

State of Colorado



John W. Hickenlooper
Governor

Neil Peck
Board Chair

Dana Shea-Reid
Board Director

State Personnel Board
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Denver, Colorado 80203
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August 30, 2018

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 2017-2018 (July 1, 2017 through June 30, 2018), 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 FY17-18 in State Personnel Board appeals or petitions for hearing 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 to the Governor
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

July 1, 2017, through June 30, 2018

Pursuant to State Employee Protection (Whistleblower) Act,
§ 24-50.5-107, C.R.S.

FY 15-16 Cases¹ (July 1, 2015-June 31, 2016)

Damian Macias v. University of Northern Colorado, 2016B021 – No finding of a violation of Colorado’s whistleblower statute, § 24-50.5-101, et seq., C.R.S.

- On October 15, 2015, Complainant filed an appeal regarding his termination from employment in retaliation for disclosures he made concerning non-supervisors and non-appointing authorities receiving confidential personal, protected health, or professionally sensitive information, a violation of the Whistleblower Act. Additionally he filed discrimination based on age, disability, organizational membership and race or color.
- October 21, 2015, Referral to Agency for Response to Whistleblower Complain issued by ALJ.
- November 10, 2015, complaint referred to Colorado Civil Rights Commission (CCRD) for investigation.
- July 18, 2016 No Probable Cause Opinion issued by CCRD.
- April 11, 2017 Motion for Extension of Time for Discovery filed by Complainant.
- Order Granting Motion for Extension of Time issued by ALJ April 11, 2017.
- June 7, 2017 ALJ issued Order Granting Motion to reschedule hearing to September 18-21, 2017.
- November 9, 2017, Initial Decision issued by ALJ affirming disciplinary termination of Complainant finding that he committed the acts for which he was disciplined and that

¹ NOTE: The State Personnel Board has different designations for the type of appeals filed which is noted in the case numbers assigned.

“B” Cases-Mandatory hearing for appeals involving loss of pay, status or tenure or violation of other rights under state or federal law to which the employee is entitled.

“G” Cases-Discretionary review by Administrative Law Judge to grant or deny a hearing for actions that do not affect an employee’s pay, status or tenure or when the individual otherwise has no right to a hearing.

“S” Cases-Discretionary review for objections to a selection or comparative analysis process also involving an alleged violation of rights under state or federal law.

The designation of type of appeal will determine if the complainant files an “appeal” of an action or files a “petition for hearing” as noted in the summary report.

Complainant failed to establish that Respondent retaliated against him in violation of the Whistleblower Act.

- Notice of Appeal filed by Complainant December 11, 2017.
- January 9, 2018, Order issued by ALJ granting Respondent's motion to strike and dismiss for non-compliance by Complainant.

Laura Saurini v. Department of Corrections, 2016B075 –*No finding of a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On March 15, 2016, Complainant appealed separation from her employment due to exhaustion of FML in retaliation for her disclosures of malpractice and ethical issues, a violation of the Whistleblower Act.
- May 20, 2016 referred to agency for response to Whistleblower complaint.
- Notice of Commencement and Prehearing Order issued by ALJ on July 15, 2016.
- Unopposed Motion to Continue Hearing filed January 9, 2017.
- Order Rescheduling Evidentiary Hearing and Prehearing Statement Deadline issued by ALJ January 19, 2017.
- Order Scheduling Additional Dates for Evidentiary Hearing issued by ALJ June 23, 2017.
- September 9, 2017 Initial Decision issued by ALJ affirming Respondent's administrative termination of Complainant and finding that Respondent did not retaliate against Complainant in violation of the Whistleblower Act.
- October 19, 2017 Notice of Appeal filed by Complainant.
- February 23, 2018 Order of the Board issued adopting the findings of fact and conclusions of law of the ALJ affirming the administrative termination of Complainant.

FY 16-17 Cases
(July 1, 2016-June 31, 2017)

Vicki Armstrong v. Department of Human Services, 2017B016 - *No finding of a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On September 23, 2016, Complainant filed an appeal regarding a disciplinary termination, age and religious discrimination and undefined claims of retaliation, in violation of the Whistleblower Act.
- September 27, 2016 referred to agency for response to Whistleblower complaint.
- Waiver of Colorado Civil Rights Commission (CCRD) investigation and notice of commencement issued by ALJ on November 21, 2016.
- January 1, 2017, ALJ granted a motion from Complainant for an extension of time.
- Amended Notice of Commencement and Prehearing Schedule issued by ALJ on March 3, 2017.
- Procedural Order setting evidentiary hearing for August 1-2, 2017.

- October 2, 2017, Initial Decision issued by ALJ affirming Respondent's disciplinary termination of Complainant and finding that Respondent did not retaliate against Complainant in violation of the Whistleblower Act.
- Notice of Appeal filed by Complainant November 13, 2017.
- November 20, 2017 Order to Show Cause issued by ALJ as to why appeal should not be dismissed for failure to comply with Board Rules regarding appeal process.
- December 11, 2017 Order of Dismissal issued by ALJ.

Felicia Brooks v. Department of Corrections, 2017B047 - This case has not gone to hearing regarding a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.

