



**CIVIL SERVICE COMMISSION MEETING
CITY COUNCIL CHAMBERS
APRIL 14, 2015
5:30 P.M.**

MINUTES

CALL TO ORDER

Chairman 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, Assistant City Attorney Carla Sikes, Human Resources Director Marisa Pacheco, Police Chief Luis Velez, Employee Benefits/Loss Control Manager Dave Anderson, HR Analyst Manual Alcalá, HR Analyst Bella Trujillo, HR Analyst Shelly Carrillo, and Interim Civil Service Administrator Lynne Huskins.

Other Interested Parties: Attorney for AFSCME Cheryl Hutchison, AFSCME President B.J. Aragon, Police Captain Dustin Taylor, Police Captain Brett Wilson, Dispatch Manager Laura Wittrup, Emergency Services Dispatcher Deandria Martinez, Emergency Services Dispatch Supervisor Ericha Burns, Police Patrol Officer applicant William Ownbey, Mr. Ownbey's wife Jamie Ownbey, and Administrative Technician Belinda Kimball.

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, March 10, 2015 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. Fire Captain - (Recruitment required every year per Civil Service Rule 29) – We received 31 applications, and all were qualified. The written exam was held on March 3, 2015, and all 31 candidates appeared to take the exam. Seven candidates passed the exam and 24 candidates failed. We received nine appeals on nine questions, and those appeals are currently being reviewed by the testing company.

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STATUS REPORT OF CURRENT RECRUITMENTS

- b. Police Patrol Officer – (Recruitment due to exhaustion of eligible list) – The written exam was held on March 24, 2015. Seventy five persons were scheduled for the exam, and 59 appeared to take the exam. Thirty eight candidates passed the exam and 21 failed.
- c. Assistant Fire Chief - (Recruitment required every year per Civil Service Rule 29) – Internal recruitment began on February 22, 2015 and ended on March 15, 2015. We received nine applications for this position and all were qualified. The written exam is scheduled for April 14, 2015.
- d. Emergency Services Dispatcher - (Recruitment due to exhaustion of eligible list) – We received 97 applications, and 37 were qualified. The written exam is scheduled for April 21, 2015.
- e. Planner - (Recruitment due to current vacancy) – We received 53 applications for this position, and 18 were qualified. The written exam was held on April 7, 2015. Seven persons appeared to take the exam. Six persons passed and one person failed. The eligible list for this position will be signed at this meeting.
- f. Street Inspector - (Recruitment due to employee retirement) – We received eight applications for this position, and six were qualified. The written exam is scheduled for April 16, 2015.
- g. Area Crew Leader - (Recruitment due to employee retirement) – We received 11 applications for this position, and nine were qualified. The written exam is scheduled for May 12, 2015.
- h. Associate Engineer I - (Recruitment due to employee separation) – We received two applications for this position, and both were qualified. The Commission gave permission, and T&E evaluations were conducted on the applications. The eligible list for this position will be signed at this meeting.
- i. Civil Engineer/Drainage - (Recruitment due to employee separation) – The external recruitment begins on April 12, 2015 and ends on May 3, 2015.
- j. Crime Analyst - (Recruitment due to employee resignation) – The external recruitment began on March 15, 2015 and ended on April 5, 2015. We received 26 applications. We are currently in the appeal period for rejections.
- k. Deputy City Clerk - (Recruitment due to employee retirement) – The internal recruitment began on March 15, 2015 and ended on March 29, 2015. We received six applications and four were qualified. The Commission gave permission, and T&E evaluations were conducted on the applications. The eligible list for this position will be signed at this meeting.
- l. Fire Engineer - (Recruitment required every year per Civil Service Rule 29) – The internal recruitment began on March 22, 2015 and ends on April 12, 2015. At the time of this agenda, we had received 12 applications. The written exam is scheduled for May 14, 2015.

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STATUS REPORT OF CURRENT RECRUITMENTS

- m. Grants Analyst - (Recruitment due to new position created by City Council) – The external recruitment began on March 15, 2015 and ended on April 5, 2015. We received eight applications. We are currently in the appeal period for rejections.
- n. Accountant II - (Recruitment due to employee promotion) – The internal recruitment begins on April 12, 2015 and ends on April 26, 2015.

COMMUNICATIONS

1. Ratify the Commission's letter to Debora Davidson regarding the removal of her name from the Clerk Typist eligibility list.
2. Ratify the Commission's letter to Cheri Haling regarding the removal of her name from the Clerk Typist eligibility list.
3. Ratify the Commission's letter to Rachelle Martin regarding the removal of her name from the Clerk Typist eligibility list.
4. Ratify the Commission's letter to Kenny Garbiso regarding the removal of his name from the Police Patrol Officer eligibility list.
5. Ratify the Commission's letter to William Ownbey regarding the removal of his name from the Police Patrol Officer eligibility list.
6. Ratify the Commission's letter to Michaele Sage regarding the removal of her name from the Police Patrol Officer eligibility list.
7. Ratify the Commission's letter to Anthony Trujillo regarding the removal of his name from the Utility Worker eligibility list.
8. Ratify the Commission's letter to Jennifer Vallum regarding the removal of her name from the Police Patrol Officer eligibility list.
9. Ratify the Commission's letter to Philip Cano regarding the removal of his name from the Utility Worker eligibility list.
10. Ratify the Commission's letter to Tabitha Dobbs regarding the rejection of her objection to allow her to take the Police Patrol Officer examination.
11. Ratify the Commission's letter to Dustin Smith regarding the rejection of his objection to allow him to take the Police Patrol Officer examination.
12. Ratify the Commission's letter to Dwayne Cordova regarding the removal of his name from the Utility Worker eligibility list.
13. Ratify the Commission's letter to Casey Wold regarding the removal of his name from the Police Patrol Officer eligibility list.

