

State of Colorado



John W. Hickenlooper
Governor

Neil Peck
Acting Board Chair

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Board Director

State Personnel Board
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August 10, 2015

The Honorable John W. Hickenlooper
Governor of the State of Colorado
136 State Capitol Building
Denver, Colorado 80203

RE: State Personnel Board Annual Report of Cases Involving Claims Under the State Employee Protection (Whistleblower) Act, §24-50.5. 101, et seq., C.R.S.

Dear Governor Hickenlooper:

Enclosed is the State Personnel Board Annual Whistleblower Report for Fiscal Year 2015 (July 1, 2014, through June 30, 2015), in accordance with Article 50.5, State Employee Protection (Whistleblower) Act, and as mandated in § 24-50.5-107, C.R.S.

The attached report contains information pertaining to actions taken during FY15 in any State Personnel Board petition for hearing or appeal in which there was a claim of a violation of the Whistleblower Act.

At this time no violations of the State Employee Protection Act have been found and and therefore, to the Board's knowledge, no appointing authority received any disciplinary action as mandated by § 24-50.5-104(4), C.R.S.

If you have any questions, or if you would like additional information regarding this Report, please don't hesitate to contact me at 303- 866-5776.

Sincerely,

Dana Shea-Reid
Board Director

cc: Jacki Cooper Melmed, Chief Legal Counsel
State Personnel Board Members
June Taylor, State Personnel Director
Kim Burgess, Chief Human Resources Officer
Amy Zimmer, Colorado State Publications Library



State Personnel Board Annual Whistleblower Report to the Governor

Pursuant to State Employee Protection (Whistleblower) Act,
§ 24-50.5-107, C.R.S.
July 1, 2014, through June 30, 2015

FY 12 Case¹

Arthur Robinson v. University of Colorado Denver, Information Technology Services, 2012B131 – no finding of a violation of Colorado’s whistleblower statute, § 24-50.5-101, et seq., C.R.S.

- On June 22, 2012, Complainant filed an appeal of his disciplinary termination and a Whistleblower Complaint, alleging retaliation in violation of the Whistleblower Act because of his disclosures that the University asked a co-worker to report concerns about Complainant.
- A hearing was held and an Initial Decision of the Administrative Law Judge (ALJ) was issued on January 28, 2013, upholding the disciplinary termination of Complainant and denying the Whistleblower claim.
- Following a May 15, 2013 Director’s Order dismissing Complainant’s appeal of the Initial Decision for failure to file an opening brief, Complainant filed an appeal at the Court of Appeals.
- On May 22, 2014, the Court of Appeals issued its Order Reversed and Case Remanded with Directions, returning the case to the Board for consideration of petitioner’s appeal.
- On July 25, 2014, Mandate issued and the Board will issue a briefing schedule and Board review pursuant to the remand.
- On August 22, 2014 the Board issued an Order remanding the case to the ALJ to determine the sufficiency of record.
- On October 23, 2014 the Board issued an Order adopting Initial Decision of ALJ.
- On October 31, 2014 Notice of Appeal filed with Court of Appeals.
- Complainant’s appeal to the Court of Appeals is currently pending.

FY 13 Cases²

Jennifer Reno v. Department of Human Services, Division of Regional Center Operations, Pueblo Regional Center, 2013B142 – no finding of a violation of Colorado’s whistleblower statute, § 24-50.5-101, et seq., C.R.S.

- On June 21, 2013, Complainant filed an appeal of her disciplinary demotion and reduction in pay and alleged retaliation in violation of the Whistleblower Act for disclosures she had

¹ This matter remains open during FY 15.

² These matters remained open or were resolved during FY15.

made regarding reallocation of a position and false accusations on her performance evaluation.

- On July 5, 2013, Complainant filed a response to a request for additional information concerning her Whistleblower Complaint.
- Following Complainant's appeal of her disciplinary termination and receipt of Respondent's response to the Whistleblower Complaint, the cases were consolidated and set for hearing.
- Hearing was held on April 22, May 28, and July 9, 2014.
- Initial Decision issued by ALJ on August 28, 2014 affirming the discipline and termination of Complainant and determining Complainant failed to meet her burden to demonstrate that there was a violation of the Whistleblower Act in this matter.

Renee Ryan v. Department of Human Services, Colorado Mental Health Institute at Fort Logan, 2013G025 - no finding of a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.

- On July 24, 2012, Complainant filed a petition for hearing regarding her termination for unsatisfactory performance during the probationary period and a Whistleblower Complaint alleging retaliation in violation of the Whistleblower Act for disclosures she had made regarding poor patient care.
- On February 6, 2013, the ALJ issued a Preliminary Recommendation that a hearing be granted, which was upheld by the Board on February 20, 2013.
- After a hearing held on June 28 and July 12, 2013, on September 12, 2013, the ALJ issued an Initial Decision affirming the termination, which was adopted by Board at its meeting on February 18, 2014.
- Court of Appeals mandate issued January 2, 2015 dismissing appeal with prejudice.

