



**CIVIL SERVICE COMMISSION MEETING  
CITY COUNCIL CHAMBERS  
FEBRUARY 11, 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, Police Chief Luis Velez, Assistant City Attorney Carla Sikes, HR Analyst Manual Alcalá, HR Analyst Shelly Carrillo, Interim Civil Service Administrator Lynne Huskins, and Secretary Melissa Lillard.

**Other Interested Parties:** None.

**AMENDMENTS TO AGENDA**

Mr. Archibeque asked if there were any amendments to the agenda. None were voiced.

**READING AND APPROVAL OF MINUTES**

Mr. Kennedy seconded by Ms. Bonner moved to dispense with the reading and approve the minutes of the regular meeting dated Tuesday, January 14, 2014 and the special meeting dated Thursday, January 30, 2014 as distributed.

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

**CONSENT AGENDA**

**STATUS REPORT OF CURRENT RECRUITMENTS**

The Commission received and filed the following status report on current recruitments:

- a. Emergency Medical Officer - (Recruitment required every year per Civil Service Rule 29) – The written exam was held on January 16, 2014. Nine applicants were scheduled to take the exam, and eight appeared. Three candidates passed the exam and five failed. We received 15 appeals on 11 questions. The testing company is currently reviewing those appeals.
- b. Firefighter - (Recruitment due to several departmental vacancies) - We received 332 applications for this position. The written exam was held on February 4, 2014. There were 253 applicants scheduled, and 171 appeared to take the exam. The answer sheets have been sent to the testing company for scoring.

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**STATUS REPORT OF CURRENT RECRUITMENTS**

- c. Water Reclamation Worker - (Recruitment due to new position authorized by City Council) – The written exam was held on January 28, 2014. Sixteen applicants were scheduled to take the exam, and fifteen appeared. All candidates passed the exam. The eligible list for this position will be signed at this meeting.
- d. Police Captain - (Recruitment due to employee retirement) – The written exam was held on February 6, 2014. Six applicants were scheduled to take the exam and all appeared. The answer sheets have been sent to the testing company for scoring.
- e. Fire Engineer - (Recruitment required every year per Civil Service Rule 29) – The internal recruitment began on January 19, 2014 and ends on February 9, 2014. At the time of this agenda, we had received 10 applications. The written exam is scheduled for February 27, 2014.
- f. Airport Operations/Maintenance Worker - (Recruitment due to new position authorized by City Council) – The external recruitment began on February 2, 2014 and ends on February 23, 2014. At the time of this agenda, we had received 34 applications. The written exam is scheduled for March 20, 2014.
- g. Associate Engineer II - Wastewater - (Recruitment due to employee resignation) – The internal recruitment began on February 2, 2014 and ends on February 16, 2014. At the time of this agenda, we had received no applications.
- h. Equipment Operator II - (Recruitment due to one employee retirement and one employee transfer) – The internal recruitment began on February 2, 2014 and ends on February 16, 2014. At the time of this agenda, we had received no applications. The written exam is scheduled for March 6, 2014.
- i. Wastewater Operator A - (Recruitment due to employee retirements) – The internal recruitment began on January 28, 2014 and ends on February 11, 2014. At the time of this agenda, we had received no applications.

**COMMUNICATIONS**

1. Ratify the Commission's letter to Justin Inman regarding the removal of his name from the Police Patrol Officer eligibility list.
2. Ratify the Commission's letter to Mindi Marez regarding the removal of her name from the Emergency Services Dispatcher eligibility list.
3. Ratify the Commission's letter to Ashley Paulsen regarding the removal of her name from the Emergency Services Dispatcher eligibility list.
4. Ratify the Commission's letter to Raven Saccomanno regarding the removal of her name from the Emergency Services Dispatcher eligibility list.
5. Ratify the Commission's letter to Jessica Griego regarding the removal of her name from the Emergency Services Dispatcher eligibility list.
6. Ratify the Commission's letter to Shae Vigil regarding the removal of her name from the Emergency Services Dispatcher eligibility list.

