06.

Anson Rohr v. Community Colleges of Colorado, Front Range Community College, 2006B065

- On 1/20/06, Complainant filed an appeal of the termination of his employment, alleging discrimination based on "other," and retaliation for disclosure of information, in violation of the State Employee Protection (Whistleblower) Act.
- On 2/7/06, the matter was referred to the Colorado Civil Rights Division for investigation.
- On 3/14/06, 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 Respondent filed a motion to dismiss, which was granted by order of the Administrative Law Judge on 6/28/06.

Sandra Brooks v. Department of Corrections, Denver Reception and Diagnostic Center, 2006B088

- On 4/13/06, Complainant filed an appeal of the termination of her employment, alleging retaliation for disclosure of information, in violation of the State Employee Protection (Whistleblower) Act.
- On 6/12/06, the matter was referred to the Office of the Personnel Director for investigation.
- The parties settled this matter and filed a motion to dismiss with prejudice, which was granted by order of the Administrative Law Judge on 6/19/06.

Frank David Kinder v. Department of Transportation, Staff Services Branch, 2006B093

- On 4/28/06, Complainant filed an appeal of his disciplinary pay reduction, alleging retaliation for disclosure of information, in violation of the State Employee Protection (Whistleblower) Act.

- On 7/5/06, 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 being reset for hearing.

Paul H. Ortega v. Department of Transportation, 2006B108

- On 6/15/06, Complainant filed an appeal of the termination of his employment, alleging discrimination based on creed, disability, and race, and retaliation for disclosure of information, in violation of the State Employee Protection (Whistleblower) Act.
- On 6/20/06, the matter was referred to the Colorado Civil Rights Division for investigation, and the Administrative Law Judge requested more information on the Whistleblower claim.
- On 8/14/06, the Administrative Law Judge dismissed the Whistleblower claim for lack of information.

Kevin W. Cook v. Regents of the University of Colorado, University of Colorado at Boulder, Housing Facilities Services, 2006G012

- On 8/19/05, Complainant filed a petition for hearing from the termination of his employment during the probationary period, alleging discrimination based on "other," and retaliation for disclosure information, in violation of the State Employee Protection (Whistleblower) Act.
- On 10/11/05, 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 Administrative Law Judge issued a Preliminary Recommendation of the Administrative Law Judge on 2/10/06, which was adopted by the State Personnel Board on 3/5/06 by Order Granting Petition for Hearing.
- After the case was set for hearing, the parties entered into a settlement, which is pending.

Charleen Aragon v. Office of the Colorado State Public Defender, 2006G023

- On 9/27/05, Complainant filed a petition for hearing from the termination of her employment during the probationary period, alleging discrimination based on Race/color/creed and sex and retaliation for disclosure information, in violation of the State Employee Protection (Whistleblower) Act.
- Following an order to show cause, the Administrative Law Judge dismissed the case for lack of jurisdiction on 11/17/05.

Barbara Bond v. Department of Corrections, Pueblo Minimum Center, 2006G029, 2006G051

- On 11/3/05, Complainant filed a petition for hearing, appealing an unsatisfactory performance evaluation and alleging harassment and retaliation for filing a grievance, a violation of the State Employee Protection (Whistleblower) Act.
- Following an order to show cause, the Administrative Law Judge dismissed the case for lack of a response from Complainant on 12/5/05.
- On 1/23/06, Complainant filed a second petition for hearing, appealing a final grievance decision and alleging harassment and retaliation, a violation of the State Employee Protection (Whistleblower) Act.
- On 3/20/06, 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 Preliminary Review, but Complainant failed to file an information sheet.

- On 6/19/06, the Administrative Law Judge dismissed the case.

Sammie L. Powell v. Department of Military and Veteran Affairs, 2006G032

- On 11/8/05, Complainant filed a petition for hearing, alleging discrimination and unfair practices by the state, as well as a violation of the State Employee Protection (Whistleblower) Act.
- After the case was referred to both the Colorado Civil Rights Division and the Office of the Personnel Director for investigation, Complainant requested that she be allowed to withdraw her petition for hearing on 1/3/06.
- The Administrative Law Judge granted Complainant's request to withdraw her petition for hearing on 1/23/06.

Kenneth Michael Forbes v. Regents of the University of Colorado at Boulder, Information Technology Services, 2006G052

- On 2/17/06, Complainant filed a petition for hearing, identifying major security concerns about distribution networks and internet connectivity for campus, a violation of the State Employee Protection (Whistleblower) Act.
- On 3/27/06, 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 Preliminary Review, but Complainant failed to file an information sheet.
- On 7/6/06, the Administrative Law Judge dismissed the case.