Mary Ellen McClung v. Department of Labor and Employment, 2013G050 - no finding of a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.

- On December 14, 2012, Complainant filed a petition for hearing regarding her unsatisfactory performance evaluations in a final grievance decision alleging discrimination based on age and a Whistleblower Complaint alleging retaliation in violation of the Whistleblower Act for disclosures she had made regarding her supervisor's misuse of performance ratings.
- On January 9, 2013, the ALJ referred the petition to the Colorado Civil Rights Division (CCRD) for investigation.
- As of January 24, 2013, the petition is pending an investigation of Complainant's discriminatory issues with CCRD. Upon completion of the CCRD investigation, this matter will proceed through the Board's discretionary hearing process.
- February 2, 2015 CCRD finding of no probable cause.
- March 17, 2015 Complainant responded with notice of withdrawal.
- On March 25, 2015 the ALJ issued an Order of Dismissal with Prejudice.

Randy Kennedy v. Department of Public Safety, 2013G096 - *no finding of a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On June 7, 2013, Complainant filed a petition for hearing regarding a final grievance decision, alleging discrimination and retaliation in violation of the Whistleblower Act for disclosures made about harassment.
- On June 25, 2013, the matter was referred to Respondent for a response to the Whistleblower Complainant and to CCRD for an investigation into the discrimination charges.
- Following a no probable cause opinion by CCRD, the matter was set for preliminary review.
- This matter scheduled for review at the August 19, 2014 Board meeting.
- August 22, 2014 Board granted the petition for hearing.
- On October 3, 2014 Unopposed Motion to Stay Proceedings filed.
- On October 29, 2014 ALJ issued an Order Granting Stipulation of Dismissal.

FY 14 Cases³

Kristina Grubb v. Department of Corrections, LaVista Correctional Facility, 2014B069 - *this case has not yet gone to hearing regarding a finding of a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On February 24, 2014, Complainant filed an appeal challenging her "loss of position, days off with holidays, position number" and a Whistleblower Complaint alleging retaliation in violation of the Whistleblower Act for providing information about a co-worker and an investigation of that co-worker.
- Following the Board's receipt of Respondent's response to the Whistleblower Complaint, the matter was set for preliminary review.
- The matter is scheduled for Board review on September 16, 2014.
- On September 17, 2014 Order issued by the Board granting the petition for hearing.
- January 8, 2015 Complainant filed a second appeal of administrative separation due to exhaustion of leave.
- March 2, 2015 Order of Consolidation and Continuation of Evidentiary Hearing issued by ALJ for second appeal filed by Complainant.
- On June 9, 2015 ALJ issued an Order Granting an Unopposed Motion for Extension of Time.

Bonnie Francis v. Department of Corrections, Buena Vista Correctional Facility, 2014B108 - *no finding of a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On June 9, 2014, Complainant filed an appeal of her termination and a Whistleblower Complaint alleging retaliation in violation of the Whistleblower Act for her disclosure of use of force by a co-worker.
- Following the Board's receipt of Respondent's response to the Whistleblower Complaint, the matter was set for preliminary review.

³ These matters remained open or were resolved during FY15

- July 28, 2014 ALJ issued a Notice of Hearing and Prehearing Order and set for hearing October 14, 2014.
- October 7, 2014 ALJ issued Order Granting Request for Withdrawal of Appeal and Dismissal.

Heather Lizotte v. Secretary of State, 2014B112 - *no finding of a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On June 16, 2014, Complainant filed an appeal of her demotion and a Whistleblower Complaint alleging retaliation in violation of the Whistleblower Act for filing a workplace violence complaint against the Secretary of State and her disclosure of improper spending of federal grant money.
- The matter referred for investigation at the Colorado Civil Rights Division June 26, 2014.
- December 9, 2014 Unopposed Motion to Dismiss the case with prejudice was filed.
- December 10, 2014 ALJ issued Order Granting Unopposed Motion to Dismiss.

David Xu v. Governor's Office of Information Technology, 2014B115 - *no finding of a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On June 20, 2014, Complainant filed an appeal of his termination and a Whistleblower Complaint alleging retaliation in violation of the Whistleblower Act for disclosures he had made regarding computer equipment.
- June 26, 2014, a second appeal of discrimination was filed by Complainant.
- Following the Board's receipt of Respondent's response to the Whistleblower Complaint, the matter was set for preliminary review.
- September 11, 2014 ALJ issued an Order to Consolidate Cases.
- An Unopposed Motion to Dismiss was filed on March 12, 2015.
- March 13, 2015 ALJ issued an Order to Granting Unopposed Motion to Dismiss.

