



**CIVIL SERVICE COMMISSION MEETING  
CITY COUNCIL CHAMBERS  
JANUARY 30, 2014  
5:30 P.M.**

**MINUTES**

**CALL TO ORDER**

Chairman Dan Archibeque called the Civil Service Commission Meeting to order.

**ROLL CALL**

**Commission Members Present:** Dan Archibeque, Sharon Bonner, Guy Kennedy

**Administrative and Civil Service Staff Members Present:** Counsel for the Commission Robert Jagger, Human Resources Director Marisa Walker, HR Analyst Manual Alcala, HR Analyst Shelly Carrillo, Interim Civil Service Administrator Lynne Huskins, and Secretary Melissa Lillard.

**Other Interested Parties:** Sergeant Dan Rutherford, Police Patrol Officer Candidate Chris Duston, Police Patrol Officer Candidate David Mattarocci.

**AMENDMENTS TO AGENDA**

Mr. Archibeque asked if there were any amendments to the agenda. Mrs. Huskins stated an appeal of removal from the eligible list for Police Patrol Officer was received by the Commission yesterday. She requested that the appeal of David Mattarocci be added to the agenda as Regular Agenda Item 2. Mr. Kennedy seconded by Ms. Bonner moved to approve the Agenda as amended.

Roll Call -- Ayes: Archibeque, Bonner and Kennedy. Motion carried unanimously.

**REGULAR AGENDA**

1. The Civil Service Commission reviewed Chris Duston's appeal of his removal from the eligibility list for Police Patrol Officer. Mr. Duston was present, and after being sworn in by Mr. Jagger addressed the Commission. Mr. Duston thanked the Commission for hearing his request. He stated he wanted to request that his name be put back on the list for Police Patrol Officer because he doesn't feel that having ADD is sufficient grounds for removing his name from the list. Mr. Jagger asked Mr. Duston if he had anything else he wished the Commission to consider. He stated he has done law enforcement in the past and has been put into a lot of situations where he has had to think on his feet and move quickly and deal with emergency situations. Throughout all of that, he has never had any issues with it at all. He has dealt with a lot of different types of situations he would most likely be dealing with as a Pueblo Police Officer. He doesn't feel he has any issues and doesn't think that any of his supervisors think he does either. Mr. Jagger asked Mr. Duston if he had received a copy of the psychiatrist's report. He stated he had. Mr. Jagger asked if the Commission had any questions. Mr. Archibeque asked if anyone was going to speak on behalf of the City. Mr. Jagger said he could. Mr. Jagger said the psychiatrist had done a review and provided the results. The biggest concern was that based upon the issues that were brought to light in the report, Mr. Duston may pose a risk. Absent of having that opinion rescinded, as in

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additional information being provided to the psychiatrist in the form of another expert, it would be difficult to return his name to the list at this time. Mr. Jagger said that does not mean that Mr. Duston cannot sometime in the future apply and have another evaluation done, but at this time the removal is based on the information provided by the psychiatrist. Mr. Duston asked if he could add additional information. He said he is in the process of getting a second opinion. This evaluation is scheduled for tomorrow. He made this appointment before he knew when the Commission would hear his appeal. Mr. Jagger said the Commission had a request from him that they meet. Mr. Duston said he requested that the Commission meet prior to their regular scheduled meeting to hear his appeal, but he did not know what that exact date would be. Mr. Jagger said the second evaluation could be introduced on a subsequent application for the position, but the Commission based their decision on the evaluation that was already done by the psychiatrist. Mr. Jagger stated the City's position is that the psychiatrist has indicated that Mr. Duston could be a direct threat if hired. Until such time as that opinion is taken back, the City would not be able to hire him. Mr. Jagger asked Mr. Duston if that made sense. Mr. Duston said it did.

Mr. Kennedy seconded by Ms. Bonner moved to deny Mr. Duston's appeal.