- On February 27, 2017, Complainant filed an appeal regarding a reduction in pay and harassment and unlawful discrimination in retaliation for her disclosures, in violation of the Whistleblower Act.
- March 20, 2017 referral to agency for response to Whistleblower claim.
- Respondent's response to Whistleblower claim filed May 4, 2017.
- May 30, 2017 Notice of Settlement Conference issued to parties scheduling conference for June 27, 2017.
- August 1, 2017 Unopposed Motion to Dismiss due to settlement filed by Respondent.
- August 3, 2017 Order Dismissing appeal issued by ALJ.

Dean Hawkinson v. Department of Human Services, 2017B055 - This case has not gone hearing regarding a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.

- On March 24, 2017, Complainant filed an appeal regarding an arbitrary and capricious termination, age discrimination and retaliation for disclosures he made regarding understaffing at the youth corrections facility and mismanagement, in violation of the Whistleblower Act.
- Referred to agency for response to Whistleblower claim on April 3, 2017.
- April 25, 2017 Complainant filed a waiver for Colorado Civil Rights Division (CCRD) and request to proceed directly with the Board.
- May 17, Respondent's response to Whistleblower Complaint received.
- Notice of Commencement issued May 24, 2017.
- September 1, 2017 Complainant filed unopposed motion to withdraw from appeal.
- September 5, 2017 Order issued by ALJ granting the Complainant's withdrawal motion and dismissing the appeal with prejudice.

Eileen Rodgers v. Metropolitan State University, 2017B064 - This case has not gone hearing regarding a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.

- On May 5, 2017, Complainant filed an appeal regarding a disciplinary termination, discrimination based on age, race, religion and "other", sexual harassment, and retaliation for disclosures she made regarding plagiarism and "pirating" of her work products, in violation of the Whistleblower Act.

- May 8, 2017 ALJ issued an Order to Parties regarding the timeliness of the filing of Complainant's appeal.
- Waiver for Colorado Civil Rights Division (CCRD) investigation filed by Complainant June 6, 2017.
- May 17, 2017 Request for Additional Information regarding Whistleblower complaint issued by ALJ.
- Whistleblower claim dismissed by Order of ALJ on May 31, 2017.
- June 16, 2017, appeal of dismissal of Whistleblower claim filed by Complainant.
- August 7, 2017 Order of Dismissal issued by ALJ for all remaining claims.

Patricia Jones v. Front Range Community College, 2017B069 - *This case has not gone hearing regarding a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On May 29, 2017, Complainant filed an appeal regarding an involuntary resignation, discrimination based on age, disability and "other", and undefined violations of the Whistleblower Act.
- Request for Additional Information regarding Whistleblower claim issued by ALJ on June 6, 2017.
- Request for Additional Information regarding forced resignation issued by ALJ on June 6, 2017.
- June 21, 2017, Complainant's response to Requests for Additional Information.
- June 22, 2017 referred to agency for response to Whistleblower claim.
- July 20, 2017 Unopposed Motion to Dismiss filed by Respondent.
- July 20, 2017 Order of Dismissal issued by ALJ.

Sara Copas v. Department of Human Services, 2017G039 - *This case has not gone to hearing regarding a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On November 18, 2016, Complainant filed a petition for hearing regarding her termination as a probationary employee and discrimination based on gender and race/color as well as an undefined violation of the Whistleblower Act.
- November 29, 2016 referred to agency for response to Whistleblower claim.
- December 16, 2016 Order to Complaint to complete and file a Whistleblower claim form.
- March 17, 2017 ALJ issued an Order staying preliminary review process until after completion of CCRD investigation.
- Preliminary Recommendation issued by ALJ March 16, 2018 denying petition for hearing and finding Complainant failed to demonstrate the necessary elements of a Whistleblower claim.
- April 17, 2017 Order of the Board issued adopting the Preliminary Recommendation denying the petition for hearing.

John Bradburn v. Department of Corrections, 2017G045 - *This case has not gone to hearing regarding a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On December 9, 2016, Complainant filed a petition for hearing for a corrective action he received and for retaliation for his disclosure of potential misconduct on the part of the Inspector General, in violation of the Whistleblower Act.
- December 28, 2016 referred to agency for response to Whistleblower claim.
- February 2, 2017, second petition for hearing filed to appeal the final agency decision on a grievance.
- February 13, 2017 Order of Consolidation issued by ALJ.
- Preliminary Recommendation to grant petition for hearing issued by ALJ on June 2, 2017.
- June 21, 2017 Board Order issued adopting recommendation to grant a hearing.
- March 13, 2018 Motion to Dismiss with Prejudice filed by Respondent because of settlement.
- Order Granting Motion to Dismiss issued by ALJ March 14, 2018.