Valerie Bellamy v. Department of Labor and Employment, Division of Workers' Compensation, 2014B121 - *this case has not yet gone to hearing regarding a finding of a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On June 27, 2014, Complainant filed an appeal of her termination alleging discrimination and a Whistleblower Complaint alleging retaliation in violation of the Whistleblower Act for her disclosure that her supervisor badgered, harassed, and berated her about the printer problems.
- On July 10, 2014, the Whistleblower Complaint was sent to Respondent for a response; response was received on August 11, 2014.
- On July 10, 2014 the matter was referred to the Colorado Civil Rights Division where it is currently under investigation.

Shantell Honest v. Department of Human Services, Division of Youth Corrections, Platte Valley Youth Service Center, 2014G036 - *no finding of a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On November 1, 2013, Complainant filed a petition for hearing challenging the termination of her employment during the probationary period and a Whistleblower Complaint alleging retaliation in violation of the Whistleblower Act for reporting an instance of child abuse.
- Following the Board's receipt of Respondent's response to the Whistleblower Complaint, the matter was set for preliminary review.
- On April 2, 2014, the ALJ issued a Preliminary Recommendation that a hearing be denied, which the Board affirmed at its April 16, 2014 meeting.
- On May 16, 2014, Complainant filed an appeal at the Court of Appeals, which is currently pending.

Sandra Kelly v. University of Colorado Denver, School of Dental Medicine, 2014G053 - *no finding of a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On December 17, 2013, Complainant filed a petition for hearing alleging age discrimination and challenging the termination of her employment during the probationary period. She also filed a Whistleblower Complaint alleging retaliation in violation of the Whistleblower Act for reporting a hostile work environment and intimidation by her supervisor.
- January 10, 2014 matter referred to Colorado Civil Rights Division for investigation.
- December 9, 2014 CCRD issued an opinion of no probable cause.
- Following the Board's receipt of Respondent's response to the Whistleblower Complaint, the matter was set for preliminary review.
- February 12, 2015 a Notice of Preliminary Review was issued.
- Order of Dismissal for abandonment issued by the ALJ on March 6, 2015.

Richard Reinhardt v. Department of Human Services, Colorado Mental Health Institute at Pueblo, 2014G088 - *this case has not yet gone to hearing regarding a finding of a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On April 25, 2014, Complainant filed a petition for hearing regarding an unresolved grievance.
- On June 26, 2014, in response to a request for additional information, Complainant filed a Whistleblower Complaint alleging retaliation in violation of the Whistleblower Act for reporting patient abuse by senior staff.
- Following the Board's receipt of Respondent's response to the Whistleblower Complaint, the matter was set for preliminary review.
- A Preliminary Recommendation was issued by the ALJ on October 24, 2014 recommending a hearing be granted.
- On November 19, 2014 the Board issued an Order granting petition for hearing.
- Evidentiary hearing was set for March 18, 2015.
- March 10, 2015 Order to Show Cause issued by ALJ regarding lack of timely filing of Complainant's prehearing statement.

- March 13, 2015 ALJ issued an Order discharging Order to Show Cause as Complainant's prehearing statement was received by Respondent timely and therefore accepted by the court.
- Hearing set for March 19 and 26 and April 14, 2015.

Sheldon Reneau v. Department of Corrections, La Vista Correctional Facility, 2014G099 -
This case has not yet gone to hearing regarding a finding of a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.

- On May 15, 2014, Complainant filed a petition for hearing alleging retaliation in violation of the Whistleblower Act for his earlier filing of a case before the Board.
- Referred to Colorado Civil Rights Commission for investigation on June 8, 2014.
- June 17, 2014 referred to agency for response to Whistleblower complaint; reply from agency received August 1, 2014.
- May 22, 2015 no probable cause Opinion issued by CCRD.
- Receipt of CCRD Appeal and Notice of Preliminary Review issued by ALJ on June 9, 2015.
- July 6, 2015 Order issued by ALJ granting Complainant's request for extension of time.
- July 14, 2015 Order issued by ALJ granting Respondent's request for extension of time.

Luann Morton-Earl v. Department of Corrections, 2014S014- no finding of a violation of
Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.

- On March 4, 2014 Complainant filed petition for hearing claiming that she has been wrongfully denied employment with the Department of Corrections in retaliation for her earlier filing of a discrimination claim with EEOC in violation of the Whistleblower Act.
- March 13, 2014, Order to Show Cause issued by ALJ regarding timeliness of appeal filed.
- April 2, 2014 Order of Dismissal as untimely was issued by ALJ and referral made to State Personnel Director for further review as appropriate.

Luann Morton-Earl v. Department of Corrections, 2014S016- no finding of a violation of
Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.