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**CONSENT AGENDA**

**COMMUNICATIONS**

7. Ratify the Commission's letter to Theresa Herrera regarding the removal of her name from the Emergency Services Dispatcher eligibility list.
8. Ratify the Commission's letter to Marguaret Gaut regarding the removal of her name from the Emergency Services Dispatcher eligibility list.
9. Ratify the Commission's letter to David Mattarocci regarding the removal of his name from the Police Patrol Officer eligibility list.
10. Ratify the Commission's letter to Angelique Trujillo regarding the removal of her name from the Emergency Services Dispatcher eligibility list.
11. Ratify the Commission's letter to Vanessa Trujillo regarding the removal of her name from the Emergency Services Dispatcher eligibility list.
12. Ratify the Commission's letter to Chris Dustin regarding the rejection of his objection of the removal of his name from the Police Patrol Officer eligibility list.
13. Ratify the Commission's letter to David Mattarocci regarding the acceptance of his objection of the removal of his name from the Police Patrol Officer eligibility list.

Commission Action: Mr. Kennedy seconded by Ms. Bonner, moved to approve all items on the Consent Agenda.

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

**REGULAR AGENDA**

1. Discussion was held regarding requested changes to the Commission's current Polygraph Examination Order. Police Chief Luis Velez and Assistant City Attorney Carla Sikes addressed the Commission. Chief Velez stated they wanted to discuss polygraph examinations and the use of information that might be gleaned from those examinations if in fact they find out that someone has committed or been a part of a felony crime. He explained that currently the Police Department is prohibited from using that information and following up and investigating it further. He is asking the Commission to alter the current policy so in those instances when they do get information involving felony crimes, they would be allowed to do their job, to investigate the crime, to identify suspects, to potentially make an arrest and to clear a case or to forward that information to another law enforcement agency where they can investigate the case.

Mr. Jagger stated that the Commission has before them an amended order that has two changes that were not on the originally distributed document. There was a deletion in the header of the document because it was at first thought that the Fire Department would like to conduct polygraph exams but that is no longer the case, and also changes clearing up some printing errors. He went on to explain this order specifically differs from the prior order in paragraph 4 with the addition of the following sentence: "All such records shall be kept and maintained as confidential records;". The new language would add: "provided, however, any admission or disclosure of felony criminal activity will be disclosed and reported to the appropriate law

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enforcement authority.” Mr. Jagger went on to explain that in conjunction with the purposed change, we would also change the application form so that it clearly discloses to any applicant that if they are required to take such polygraph examination, this requirement will be in place. Mr. Jagger said the Commission has before them not only the amendment that he just reviewed on the proposed order, but also the change in the application and the release. Mr. Jagger asked if the Commission had any questions of Chief Velez.

Mr. Archibeque asked if Chief Velez and Ms. Sikes had a chance to look at the Mission Statement of the Commission to see how their requested changes might be in line with the mission of what the Commission does? Ms. Sikes responded that she had not taken a look at the Mission Statement for the Commission and Chief Velez said he had not either. Mr. Archibeque asked how their requested changes fit into us as a Commission. Mr. Archibeque understands their predicament, but does not see the Commission as being part of law enforcement. Mr. Archibeque wondered if the changes would jeopardize the honesty of people who come in to take a polygraph. Ms. Sikes reiterated that she had not had a chance to look at the Mission Statement, so she could not speak to that. She said it is not her understanding that this amendment would put the Commission in the position of acting as law enforcement. She explained that the Commission is simply approving the process. It would be the Police Department that would act as law enforcement. The Commission is just setting the standards and putting people on notice that this is how the information could potentially be used. Ms. Sikes went on to say that one of the reasons for this request is that there has been disclosures in some of the polygraphs of serious criminal activity. This is where the ethical dilemma for the Police Department has come up. Ms. Sikes said if the Commission had a copy of their Mission Statement, she would be happy to look at it, but she can't speak to it without that. Mr. Archibeque said that is what he was looking for, but was sorry he could not find it.