Tyra Renaud v. Department of Corrections, 2017G070 - *This case has not gone to hearing regarding a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On April 14, 2017, Complainant filed a petition for hearing for her termination as a probationary employee while medical leave, discrimination based on gender and “appearance” and an undefined violation of the Whistleblower Act.
- April 19, 2017 Request for Clarification for Whistleblower claim and discrimination claim issued by ALJ.
- May 2, 2017 referred to agency for response to Whistleblower claim.
- June 28, 2017 Unopposed Motion to Stay Proceedings Pending Colorado Civil Rights Division investigation.
- June 29, 2017, Unopposed Motion to Stay Proceedings granted by ALJ.
- No Probable Cause opinion issued by CCRD May 16, 2017.
- Notice of Preliminary review issued by ALJ June 1, 2017.
- June 19, 2017 Unopposed Motion to Dismiss because of settlement filed by Respondent.
- June 21, 2017 Order Granting Unopposed Motion to Dismiss issued by ALJ.

Jeffreyson Gieck v. Governor's Office of Information and Technology, 2017G074 - *This case has not gone to hearing regarding a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On May 2, 2017, Complainant filed a Whistleblower complaint regarding retaliation for his reporting compliance issues with labor allocation and budget and cost reporting in violation of the Whistleblower Act.
- Request for Further Information issued by ALJ May 3, 2017 ordering Complainant to complete a standard appeal form.
- May 11, 2017 standard consolidated appeal form submitted by Complainant.
- May 15, 2017 referred to agency for response to Whistleblower claim.

- May 17, 2017 Motion to Dismiss due to lack of jurisdiction filed by Respondent.
- Order to Show Cause why appeal should not be dismissed due to lack of jurisdiction issued by ALJ June 7, 2017.
- Response to Order to Show Cause received from Complainant June 8, 2017.
- June 27, 2017 Notice of Preliminary Review issued by ALJ.
- May 17, 2017 Motion to Dismiss for Lack of Jurisdiction filed by Respondent.
- Order Denying Motion to Dismiss issued by ALJ.
- September 29, 2017 Preliminary Recommendation issued by ALJ granting petition for hearing.
- Order of the Board adopting the recommendation granting petition for hearing issued October 18, 2017.
- October 30, 2017 motion filed by Respondent for extension of time to prepare for filing of second motion to dismiss for lack of jurisdiction.
- Order granting extension of time issued by ALJ November 13, 2017.
- November 13, 2017 Motion to Dismiss for lack of jurisdiction filed by Respondent.
- November 28, 2017 Order after Commencement issued by ALJ setting a jurisdictional hearing.
- March 9, 2018, Order Dismissing for Lack of Jurisdiction issued by the ALJ.
- July 18, 2018, Order of the Board adopting the Order of Dismissal for Lack of Jurisdiction issued by the ALJ.

Matthew Almquist v. Department of Human Services, 2017G076 - *This case has not gone to hearing regarding a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On May 5, 2017, Complainant filed a petition for hearing regarding discrimination based on probationary status and a forced resignation in retaliation for an undefined Whistleblower complaint.
- Request for Clarification issued by ALJ May 9, 2017.
- May 15, 2017 Order to Comply with Board Rule issued by ALJ.
- Order Striking Document filed by Complainant issued by ALJ June 6, 2017.
- July 10, 2017 Unopposed Motion to Dismiss for abandonment filed by Respondent.
- July 25, 2017 Order granting Respondent's motion to dismiss for abandonment issued by ALJ.

Kathleen Kryczka v. University of Colorado at Boulder, 2017G084 - *This case has not gone to hearing regarding a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On June 6, 2017, Complainant filed a petition for hearing regarding discrimination based on age and "other" in disability, an adverse action, a final grievance decision, a Director's decision on comparative analysis and a Whistleblower complaint regarding retaliation for disclosing financial improprieties in violation of the Whistleblower Act.
- June 12, 2017 referral letter issued to State Personnel Director regarding the performance management dispute.

- June 14, 2017 referred to agency for response to Whistleblower claim.
- October 5, 2017 Order of Dismissal due to abandonment issued by ALJ.

Jonathan Handy v. Department of Agriculture, 2017G091 - *This case has not gone to hearing regarding a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On June 19, 2017, Complainant filed a petition for hearing regarding a final agency action concerning his performance evaluation and a Whistleblower complaint for an undefined disclosure.
- June 12, 2017 referral letter issued to State Personnel Director regarding the performance management dispute.
- June 26, 2017 Order to Show Cause ordering Complainant to complete a Whistleblower complaint form.
- July 12, 2017 Order Dismissing the Whistleblower complaint issued by ALJ.
- July 14, 2017 ALJ issued an Amended Order Dismissing the Whistleblower complaint and referring the matter to the State Personnel Director for a Director's Review.

Isaac Lawal v. Department of Human Services, 2017G092 - *This case has not gone to hearing regarding a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On January 19 2017, Complainant filed a petition for hearing regarding a final grievance decision, a performance management dispute and an undefined Whistleblower complaint.
- June 23, 2017 referral letter issued to State Personnel Director regarding the performance management dispute.
- June 27, 2017 Request for Additional Information regarding Whistleblower claim and final grievance decision issued by ALJ.
- July 11, 2017 Order of Dismissal of Whistleblower complaint issued by ALJ.