- On May 6, 2014 Complainant filed petition for hearing claiming that she had been denied employment with Department of Corrections based on age discrimination and a Whistleblower complaint alleging retaliation in violation of the Whistleblower Act for her earlier filing of a case with the Equal Employment Opportunity Commission.
- On May 14, 2014 Memorandum was issued to State Personnel Director.
- On May 21, 2014, a Request for Clarification Regarding Discrimination Claim was issued.
- On June 17, 2014 the ALJ issued a Referral to CCRD for Investigation and a Referral to Agency for Response to whistleblower complaint.
- Following the Board's receipt of Respondent's response to the Whistleblower Complaint, the matter was set for preliminary review.
- Notice of Preliminary Review issued August 6, 2014.
- On August 14, 2014 Complainant withdrew her petition for hearing.

- Procedural Order issued by the ALJ on August 19, 2014 regarding Complainant's failure to file a discrimination claim with CCRD and Complainant's subsequent withdrawal of her petition for hearing.
- On September 9, 2014 the ALJ issued an Order of Dismissal and referral was made to the State Personnel Director for further review as appropriate.

FY 15 Cases

DeEtte J. Altvater v. Department of Human Services, Division of Vocational Rehabilitation Services, 2015B021 - *no finding of a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On September 16, 2014, Complainant filed an appeal alleging a downward position allocation was a punitive action violating ADA and a Whistleblower complaint alleging retaliation in violation of the Whistleblower Act for her disclosures regarding vendor fraud.
- November 4, 2014 matter referred to Colorado Civil Rights Division for investigation.
- On November 4, 2014 referral made to agency for response to Whistleblower complaint.
- On November 5, 2014 an Unopposed Motion to Dismiss filed by Respondent.
- Order to Dismiss with Prejudice issued by ALJ on November 7, 2014.

Lyle Rodriquez v. Department of Human Services, Office of Behavioral Health, Mental Health Institute at Fort Logan, 2015B033 - *no finding of a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On October 24, 2014, Complainant filed an appeal alleging termination of his employment was discriminatory based on disability, gender and religion, and alleged an unexplained violation of the Whistleblower Act.
- On November 13, 2014, ALJ issued a Request for Additional Information regarding the Whistleblower claim.
- On November 13, 2014 matter was referred to Colorado Civil Rights Division for investigation.
- On December 2, 2014, the ALJ issued an Order of Dismissal with Prejudice of Whistleblower Claim for Complainant's failure to timely provide information on his Whistleblower claim.
- An Unopposed Motion to Dismiss Appeal with Prejudice was filed on February 26, 2015 as parties had reached settlement.
- Order of Dismissal with Prejudice issued by the ALJ on February 27, 2015.

Steven R. Pretash v. University of Colorado Denver, Center for Advancing Professional Excellence, 2015B049 - *no finding of a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On December 2, 2014, Complainant filed an appeal alleging discrimination based on “overwhelming crises, stress and mental overload”, and forced resignation as retaliation for his complaints about poor leadership in violation of the Whistleblower Act.
- On January 8, 2014, ALJ issued a Request for Additional Information regarding the Whistleblower Complaint.
- On January 28, ALJ issued a Request for Additional Information clarifying his discrimination claim.
- On March 4, 2015, ALJ issued an Order Dismissing the Whistleblower Complaint and Discrimination Claim for Complainant's failure to provide additional information.
- On March 7, 2015, Notice of Commencement and Prehearing Order issued by the ALJ setting a commencement hearing for May 22, 2015 regarding the issue of forced resignation.
- On May 22, 2015, the ALJ issued an Order of Dismissal with prejudice for Complainant's failure to provide mandatory disclosures on remaining issue of forced resignation.

Douglas Schreffler v. Department of Revenue, Division of Motor Vehicles, 2015B067 - *This case has not yet gone to hearing regarding a finding of a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On February 23, 2015, Complainant filed an appeal alleging termination of his employment was discriminatory based on disability, gender and religion, gun ownership and retaliation in violation of the Whistleblower Act for reports he made to OSHA and EEOC.
- On March 10, 2015 Complainant filed a Waiver of CCRD Investigation and Request to Proceed Directly to the Board.
- Following the Board's receipt of Respondent's response to the Whistleblower Complaint, the matter was set for preliminary review.
- Scheduling Order issued by ALJ on June 11, 2015 setting an evidentiary hearing for July 24, 2015.

Kevin Harvey v. Department of Human Services, Youth Corrections, Marvin Foote Youth Services Center, 2015B070 - *This case has not yet gone to hearing regarding a finding of a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On March 6, 2015, Complainant filed an appeal alleging harassment and coerced resignation in violation of the Whistleblower Act.
- An Order to Show Cause Regarding Consolidation of Complainant's Appeal and Petition for Hearing was issued by the ALJ on March 11, 2015.
- On March 25, 2015 ALJ issued an Order Consolidating Cases for this case and a prior grievance appeal (2015G075).
- Following the Board's receipt of Respondent's response to the Whistleblower Complaint, the matter was set for preliminary review.

