



ARIZONA STATE PERSONNEL BOARD

ORDER

IT IS ORDERED:

The minutes of the June 27, 2024, Arizona State Personnel Board, open public meeting are adopted and approved as written.

Mark Ziska

Mark Ziska, Chairman
Arizona State Personnel Board

Zachariah Tolliver

Zachariah Tolliver, Executive Director
Arizona State Personnel Board

Dated this 10th day of September, 2024.

BOARD MEMBERS:

Mark Ziska, Chair
Jeanine Inman, Vice Chair
Jason Dudek



KATIE HOBBS, Governor
Zachariah Tolliver, Executive Director

ARIZONA STATE PERSONNEL BOARD

1740 West Adams Street, Suite 3007
Phoenix, Arizona 85007
Phone: (602) 542-3888

MEETING MINUTES OF THE ARIZONA STATE PERSONNEL BOARD

Pursuant to A.R.S. § 38.431.02(C), notice is hereby given to the members of the Arizona State Personnel Board and to the public that the Arizona State Personnel Board will hold a meeting that will be open to the public:

Thursday, June 27, 2024 · 1:00 – 2:00pm

AGENDA

1:00 p.m.

1. **Call to Order**

Chairman Ziska called the ASPB meeting to order at 1:02 p.m.

Colleen Redmond performed roll call for the Board. All members were present and appearing virtually.

2. **Approval of Minutes from the Public Board Meeting held March 11, 2024 at 1:00 pm**

Chairman Ziska moved to approve the minutes from the Public Meeting held on March 11, 2024 at 1:00 p.m.

Member Dudek seconded that Chairman Ziska's motion to approve the minutes.

All members voted in favor of approving the minutes. Minutes approved.

3. **Consideration and Order in the Matter of: PB24-01 Sesma Castro v. Arizona Department of Corrections, Rehabilitation and Reentry.**

Chairman Ziska called the first order to matter in the consideration of Sesma Castro v. ADCRR

Chairman Ziska provided instructions to the parties before allowing them to present to the Board. Chairman Ziska asked for parties to introduce themselves.

Rachel Remes, Arizona Attorney General's Office on behalf of the ADCRR

Samantha Caplinger, appellant's attorney.

Respondent, Rachel Remes, addressed the Board first.

Appellant attorney, Samantha Caplinger addresses the Board second.

Chairman Ziska voted to go into E-Session.

Member Dudek seconded that motion

All members in favor.

Exited E-Session back into Public Session.

Chairman Ziska requested to table the matter and hear the parties on the next matter before consideration and order in both matters.

4. Consideration and Order in the Matter of: PB24-02 Lizarraga v. Arizona Department of Corrections, Rehabilitation and Reentry.

Both Attorney's Rachel Remes and Samantha Caplinger are the attorney for both matters. No further introduction.

Rachel Remes, Arizona Attorney General Office, presented to the Board first.

Samantha Caplinger presented to the Board next.

Chairman Ziska motioned to go into E-Session

Member Dudek seconded that motioned

All members in favor of E-Session

All members exited E-Session to resume the public session.

Chairman Ziska motioned to hold a vote on both matters.

Member Dudek seconded that motion

All members in favor.

Chairman Ziska moved to enter an order in the matter of Lizarraga v. ADCRR as follows;

***“We, the Arizona State Personnel Board and its members order in the matter of Jesus Lizarraga v. Arizona Department of Corrections, Rehabilitation and Reentry, that the Hearing Officers Finding of Fact, Conclusion of Law and Recommendation be adopted as our own and affirmed in favor of the appellant. Furthermore, we move that, in light of the facts proven, the dismissal be reversed and the appellant shall be reinstated and paid back-pay from the date of his termination, less any: employment earnings; benefit payments; any unemployment, disability or similar benefits related to his termination; and any period between separation and reinstatement that appellant would have been unable to perform the duties of his position.*”**

The Arizona State Personnel Board shall maintain jurisdiction over this award in the event a dispute arises between the parties regarding this make-whole remedy.”

Member Dudek seconded that motion

All members voted to affirm the Hearing Officers FFCLR and adopt the Order entered as the Boards own.

Chairman Ziska moved to enter an order in the matter of Sesma Castro v. ADCRR as follows;

***“We, the Arizona State Personnel Board and its members order in the matter of Angel Sesma-Castro v. Arizona Department of Corrections, Rehabilitation and Reentry, that the Hearing Officers Finding of Fact, Conclusion of Law and Recommendation be adopted as our own and affirmed in favor of the appellant. Furthermore, we move that, in light of the facts proven, the dismissal be reversed and the appellant shall be reinstated and paid back-pay from the date of his termination, less any: employment earnings; benefit payments; any unemployment; disability or similar benefits related to his termination; and a period between separation and reinstatement that appellant would have been unable to perform the duties of his position.*”**

The Arizona State Personnel Board shall maintain jurisdiction over this award in the event a dispute arises between the parties regarding this make-whole remedy.”

Member Dudek seconded that motion

All members voted to affirm the Hearing Officers FFCLR and adopt the Order entered as the Boards own.

5. Personnel Matter

Chairman Ziska moved to go into Executive Session to discuss a Personnel Matter

Member Dudek seconded that motion.

All member in favor to enter E-Session.

Members resumed Open Public Session exiting E-Session.

6. Call for Public Comment

No Public Comments were made at the open meeting.

7. Adjourn

Open Public Session held on June 27, 2024 adjourned at 2:33 p.m.