Charles Johnson v. Department of Revenue, 2017G093 - *This case has not gone to hearing regarding a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On June 30, 2017, Complainant filed a petition for hearing appealing a corrective action and an undefined Whistleblower complaint.
- July 18, 2017 Order to Show Cause issued by ALJ requesting additional information regarding Whistleblower complaint.
- Joint Motion to Consolidate current claim with prior claim (2017G088) filed by parties on July 21, 2017.
- December 14, 2017 Joint Motion to Dismiss filed by parties because of settlement.
- December 18, 2017 Order of Dismissal issued by ALJ.

Larry Dungan v. Department of Transportation, 2017S033 - *This case has not gone to hearing regarding a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On January 19, 2017, Complainant filed a petition for hearing for discrimination based on age and “other” in the selection process, a final grievance decision and an undefined Whistleblower claim.
- January 25, 2017 referral letter issued to State Personnel Director regarding the selection process complaint.
- Request for Clarification of Whistleblower claim issued by ALJ January 25, 2017.
- February 8, 2017 referred to agency for response to Whistleblower claim.
- Notice of filing of discrimination claim issued by CCRD February 24, 2017.
- December 15, 2017 memorandum to CCRD from State Personnel Board staff regarding investigation exceeding 270 days and no extension.
- February 23, 2018 Order to Show Cause issued by ALJ as to why case should not be set for preliminary review.
- March 29, 2018 No Probable Cause finding issued by CCRD.
- Notice of Preliminary Review issued by ALJ May 2, 2018.
- May 30, 2018 Order of Dismissal issued by ALJ for Complainant's failure to file an Information Sheet as required by Board Rule.

FY 17-18 Cases
(July 1, 2017-June 31, 2018)

Michelle Muller v. Department of Corrections, 2018B012 - *This case has not gone to hearing regarding a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On September 15, 2017, Complainant filed an appeal of her termination of employment, violation of the grievance procedure, discrimination based on age, “other” including harassment, hostile work environment and retaliation for her disclosures alleging a violation of state policy regarding the personal use of a state vehicle, in violation of the Whistleblower Act.
- October 3, 2017, Complainant's waiver of a CCRD investigation received.
- Respondent's Motion to Stay the case because of a potential settlement filed April 27, 2018.
- May 15, 2018, Motion to withdraw filed by Complainant's attorney citing irreconcilable conflicts.
- June 7, 2018 Order granting motion to withdraw by Complainant's counsel issued by ALJ.
- June 25, 2018 Motion to postpone deposition filed by Complainant due to lack of legal counsel.
- June 27, 2018 Order granting in part Motion to postpone deposition issued by ALJ.

Diane Ricci v. Department of Military and Veteran Affairs, 2018B019 - *This case has not gone to hearing regarding a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On October 25, 2017, Complainant filed an appeal of a disciplinary action, discrimination based on age, religion/creed and military service and a Whistleblower claim alleging fraud, waste and abuse of an employee's excessive use of time off.
- November 1, 2017 Request for Additional Information issued by ALJ regarding lack of a completed Whistleblower form.
- November 14, 2017 referred to agency for response to Whistleblower claim.
- Respondent's response to Whistleblower claim received December 29, 2017.
- February 16, 2018 Order issued by ALJ setting evidentiary hearing for May 22-25, 2018.

Charles Johnson v. Department of Transportation, 2018B024 - *This case has not gone to hearing regarding a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On November 8, 2017, Complainant filed an appeal of his termination from his job in retaliation for a Whistleblower claim alleging a manager held customers at the front door or denied them entry in order to manipulate reporting information.
- November 16, 2017 Order to Show Cause regarding consolidation of Complainant's notice of appeal and prior petition for hearing (2017G088) issued by ALJ.
- November 16, 2017 referred to agency for response to Whistleblower claim.
- Unopposed Motion to Dismiss because of settlement filed by parties December 14, 2017.
- December 18, 2017 Order Granting Unopposed Motion to Dismiss issued by ALJ.

Tabatha Rose Waldron v. Department of Public Safety, 2018B042 - *This case has not gone to hearing regarding a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On January 12, 2018, Complainant filed an appeal of her termination from her job in retaliation for a Whistleblower claim alleging sexual harassment by her Director.
- January 18, 2018 referred to agency for response to Whistleblower claim.
- February 12, 2018 Unopposed Motion to Dismiss because of settlement filed by Respondent.
- February 12, 2018 Order granting Unopposed Motion to Dismiss issued by ALJ.

James Swank v. Department of Natural Resources, 2018B045 - *This case has not gone to hearing regarding a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On January 26, 2018, Complainant filed an appeal of his disciplinary demotion and an undefined Whistleblower claim.
- Request for Information issued to Complainant by ALJ requesting details of the alleged Whistleblower claim.
- February 21, 2018 referred to agency for response to Whistleblower claim.

- April 9, 2018 Respondent's response to Whistleblower claim received.
- May 7, 2018 Order Following Commencement issued by ALJ setting evidentiary hearing for July 31-August 1, 2018.

Emory Abeyta v. Department of Human Services, 2018B048 - *This case has not gone to hearing regarding a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On February 2, 2018, Complainant filed an appeal of his disciplinary termination in retaliation for a Whistleblower claim alleging concern with "behavioral issues" with another employee and his supervisor "relating to Civil Rights".
- February 15, 2018 referred to agency for response to Whistleblower claim.
- March 29, 2018 Respondent's response to Whistleblower received.
- April 4, 2018 Notice of Preliminary Review issued by ALJ.
- May 3, 2018 Order of Dismissal issued by ALJ for Complainant's failure to submit an Information Sheet in accordance with Board Rule.