- On June 4, 2015, ALJ issued an Order Granting Unopposed Motion to Change Hearing Date, Extending Prehearing Statement and Setting Date of Evidentiary Hearing.

Bryan L. Friberg, Sr. v. University of Colorado Boulder, Housing and Dining Services, 2015B077 - *This case has not yet gone to hearing regarding a finding of a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On March 6, 2015, Complainant filed an appeal alleging termination of his employment was discriminatory based on disability, political affiliation, religion, veteran status and "other-participation in Army Reserves" as well retaliation in violation of the Whistleblower Act for disclosures made regarding nepotism and violations of USERRA.
- Following the Board's receipt of Respondent's response to the Whistleblower Complaint, the matter was set for preliminary review.
- On May 21, 2015, Notice of Commencement and Prehearing Notice was issued by ALJ setting commencement hearing for August 5, 2015.

Tammy Lynn Pirie, Sr. v. Community Colleges of Colorado, Pikes Peak Community College, 2015B096 - *no finding of a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On April 29, 2015, Complainant filed an appeal alleging termination of her employment was in retaliation for disclosures she made regarding Federal grant abuse and misuse and abuse of power, a violation of the Whistleblower Act.
- On May 1, 2015, the ALJ issued an Order to Show Cause regarding the status of the employee as an at-will or contract employee.
- On June 10, 2015, a second Order to Show Cause was issued by ALJ to clarify Complainant's status as exempt from the state personnel system.
- On June 29, 2015 ALJ issued an Order of Dismissal with Prejudice based on the Board's lack of jurisdiction as the position held by Complainant was exempt from the state personnel system.

David M. Pimentel v. Community Colleges of Colorado, Pikes Peak Community College, 2015B097 - *This case has not yet gone to hearing regarding a finding of a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On April 29, 2015, Complainant filed an appeal alleging termination of his employment was in retaliation for disclosures he made regarding Federal grant abuse and misuse and abuse of power, a violation of the Whistleblower Act.
- On May 1, 2015, the ALJ issued an Order to Show Cause regarding the status of the employee as an at-will or contract employee.
- Complainant's response to Order to Show Cause received on May 11, 2015.
- On May 21, 2015, the matter was referred to Respondent for a response to the whistleblower complaint.

- On June 22, 2015 Respondent filed a motion to dismiss based on the Board's lack of jurisdiction as Complaint was an at-will employee and thus exempt from the state personnel system.
- On June 30, 2015 Complainant filed Opposition to Respondent's Motion to Dismiss for Lack of Subject Matter Jurisdiction and Whistleblower Response.

Greg Goldman v. Department of Transportation, 2015B108 - *This case has not yet gone to hearing regarding a finding of a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On May 29, 2015, Complainant filed an appeal alleging termination of his employment was discriminatory based on race or color and alleging retaliation in violation of the Whistleblower Act for disclosures he made regarding failures in oversight which led to the over-commitment of grant monies.
- On June 25, 2015, the matter was referred Respondent for a response to the Whistleblower Complaint.

Trivia Wilson v. Community Colleges of Colorado, Arapahoe Community College, 2015B116 - *no finding of a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On May 29, 2015, Complainant filed an appeal alleging termination of her employment was retaliatory in violation of the Whistleblower Act based on her filing a grievance regarding an alleged hostile work environment.
- On July 6, 2015, the ALJ issued an Order to Show Cause regarding the timeliness of the appeal.
- On July 14, 2015, Complainant submitted a request to withdraw.
- An Order of Dismissal with Prejudice was issued by the ALJ on July 17, 2015.

Brett Ellis v. Department of Public Safety, 2015G012 – *no finding of a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On August 1, 2014, Complainant filed a petition for hearing alleging that a corrective action issued to him was in retaliation disclosures he made to supervisors for the on-call policy and harassment in violation of the Whistleblower Act.
- Following the Board's receipt of Respondent's response to the Whistleblower Complaint, the matter was set for preliminary review.
- On January 8, 2015 the ALJ issued a Preliminary Recommendation denying the petition for hearing.
- On January 21, 2015, the Board issued its order adopting the preliminary recommendation and denying Complainant's petition for hearing.

Heather Cobler v. Department of Public Safety 2015G013 - *no finding of a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On August 1, 2014, Complainant filed a petition for hearing regarding the 30-minute residency rule in Colorado State Patrol, alleging that enforcement of the rule is arbitrary and capricious and for an unexplained violation of the Whistleblower Act .
- On August 26, 2014 a Request for Additional Information was issued.
- On October 1, 2014 Complainant withdrew her petition and requested referral to the State Personnel Director.
- On October 6, 2014, a Referral Order, Dismissal Order was issued by the ALJ and the matter was referred to the State Personnel Director for review.