Roll Call -- Ayes: Archibeque, Bonner and Kennedy. Motion carried unanimously.

2. The Civil Service Commission reviewed David Mattarocci's appeal of his removal from the eligibility list for Police Patrol Officer. Mr. Mattarocci was present, and after being sworn in by Mr. Jagger addressed the Commission. Mr. Mattarocci thanked the Commission for their time. He stated when he attended the physical exam, which is the final exam for the Police Patrol Officer position; they took his blood pressure before he took the exam and said it was too high for him to take the physical exam. They suggested that he see his primary care physician before he take the physical exam, which he did the following day. His doctor said that due to his history of good blood pressure and good health, the elevated blood pressure was probably due to stress and nerves the day of the City exam. Mr. Mattarocci's doctor wrote him a clearance saying he was good to take the test. The next day when they took his blood pressure before the exam, they said it was low enough for him to take the exam. He completed most of the exam and only had two exercises left when they took his blood pressure and said it was rising too high for him to finish the exam and he needed to consult his doctor again. He has been working with his primary care physician and a cardiologist doing numerous medical tests to find out why his blood pressure has risen high recently. The only abnormality that was discovered was that one of his blood tests showed that he had a high amount of Creatine in his blood. Mr. Mattarocci explained this is a supplement he has taken in the past for weight lifting and athletic activities. He is a retired semi-professional football player and he body builds for recreation. He did not know that Creatine could raise your blood pressure the way it did. Mr. Mattarocci has not taken Creatine in about a month and has been monitoring his blood pressure almost every day. He stated it is almost back to normal levels now. Mr. Mattarocci has a follow-up with his cardiologist on February 10<sup>th</sup>, but the doctor says that based on what he sees now, he should not need any medication; just not take Creatine anymore. This should get his blood pressure back to normal. Mr. Mattarocci said this was the last exam he needed to pass before getting a formal job offer and he feels if given a second chance, he will have no trouble during the next round of hiring of passing this exam.

Mr. Jagger asked if a new list was being created for this position or if the current list was still being utilized. Mr. Alcalá said there were still one or two vacancies that need to be filled from the current eligible list that Mr. Mattarocci is on, so there could be a possibility that they might go back to that list. Mr. Jagger asked if there was anyone from the Department that wished to speak with respect to this matter. Sergeant Dan Rutherford came forward and after being sworn in by Mr. Jagger,

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addressed the Commission. Sgt. Rutherford said there has been discussion with the Chief of Police Luis Velez, Deputy Chief Michael Bennett and Captain James Gowin about the situation regarding Mr. Mattarocci. They are all in concurrence they have no objection if he is placed back on the list for further review down the road. They closely monitored what he was going through with CCOM and were hoping he was going to complete the process. Sgt. Rutherford explained that Mr. Mattarocci is currently a part-time employee with the City of Pueblo in Code Enforcement and he has done a stellar job there, and they have no doubt that he will do a stellar job as a Police Officer. Mr. Jagger asked if he would have to go back and redo the physical. Sgt. Rutherford said that if and when the City hires again, they feel at that point in time he will have all of his health issues under control and go through the process. Based on the Rules he believes they will fill the two or three positions from this current list and if they get a chance to hire again, they are hoping that Mr. Mattarocci is still on the list.

Ms. Bonner seconded by Mr. Kennedy moved to sustain the appeal without prejudice to further testing.

Roll Call -- Ayes: Archibeque, Bonner and Kennedy. Motion carried unanimously.

Mr. Jagger asked Sgt. Rutherford if was appearing on the prior matter. He said he was. Mr. Jagger asked what information he wanted to provide the Commission regarding that. Sgt. Rutherford stated it was pretty much the information that Mr. Jagger provided. He was just here on behalf of the Chief, the Deputy Chief and the Captain to say that they had reviewed the appeal letter and all the material that was with it and the Chief wanted him to convey that they were still asking for his removal.

**ADJOURN – 5:44 p.m.**

  
Chairman