Michelle Jones v. Department of Human Services, 2018B052 - *This case has not gone to hearing regarding a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On February 23, 2018, Complainant filed an appeal of disability discrimination and her administrative termination in retaliation, in violation of the Whistleblower Act for disclosures in which she reported a "child porn ring", police corruption and the CDHS Early Childhood Program.
- March 6, 2018 referral to agency for response to Whistleblower claim.
- April 6, 2018 Respondent's response to Whistleblower and partial Motion to Dismiss received.
- Order of Dismissal of Whistleblower claim issued by ALJ on April 19, 2018 for failure to state a claim of disclosures protected under the Whistleblower Act.
- April 30, 2018 Order of Dismissal of claim regarding administrative termination in retaliation of Whistleblower claim issued by ALJ.

Roberta Lopez v. Department of Public Health, 2018B053 - *This case has not gone to hearing regarding a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On February 28, 2018, Complainant filed an appeal of discrimination based on age, gender, national origin and the disciplinary demotion in retaliation in violation of the Whistleblower Act for disclosures in which she reported management using a position to grant political favors in enforcement actions and inaccurate information provided to a judge during a licensing hearing and subsequent covered up.
- March 9, 2018 referred to agency for response to Whistleblower claims.
- May 7, Respondent's response to Whistleblower claims received.
- May 23, 2018 Order of Consolidation with second appeal filed by Complainant (2018G059) regarding an unresolved grievance.

- June 26, 2018 amended unopposed motion filed by Respondent to reset the commencement hearing date.
- June 27, 2018 Order Granting Unopposed Motion to Reset Commencement Hearing Date issued by ALJ.

Lorraine Diaz-Deleon v. Department of Corrections, 2018B060 - *This case has not gone to hearing regarding a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On March 26, 2018, Complainant filed an appeal of discrimination based on gender, national origin, race and a disciplinary demotion and pay reduction in retaliation for disclosures in which she reported racial insensitivity and improper conduct by employees and their supervisor, in violation of the Whistleblower Act.
- April 2, 2018 referred to agency for response to Whistleblower claims.
- April 23, 2018 unopposed motion filed for extension of time to file civil rights charge of discrimination.
- April 24, 2018 Order issued by ALJ granting unopposed motion for extension of time.
- May 4, 2018 Notice of Filing of Discrimination Claim with CCRD received.

Brandon Trujillo v. University of Colorado-Colorado Springs, 2018B061 - *This case has not gone to hearing regarding a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On March 28, 2018, Complainant filed an appeal of discrimination based on disability and veteran status and the disciplinary termination of employment in retaliation for disclosures in which he reported inappropriate personnel actions and lack of accommodation for his disability, a violation of the Whistleblower Act.
- April 4, 2018 referred to agency for response to Whistleblower claims.
- May 10, 2018 Respondent's response to Whistleblower claims received.
- June 11, 2018 Unopposed Motion to Stay Proceedings due to settlement in principle filed by Respondent.
- Order issued by ALJ June 11, 2018 granting unopposed motion to stay proceedings.

Vince Levshakoff v. Department of Human Services, 2018B081 - *This case has not gone to hearing regarding a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On June 29, 2018, Complainant filed an appeal alleging discrimination based on national origin and race and a disciplinary termination from employment in retaliation for disclosures in which he reported a conflict of interest in the marriage of the agency Director and the Worker's Comp doctor he was referred to for his work comp claim, in violation of the Whistleblower Act.

Rebecca Michael v. Department of Human Services, 2018G014 - *This case has not gone to hearing regarding a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On September 1, 2017, Complainant, a probationary employee, filed a petition for hearing alleging sexual harassment and abuse and termination from employment in retaliation for disclosures in which she reported sexual harassment, abusive and aggressive behavior of her supervisor, in violation of the Whistleblower act.
- September 18, 2017 referred to agency for response to Whistleblower claim.
- September 25, 2017 verification of filing of discrimination charge with CCRD.
- Unopposed Motion to Stay Proceedings for pending settlement filed by Respondent November 2, 2017.
- November 2, 2017 Order issued by ALJ granting unopposed motion to stay proceedings.
- Unopposed Motion to Dismiss because of settlement filed by Respondent November 7, 2017.
- November 7, 2017 Order issued by ALJ granting Unopposed Motion to Dismiss because of settlement.
- Notice of withdrawal of CCRD claim because of settlement filed by CCRD February 28, 2018

Lorraine Diaz-Deleon v. Department of Corrections, 2018G022 - *This case has not gone to hearing regarding a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On October 24, 2017, Complainant filed an appeal of discrimination based on gender, national origin, race and her removal from the Fort Collins office to the Denver office in retaliation for disclosures in which she reported unequal treatment and racial insensitivity and management's failure to correct improper conduct of employees, in violation of the Whistleblower Act.
- November 29, 2017 referred to agency for response to Whistleblower claims.
- Order of Consolidation issued by ALJ to consolidate with second claim of same nature filed by Complainant (2018B060).