Norah Daniels v. Department of Human Services, 2015G017 – *no finding of a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On August 8, and August 12, 2014, Complainant filed petitions for hearing alleging the termination of her employment during probationary period was based on discrimination and in retaliation for disclosures she made regarding patient care in violation of the Whistleblower Act.
- On August 29, 2014 a Referral to Agency for Response to Whistleblower Complaint was issued.
- On September 5, 2014, Complainant filed a Waiver of CCRD Investigation.
- Following the Board's receipt of Response to Whistleblower complaint the matter was set for Preliminary Review.
- On November 18, 2014 a Dismissal Order was issued due to Complainant's failure to file an information sheet and the petition for hearing was deemed abandoned.

Natalie VanNote v. Department of Corrections, 2015G023 - *no finding of a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On September 4, 2014, Complainant filed a petition for hearing regarding hostile, abusive and threatening work environment and retaliation for her disclosures of mismanagement and improper inmate care in violation of the Whistleblower Act.
- On October 2, 2014 a Referral to Agency for Response to Whistleblower complaint was issued.
- On October 2, 2014, Complainant filed a Motion to Consolidate the September 4, 2014 petition for hearing with a prior petition filed on August 21, 2014 and to allow a single filing to CCRD.
- On October 7, 2014 Complainant filed a Waiver of CCRD investigation.
- November 6, 2014, Order Granting Motion to Consolidate Appeals was issued by ALJ.
- The Preliminary Recommendation of the ALJ was issued on February 4, 2015 granting a hearing for violation of grievance procedures.
- An Order Granting Unopposed Motion to Dismiss with Prejudice due to settlement was issued on July 14, 2015.

Ginger Ethredge v. Department of Human Services, 2015G034 – *no finding of a violation of Colorado’s whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On October 9, 2014, Complainant filed a petition for hearing regarding an unresolved grievance and for an unexplained violation of the Whistleblower Act
- On October 28, 2014, a Request for Clarification was issued, ordering Complainant to respond by November 6, 2014 .
- On November 13, 2014 an Order to Show Cause was issued ordering Complainant to provide a copy of the agency’s final grievance decision by November 21, 2014.
- An Order of Dismissal with Prejudice was issued on November 25, 2014 for Complainant’s failure to respond to Order to Show Cause.

Paul Barker v. Department of Transportation, 2015G050 – *no finding of a violation of Colorado’s whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On November 10, 2014, Complainant filed a petition for hearing to review the appointing authority’s termination of his employment during the probationary period and alleging retaliation for his disclosures regarding abuse of authority and physical abuse in violation of the Whistleblower Act.
- Following the Board’s receipt of Respondent’s response to the Whistleblower Complaint, the matter was set for preliminary review.
- Notice of Preliminary Review issued by ALJ on January 13, 2015.
- On April 8, 2015 the ALJ issued a Preliminary Recommendation that a hearing be denied based on a failure to demonstrate allegations were protected disclosures under Whistleblower Act.
- Board affirmed Preliminary Recommendation to deny a hearing in its April 21, 2015 Board meeting.

Kristina Grubb v. Department of Corrections, 2015G057 – *no finding of a violation of Colorado’s whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On December 8, 2014, Complainant filed a petition for hearing regarding loss of position, a final grievance decision and an unexplained violation of the Whistleblower Act.
- On December 19, 2014, an Order to Show Cause and Request for Additional Information was issued by the ALJ ordering Complainant to provide a copy of the agency final grievance decision and to file a whistleblower complaint by December 30, 2014.
- On January 2, 2015 a Dismissal Order was issued for failure to respond to the request for additional information.
- On January 13, 2015 the Dismissal Order was reconsidered upon receipt of the Whistleblower form and an Amended Dismissal Order was issued, reaffirming the prior dismissal based on the untimely filing of the whistleblower complaint.

Bernard Whitney v. Department of Human Services, 2015G061 - *this case has not yet gone to hearing regarding a finding of a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On December 29, 2014, Complainant filed a petition for hearing regarding his termination from employment with DHS approximately 12 days before his 12 month anniversary date in retaliation for concerns he raised regarding inappropriate practices of HR Generalists in the Southern District, a violation of the Whistleblower Act.
- Following the Board's receipt of Respondent's response to the Whistleblower Complaint, the matter was set for preliminary review.
- On June 3, 2015, the ALJ issued a Preliminary Recommendation recommending a hearing be granted.
- On June 17, 2015 the Board the Board issued an Order granting petition for hearing.
- On July 9, 2015 the ALJ issued an Order of Commencement and Prehearing

Clarence Roberts v. University of Northern Colorado, 2015G066 - *no finding of a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On January 5, 2015 Complainant filed a petition for hearing alleging violation of federal and state constitutional rights, and retaliation for his disclosures regarding abuse of authority, personal use of state vehicles, and failure to use personal protective equipment (PPE), in violation of the Whistleblower Act.
- On January 21, 2015 and on February 4, 2015, ALJ issued a Request for Additional Information.
- On February 25, 2015 ALJ issued an Order to Show Cause Why Appeal Should Not be Dismissed Without Prejudice as Premature.
- On March 25, 2015 the ALJ issued an Order of Dismissal without Prejudice, for Complainant's failure to identify a specific adverse employment action taken or a final grievance decision that was being appealed.