Ms. Bonner wanted to clarify if her understanding of this is correct. Once they take their polygraph test, if the findings reveal something that they did before taking the test, then it is up to the Commission to reveal that? Chief Velez said no. He went on to explain, the way the polygraph examination works is that people fill out a questionnaire. They answer questions such as: “Have you ever been involved in a crime?” Once they get hooked up to the polygraph machine, the polygrapher re-asks those types of questions or even more generalized questions and either confirms they are telling the truth or they are deceptive in their answers and they are not telling the truth. Chief Velez stated there are times where somebody will disclose that they were involved in a stabbing two years ago or something of that nature. That is a felony crime. As police, whenever they come across information that could clear a crime, it is their job to further investigate the case and to identify those involved. In this case, it might be somebody who is self-disclosing that they were involved in a crime. So it would be the Police Department that would be following up on that information not the Commission.

Ms. Sikes wished to add to the Chief's comments. She stated once this information comes to the Police Department, usually those applicants are disqualified anyway because of the past criminal history. That information is brought before the Commission to seek to remove those people from the list or to otherwise disqualify them. She stated this is something the Commission already does and would continue to do. That information would then be able to be used by the Police Department to follow up on. Ms. Sikes said it is surprising to her on the examples she was given when she was preparing this how many people actually come right out and say “Yeah, I stole \$5000 from my previous employer.”, and they say things like that in

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their polygraph or in those questionnaires. That is information that the Police Department feels obligated to follow up on. Ms. Sikes said that enforcement would not come from the Commission. The Commission would not do anything differently than what they are already doing.

Chief Velez stated he did now have in front of him the Mission Statement of the Civil Service Commission if they would like him to read it. Mr. Archibeque said he would. Chief Velez read the Mission Statement. "It is the mission of the Civil Service Commission to maintain the professionalism and integrity of the positions we have been elected to, while fulfilling the duties and responsibilities explained in Section 6 of the Pueblo City Ordinances. Also, we will work to obtain the necessary technology to insure that the Civil Service Commission is providing well-qualified persons for citywide employment positions through utilization of credible and reliable testing instruments and selection processes."

Mr. Archibeque asked Ms. Sikes for confirmation that the Commission would be doing nothing different than what we are doing right now by changing this. Ms. Sikes said that is correct. The Commission would have no role in passing along or acting upon that information. That duty and obligation would fall to the Police Department once they got the results of those polygraph tests back. The only thing the Commission would be doing is the same thing that they are doing now which would be to disqualify or remove the people based upon that past criminal history. Mr. Archibeque asked if those tests go to the Police Department. Ms. Sikes said she believes they get those results. Chief Velez interjected that the reports go to the Civil Service Commission. He stated in this case, Mrs. Huskins and he have meetings if she feels that there is a candidate that has some issues. He said he will come down and talk to Mrs. Huskins and review the polygraph or background results. He would then make the call as to whether he is going to continue looking at that person or not. Chief Velez said he could assure them that if he has someone applying for the Police Department and they have been involved in criminal activity in the past, he is not going to allow them to go any further in the selection process. But if they have committed a felony crime, then he would like the ability to either have their department investigate that offense and clear that case or forward the information to a police department that could follow up on it. As an example he said if an applicant was in Salt Lake City and they committed a theft of \$5000, he wants to pass that information along to the Salt Lake City PD with their name attached to it.

Ms. Sikes stated that one of the things she thinks could come from this is that if people know going through this process that information they disclose could be used for criminal investigation, hopefully the City is going to get better quality candidates because those candidates that have past criminal behavior that will be disclosed will choose not to apply for those positions that would require a polygraph or some sort of background check. Ms. Sikes thinks that by getting a higher quality pool, time and resources are not spent on candidates that will obviously be disqualified later. So in that essence it also has that ability to limit the candidates.

Commission Action: Mr. Kennedy, seconded by Ms. Bonner, moved to approve and sign the amended Polygraph Examination Order.

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

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**REGULAR AGENDA**

1. The Interim Civil Service Administrator submitted the eligible list for Water Reclamation Worker.

Commission Action: Mr. Kennedy, seconded by Ms. Bonner, moved to approve and certify the eligible list for Water Reclamation Worker.

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

**ADMINISTRATIVE ITEMS**

There were no Administrative Items.

**INFORMATIONAL ITEMS**

There were no Informational Items.

**ADJOURN – 5:51 p.m.**

  
Chairman