Janet Monson v. Department of Human Services, 2018G024 - *This case has not gone to hearing regarding a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On May 29, 2018, Complainant filed a petition for hearing appealing a final agency decision in a grievance, discrimination for age, gender, national origin, and race, negative evaluations and defamatory statements in retaliation for disclosures she made regarding the inappropriate use of the position of Pharmacy Technician in the filling of prescription medications, a violation of the a Whistleblower Act.
- June 6, 2018 referred to agency for response to Whistleblower claim.
- June 7, 2018 Order to Show Cause issued by ALJ regarding consolidation of claim with Complainant's additional claim of similar nature (2018G035).

- June 18, 2018 Respondent's Objection to Consolidation of cases 2018G024 and 2018G035 filed.

Patricia Tippins v. Department of Corrections, 2018G034 - *This case has not gone to hearing regarding a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On December 7, 2017, Complainant filed a Whistleblower claim asserting that she was transferred to a different facility and threatened with discipline in a Rule 6-10 meeting in retaliation for disclosures in which she reported a dangerous offender was inappropriately "graduated" from a therapeutic program and who was in line for release into the public.
- December 29, 2017 referred to agency for response to Whistleblower claim.
- Respondent's response to Whistleblower claim received February 12, 2018.
- April 18, 2018 ALJ issued Order of Consolidation with second appeal of similar nature filed by Complainant (2018B059).

Janet Monson v. Department of Human Services, 2018G035 - *This case has not gone to hearing regarding a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On December 17, 2017, Complainant filed a Whistleblower complaint alleging she was retaliated against for reporting concerns about the use of a reclassified "Pharmacy Technician" that among other things would dispense prescription medications without the supervision of a pharmacist.
- April 17, 2018 the ALJ issued a Preliminary Recommendation that the petition for hearing be granted.
- On May 15, 2018 the State Personnel Board issued an order adopting the recommendation to grant a hearing.
- Order to Show Cause issued by ALJ June 7, 2018 regarding consolidation of cases 2018G024 and 2018G035.
- June 7, 2018 ALJ issued a Procedural Order staying the matter pending resolution of the consolidation and other issues and vacating the commencement hearing.
- June 18, 2018 Respondent filed an Objection to Consolidation of Case Nos. 2018G024 and 2018G035.
- On June 28, 2018, Complainant filed another Whistleblower complaint alleging that a negative evaluation and a corrective action constituted harassment by her supervisor for her previous filing of a grievance and other claims as well as retaliation for a Whistleblower complaint previously she filed.

Matthew McNew v. Department of Public Safety, 2018G038 - *This case has not gone to hearing regarding a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On December 14, 2017, Complainant filed a Whistleblower complaint alleging that Respondent disregarded applicable law and forced him to break the law, sign off to accept

liability and ignore ADA and in retaliation for his disclosures, he was investigated and issued corrective actions.

- April 24, 2018 the ALJ issued a Preliminary Recommendation to deny the petition for hearing stating in part that Complainant failed to establish the corrective actions were a result of his disclosures and he failed to demonstrate a valid issue to merit a hearing.
- May 15, 2018 the State Personnel Board issued an order adopting the recommendation to deny the petition for hearing.

Andrew Peterman v. Department of Regulatory Agencies, 2018G044 - *This case has not gone to hearing regarding a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On January 25, 2018, Complainant filed an appeal of a final grievance decision and also claimed he was retaliated against for a Whistleblower disclosure he made regarding a coworker that was viewed as threatening and intimidating to other employees.
- February 5, 2018 referred to agency for response to Whistleblower complaint.
- March 22, 2018 Respondent's response to Whistleblower complaint received with Motion to Dismiss.
- April 2, 2018 Order Denying Motion to Dismiss issued by ALJ.
- Order to Show Cause regarding the consolidation of case 2018G044 with another case filed by Complainant of similar nature (2018G076).
- June 8, 2018 ALJ issued an Order of Consolidation for 2018G076 and 2018G044 under case number 2018G044(C) and to stay matters in 2018G044.
- Notice of Preliminary Review issued by ALJ June 18, 2018.

Jason Purdue v. Department of Regulatory Agencies, 2018G047 - *This case has not gone to hearing regarding a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On February 8, 2018, Complainant filed a petition for hearing regarding a Performance Improvement Plan (PIP) issued to him in retaliation for disclosures he made concerning abuse of power, "stealing company time/money", modifying computers and jeopardizing personal information of citizens of Colorado, in violation of the Whistleblower Act. He also claimed discrimination based on disability, gender, race, national origin, sexual orientation and "Other" ("black male bearded w/deep voice").
- February 14, 2018 referred to agency for response to Whistleblower claims.
- February 23, 2018 Waiver of CCRD Investigation received from Complainant.
- Second appeal filed by Complainant on March 16, 2018 alleging agency's failure to follow the grievance procedure for waiving the procedure while Complainant was on paid administrative leave.
- March 21, 2018 ALJ issued Order of Consolidation for current appeal and petition filed on March 16, 2018.
- March 28, 2018 Respondent's response to Whistleblower claims received.
- Notice of Preliminary Review issued June 26, 2018.