Jessie Curtiss v. Department of Human Services, 2015G074 - *no finding of a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On February 13, 2015, Complainant filed a petition for hearing regarding her grievance of the termination of her probationary employment and retaliation for her disclosures regarding patient and staff safety and inappropriate and unsafe behavior of an employee, in violation of the Whistleblower Act.
- Following the Board's receipt of Respondent's response to the Whistleblower Complaint, the matter was set for preliminary review.
- Motion to Dismiss with Prejudice was filed on March 23, 2015 by Respondent.
- On March 26, 2015 the ALJ issued an Order to Show Cause Why Appeal Should Not be Dismissed for failure to respond to an earlier order.
- On April 8, 2015, ALJ issued Order of Dismissal with prejudice.

Kevin Harvey v. Department of Human Services, 2015G075 - *this case has not yet gone to hearing regarding a finding of a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On February 8, 2015 Complainant filed a petition for hearing regarding disciplinary action taken against him for his reporting on illegal restraining, cuffing and seclusion of youth in violation of the Whistleblower Act.
- On February 18, 2015, Complainant filed a second petition for hearing alleging retaliation for disclosures he made in an earlier whistleblower complaint filed on December 24, 2014.
- Following the Board's receipt of Respondent's response to the Whistleblower Complaint, the matter was set for preliminary review.
- On March 25, 2015 an Order Consolidating Cases and Denying Respondent's Motion to set Matters for Preliminary Review was issued. (This case was consolidated with 2015B070).
- Notice of Hearing and Prehearing Order was issued on March 30, 2015
- On June 8, 2015, ALJ issued Order Granting Unopposed Motion to Change Hearing Date Extending Deadline for Prehearing Statement and Setting Date of Evidentiary Hearing.

Kenneth Meyer v. Department of Corrections, 2015G077 - *no finding of a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On March 4, 2015, Complainant filed a letter and attached a response to Step 1 grievance and a Whistleblower complaint alleging harassment and bullying for his disclosures regarding improper flag etiquette.
- On March 19, 2015, Complainant filed a petition for hearing on standard appeal form referencing issues stated in his March 4, 2015 letter to the Board and requested his Whistleblower complaint be put on hold.
- On March 24, 2015, the ALJ issued an Order of Dismissal without Prejudice of the Whistleblower complaint and Deferral Pending Agency Response to the grievance.
- Notice of Issuance of Agency's Step II Grievance Response filed by Respondent June 23, 2015.

Cletus Thiessen v. Department of Transportation, 2015G082 - *this case has not yet gone to hearing regarding a finding of a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On March 6, Complainant filed a Whistleblower complaint alleging retaliation for his disclosures regarding problems with the CDOT Division of Transit and Rail in grants administration.
- In response to a March 12, 2015 Request for Additional Information, Complainant filed a petition for hearing on March 19, 2015 on a consolidated appeal form alleging his probationary termination was retaliation for his disclosures regarding the CDOT DTR administration of grants.
- Following the Board's receipt of Respondent's response to the Whistleblower Complaint, the matter was set for preliminary review.
- On May 21, 2015, a Notice of Preliminary Review was issued.

- On June 17, 2015 an Amended Notice of Preliminary Review issued.
- Motion to Dismiss Appeal with Prejudice filed by Respondent on May 22, 2015 alleging Complainant's appeal was untimely.
- On Jun 17, 2015 ALJ issued an Order Denying Motion to Dismiss.

Alice Hayes v. Department of Public Health, 2015G087 – *no finding of a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On March 16, 2015, Complainant filed a petition for hearing alleging she was physically threatened and treated aggressively in retaliation for her complaint about her work lead, in violation of the Whistleblower Act.
- On March 25, 2015 ALJ issued a Request for Additional Information Regarding Whistleblower Complaint ordering Complainant to file a Whistleblower complaint on an attached form by April 3, 2015 and provide a description of the disclosed information.
- Complainant filed Request to Withdraw Whistleblower Complaint on March 27, 2015.
- On March 31, 2015, an Order of Dismissal without Prejudice and Deferral to Agency Pending Response was issued.
- On April 1, 2015, an Amended Order of Dismissal without Prejudice and Deferral to Agency Pending Response was issued, as the March 31, 2015 Order failed to include the Notice Appeal Rights to parties.