Shantelle Kafel v. Department of Human Services, 2018G050 - *This case has not gone to hearing regarding a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On February 13, 2018, Complainant filed a Whistleblower complaint alleging she was placed on administrative leave and investigated in retaliation for disclosures she made regarding protective restraints for a patient at risk and the sexual assault of another patient, in violation of the Whistleblower Act.
- March 9, 2018 referred to agency for response to Whistleblower claims.
- April 23, 2018 Respondent's response to Whistleblower claim received.
- May 1, 2018 Unopposed Motion to Dismiss filed by Respondent at the request of Complainant to voluntarily dismiss her claim.
- May 3, 2018 Order of Dismissal issued by ALJ.

Angel Medina v. Department of Corrections, 2018G051 - *This case has not gone to hearing regarding a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On February 16, 2018, Complainant filed a petition for hearing claiming discrimination based on national origin and race and retaliation in violation of the Whistleblower Act for his disclosures regarding the storage of electronic waste by DOC in a Chaffee County landfill.
- February 23, 2018, referred to agency for response to Whistleblower claim.
- April 18, 2018 a second Whistleblower claim was filed by Complainant alleging retaliation including unfair treatment, illegal targeting, downgrading performance evaluations and threats of disciplinary action in violation of the Whistleblower Act.
- April 24, 2018 Order of Consolidation issued by ALJ consolidating all petitions and claims of similar nature.
- May 14, 2018 Unopposed Motion for Extension of Time to file a discrimination claim with CCRD filed by Complainant.
- May 16, 2018 Order Granting Unopposed Motion for Extension of Time issued by ALJ.
- May 16, 2018 second Order of Consolidation issued by ALJ for commonality of issues in petitions (2018G051(C)).
- Second verification of filing of discrimination claim issued by CCRD May 24, 2018.
- June 8, 2018 Respondent's response to second and third Whistleblower claims.

Courtenay Giampaolo v. Department of Human Services, 2018G057 - *This case has not gone to hearing regarding a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On March 9, 2018, Complainant filed a petition for hearing regarding a final grievance decision and a Whistleblower complaint alleging she retaliated against, in violation of the Whistleblower Act for her disclosures about the DHS infection control policies and the impact on employee use of accrued sick leave.
- Referred to agency for response to Whistleblower claim on March 15, 2018.
- April 30, 2018 Respondent's response to Whistleblower claim received.

- May 15, 2018 Order of Consolidation issued by ALJ for this case (2018G057) and a case with similar issues (2018G072).

Roberta Lopez v. Department of Public Health, 2018G059 - *This case has not gone to hearing regarding a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On March 9, 2018, Complainant filed a petition for hearing alleging that the performance management level "1" rating was in retaliation for her exercising her rights to appeal a personnel action and discrimination based on age, gender and national origin. Complainant repeated prior Whistleblower claims regarding her manager using his position to provide political favors.
- An amended petition for hearing was filed March 9, 2018. March 30, 2018 an amended petition for hearing was filed. April 6, 2018 an amended petition for hearing was filed. On April 26, 2018 a petition for hearing was filed alleging violation of the grievance process.
- March 21, 2018 Order of Consolidation issued by the ALJ for cases involved in the same transaction presently referred to in case 2018G059 and consolidated into 2018B053(C).
- May 23, 2018 a second Order of Consolidation issued by ALJ the additional petitions filed and consolidated henceforth in 2018B053(C).

Larry Brown v. Department of Military and Veterans Affairs, 2018G061 - *This case has not gone to hearing regarding a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On March 13, 2018, Complainant filed a petition for hearing appealing the final grievance decision, and retaliation by the agency for his filing a grievance and his disclosures alleging violations of Board Rules and internal process and procedures by the agency, a violation of the Whistleblower Act,
- April 4, 2018 referred to agency for response to Whistleblower claims.
- May 2, 2018 Respondent's response to Whistleblower claims received.
- June 14, 2018 Order to Show Cause issued by ALJ regarding why matter should not be dismissed and referred to State Personnel Director for a Director's Review.
- June 27, 2018 Order of Dismissal issued by ALJ for Complainant's failure to respond to the Order to Show Cause or to file an Information Sheet as required by Board Rule.

Courtenay Giampaolo v. Department of Human Services, 2018G072 - *This case has not gone to hearing regarding a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On April 27, 2018, Complainant filed a petition for hearing alleging retaliation from the agency for her disclosure regarding the agency's leave policy and restrictions on an employee's use of sick leave, a violation of the Whistleblower Act.
- April 4, 2018 referred to agency for response to Whistleblower claims.
- May 2, 2018 Order to Show Cause as to why cases filed of similar nature (2018G072) and 2018G057) should not be consolidated under 2018G057(C).

- June 14, 2018 Notice of Settlement and Unopposed Motion to Stay Deadlines filed by Respondent.
- Procedural Order issued by ALJ staying deadlines and requesting status report from Respondent by July 16, 2018.