Zachary Cartaya v. Department of Human Services, 2015G099 - *this case has not yet gone to hearing regarding a finding of a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On May 1, 2015, Complainant filed a petition for hearing alleging a corrective action and poor performance evaluation were retaliation and in violation of the Whistleblower Act.
- Addendums to the Whistleblower complaint was filed by Complainant on May 11 and May 15, 2015.
- Following the Board's receipt of Respondent's response to the Whistleblower Complaint, the matter was set for preliminary review.
- On July 9, 2015, a Receipt of Whistleblower Response and Notice of Preliminary Review was issued by the ALJ.

Kathryn Knowlton v. Department of Corrections, 2015G0103 - *this case has not yet gone to hearing regarding a finding of a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On May11, 2015, Complainant filed a petition for hearing appealing a Step II grievance response and alleging discrimination based on religion and sexual orientation and retaliation for disclosures she made in a pending lawsuit by a former DOC employee, in violation of the Whistleblower Act.
- Referral to CCRD for investigation and Referral to Agency for Response to Whistleblower Complaint were issued by the ALJ on June 9, 2015.

- Following the Board's receipt of Respondent's response to the Whistleblower Complaint, the matter was set for preliminary review.

Julie Maestas v. Department of Human Services, 2015G0105 - *this case has not yet gone to hearing regarding a finding of a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On May 15, 2015, Complainant filed a petition for hearing for review of her Whistleblower Complaint alleging moving her job from Pueblo to Denver was retaliatory for her reporting a co-worker's poor performance.
- Following the Board's receipt of Respondent's response to the Whistleblower Complaint, the matter was set for preliminary review.

Scott Grover v. Department of Corrections, 2015G0110 - *this case has not yet gone to hearing regarding a finding of a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On June 10, 2015, Complainant filed Whistleblower complaint alleging retaliation in violation of the Whistleblower Act for disclosures he made about unauthorized work being performed at the Arkansas Valley Correctional Facility pistol range.
- On June 22, 2015, a Request for Additional Information was issued by the ALJ.
- On June 30, 2015, Complainant filed a petition for hearing in response to the Request for Additional Information alleging disciplinary actions were taken against him including two corrective actions, changes in assigned work and work hours in retaliation for disclosures he made about unauthorized work at the AVCF pistol range, in violation of the Whistleblower Act.
- Following the Board's receipt of Respondent's response to the Whistleblower Complaint, the matter was set for preliminary review.

Kevin Baca v. Department of Human Services, 2015G0116 - *this case has not yet gone to hearing regarding a finding of a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On June 23, 2015, Complainant filed a petition for hearing regarding an unresolved grievance and allegations of discrimination based on disability and an undefined Whistleblower complaint.
- On Jun 26, 2015, Complainant filed a second petition for hearing alleging he was not selected for a promotion and claiming discrimination based on disability.
- On July 6, 2015, the ALJ issued a Request for Additional Information.
- On July 17, 2015, ALJ issued a Receipt of Complainant's Response and Referral to CCRD for an Investigation.

Jasmine Kindred v. Department of Corrections, 2015S003 - *no finding of a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On August 4, 2014, Complainant filed a petition for Director's review for an examination appeal and for a Whistleblower complaint regarding abuse of authority.
- On August 28, 2014, a Memorandum to Director of Personnel was issued.
- Following the Board's receipt of Respondent's response to the Whistleblower Complaint, the matter was set for preliminary review.
- Motion to Dismiss filed by Respondent on October 17, 2014.
- On October 27, 2014, the ALJ granted the Motion to Dismiss with prejudice for abandonment and referred the matter to the State Personnel Director for review of the selection issue as appropriate.

Vivian Richey v. Department of Corrections, 2015S008 – *no finding of a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On October 2, 2014, Complainant filed a petition for Director's review regarding non-selection and an undefined Whistleblower complaint.
- On October 16, 2014 a Request for Clarification and Additional Information was issued by the ALJ.
- On October 24, 2015, Complainant's Response to Request for Additional Information was received.
- On November 4, 2014, the Dismissal Order was issued based on an untimely filing of the appeal and the matter was referred to the State Personnel Director for further review as appropriate.

Jennie Sinclair v. Department of Natural Resources , 2015S009 - *this case has not yet gone to hearing regarding a finding of a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On October 21, 2014, Complainant filed a petition for Director's review for a non-selection in a promotion that she alleged was in retaliation for disclosures she made about unethical, wasteful and fraudulent behaviors of Barr Lake State Park managers, a violation of the Whistleblower Act.
- Following the Board's receipt of Respondent's response to the Whistleblower Complaint, the matter was set for preliminary review.
- On November 3, 2014, a Memorandum to the Director of Personnel was issued.
- Preliminary Recommendation issued by the ALJ on March 4, 2015 recommending the petition for hearing on the whistleblower claim be granted.
- On March 19, 2015, the Board affirmed the recommendation and granted the petition for hearing.
- On March 24, 2015, the ALJ issued a Notice of Hearing and Prehearing Order and hearing was set for November 3-4, 2015.