Keith Nordell v. Department of Human Services, 2018G073 - *This case has not gone to hearing regarding a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On April 27, 2018, Complainant filed a petition for hearing alleging his separation from his current position with no offer of a vacant position was in retaliation of the Whistleblower Act for his disclosures about system mismanagement, salary inequities affecting quality of service, and attempts to expedite patient competency evaluations.
- May 4, 2018 referred to agency for response to Whistleblower claims.
- May 16, 2018 verification of filing discrimination claim with CCRD received.
- June 13, 2018 Respondent filed Amended Response to Whistleblower claim.

Joe Thistlewood v. Department of Corrections, 2018G078 - *This case has not gone to hearing regarding a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On May 10, 2018, Complainant filed petition for hearing alleging retaliation by the agency, in violation of the Whistleblower Act, for his disclosures regarding the placement of a sex offender in a community program; providing gifts to offenders; inappropriate handling of a promotional process and abuse of overtime.
- May 22, 2018 referred to agency for response to Whistleblower claims.

Bill Cron v. Governor's Office of Information and Technology, 2018G082 - *This case has not gone to hearing regarding a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On May 18, 2018 Complainant filed a petition for hearing alleging retaliation in violation of the Whistleblower Act for his repeated warnings about dangerous OIT practices and inadequate testing for a major computer rollout for Department of Transportation.
- May 21, 2018 Unopposed Motion to Dismiss filed by Respondent at the request of Complainant to voluntarily dismiss his appeal.
- May 21, 2018 Order Granting Unopposed Motion to Dismiss issued by ALJ.

John Bradburn v. Department of Corrections, 2018G083 - *This case has not gone to hearing regarding a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On May 21, 2018 Complainant filed a petition for hearing alleging he was subject to adverse actions by the agency for his previous filing of a Whistleblower complaint, in violation of the Whistleblower Act and that the agency has violated the terms of the settlement agreement from his earlier claim.

- May 25, 2018 Order to Specify Whistleblower claim issued by ALJ to Complainant.
- June 8, 2018 Amended Whistleblower claim filed by Complainant.
- June 12, 2018 referred to agency for response to Whistleblower claims.

Roberta Lopez v. Department of Public Health, 2018B086 - *This case has not gone to hearing regarding a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On May 25, 2018 Complainant filed a petition for hearing alleging retaliation by the agency for her previously filed petitions and her Whistleblower claim and agency's failure to provide a final decision in her grievance.
- Notice of Deferral Pending Agency Response issued by ALJ June 13, 2018.

Patricia Tippins v. Department of Corrections, 2018G087 - *This case has not gone to hearing regarding a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On June 7, 2018 Complainant filed a petition for hearing alleging she has received negative Level 1 ratings in her evaluation in retaliation for her earlier disclosures concerning a violent, dangerous offender being "pushed through" therapeutic community and her complaints regarding discrimination, in violation of the Whistleblower Act,.
- June 13, 2018 referred to agency for response to Whistleblower claims.

Patrick Espinoza v. Department of Human Services, 2018G089 - *This case has not gone to hearing regarding a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On June 27, 2018 Complainant, a probationary employee, filed a petition for hearing alleging his termination from employment was retaliation in violation of the Whistleblower Act for his complaints regarding unprofessional and discriminatory behavior of agency management.
- June 29, 2018 referred to agency for response to Whistleblower claims.

Timothy Quinn v. Department of Corrections, 2018S054 - *This case has not gone to hearing regarding a violation of Colorado's whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On May 4, 2018 Complainant filed a petition for hearing alleging the agency retaliated against him in violation of the Whistleblower Act for issues he brought up in 2011 regarding his immediate supervisor's abuse of leave, which were sustained in an investigation.
- May 11, 2018 referred to agency for response to Whistleblower claims.
- June 21, 2018 Respondent's response to Whistleblower claims and Motion to Dismiss received.

Brandon Medina v. Department of Human Services, 2018S055 - *This case has not gone to hearing regarding a violation of Colorado’s whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On June 7, 2018 Complainant filed a petition for hearing alleging an undefined Whistleblower claim and a complaint regarding the results of a selection process in which he was not selected. Complainant further checked the “Discrimination” box and wrote “personal friend”.
- May 10, 2018 Request for Clarification of Discrimination Claim and Additional Information issued by ALJ.
- May 24, 2018 Order of Dismissal issued by ALJ for Complainant’s failure to provide requested information. The Order referred the matter to the State Personnel Director for a Director’s Review.

Patricia Tippins v. Department of Corrections, 2018G056 - *This case has not gone to hearing regarding a violation of Colorado’s whistleblower statute, § 24-50.5-101, et seq., C.R.S.*

- On May 14, 2018 Complainant filed a petition for hearing alleging she has been denied applications and candidacies by the agency in retaliation for her earlier disclosures concerning a violent, dangerous offender being “pushed through” therapeutic community, in violation of the Whistleblower Act, and her complaints regarding discrimination based on disability.
- May 21, 2018 Request for Additional Information Regarding Whistleblower Complaint issued by ALJ.
- May 31, 2018 response received from Complainant to Request for Additional Information.
- Order of Consolidation issued by ALJ June 4, 2018 to consolidate related petitions to 2018B056(C).
- June 13, 2018 Verification of Filing Discrimination Charge received from CCRD.