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14. Ratify the Commission's letter to Orion Boughton regarding the removal of his name from the Utility Worker eligibility list.
15. Ratify the Commission's letter to Scott Brandborg regarding the removal of his name from the Utility Worker eligibility list.
16. Ratify the Commission's letter to Dirk Crawford regarding the removal of his name from the Utility Worker eligibility list.
17. Ratify the Commission's letter to Brian McHenry regarding the removal of his name from the Water Reclamation Worker eligibility list.
18. Ratify the Commission's letter to Juliana Trujillo regarding the removal of her name from the Water Reclamation Worker eligibility list.
19. Ratify the Commission's letter to Scott Jones regarding the removal of his name from the Utility Worker eligibility list.
20. Ratify the Commission's letter to Michael Sage regarding the rejection of her objection of the removal of her name from the Police Patrol Officer eligibility list.
21. Ratify the Commission's letter to Mark Trujillo regarding the removal of his name from the Utility Worker eligibility list.
22. Ratify the Commission's letter to Paul Aragon regarding the removal of his name from the Utility Worker eligibility list.
23. Ratify the Commission's letter to Belinda Kimball regarding the rejection of her objection to allow her to take the Deputy City Clerk examination.
24. Ratify the Commission's letter to Deanna Shaw regarding the rejection of her objection to allow her to take the Deputy City Clerk examination.

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. Review of William Ownbey's appeal of his removal from the eligibility list for Police Patrol Officer. Mr. Ownbey was present with his wife, Jamie. After being sworn in by Mr. Jagger, Mr. Ownbey addressed the Commission. He stated he was removed from the Police eligibility list shortly after his background check. The reason for his removal was Rule 10. Mr. Ownbey explained to the Commission that his understanding of the Rule is if anything is found in your background that is concerning to the investigators, criminal history or things of that nature, then you can be removed. He went on to explain that he filled out a statement for a psychology company out of Denver. Mr. Ownbey explained that he is already a police officer,

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so he is familiar with this process as he has been through it before without any problems. The form asks for honesty in undetected criminal activity. He filled out everything he's done from the age of 16. He told the Commission that there were several instances of undetected criminal activity in his background, although he could not recall exactly how many, between the ages of 17 and 23. He completed the form and was not terribly concerned about it. The background sergeant contacted Mr. Ownbey, and he had to explain each matter in detail. After they spoke, the background sergeant said it looked like a lot initially, but after hearing him explain it, and due to the fact that most of it was over 10 years ago, the sergeant did not seem concerned. Mr. Ownbey went on to explain that approximately a month later, he received a letter saying he had been removed from the eligibility list. His main concern is that he knows a lot of police officers, he comes from a police family, and nobody is perfect. Everyone has made mistakes in their life. He stated he filled out the form knowing that you could lie and say you didn't do anything, but he didn't do that. He was honest. He listed everything he did. Most of it was around the time that he was in the Marine Corp. Mr. Ownbey admitted he made some mistakes and that he was 19 years old and he probably did not have a clear head when he was making some of the choices he made. After finishing his time in the Marine Corp at the age of 23, Mr. Ownbey noted that there was literally no criminal activity after that. He said he worked in the Department of Corrections for six years, and also as a wildlife parks ranger for nine months. He currently works for the Trinidad Police Department. There is nothing that he's done since then that would lead anyone to believe that he shouldn't be a police officer, yet he is being told that he is unfit to be a police officer. He explained that is why he is before the Commission.

Jamie Ownbey stated she would like to add to that there has just been some discrepancies and confusion in why he was dismissed. When they called and tried to seek facts from the HR department, the Ownbeys have gotten some unclear, inconsistent information. She went on to explain they had discussions with other officers including the gentleman that did his background investigation, Sergeant Ortega, and he assured them that he had recommended Mr. Ownbey for hire. Ms. Ownbey stated their confusion on the matter is if the background investigator recommended him for hire, why is he suddenly being removed under Rule 10.

Mr. Ownbey added that if Rule 10 is something that matters this much, why is it not posted in the very beginning when applicants are reading the eligibility requirements. He felt that would seem like a good place to stop it. He stated it would save the City a lot of money and frankly, the people a lot time and money. They could say they obviously are not eligible. Yet it's not on there anywhere.

Mr. Archibeque asked what the reason was for his removal. Mr. Ownbey answered that it was undetected crimes that he admitted to. The form that he filled out was from the psychologist. He completed the form at the Police Department, and it was to be forwarded to Psychological Dimensions in Denver, CO. Ms. Ownbey added that it was Civil Service Rule 10 - History background and moral character. She then read the Rule in its entirety to the Commission. She stated that when they spoke with the HR Department, they were told that this was not from his background investigation, but from the form that Mr. Ownbey filled out which is an intake form for the psychological evaluation. Ms. Ownbey said he was never sent to the psychological evaluator. Somebody in the Department read the intake form and made a decision. They either failed to review what Sergeant Ortega had gone over with him in his background investigation, or they just decided to look at that one form and make a snap decision without further investigation.

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Mr. Ownbey added that it was the same lady he had already spoke with. He stated they talked about all these items in detail, and she said the same thing Sergeant Ortega said. Given the time, how long ago it was and considering the explanations, she did not find this as a problem for Mr. Ownbey being a Police officer. She didn't find him to be at risk. Mr. Archibeque inquired as to who told him that. Ms. Ownbey answered that was the psychologist from Psychological Evaluations Inc. when he did the psychological evaluation for the City of Trinidad. She explained it is the same company and service that the City of Pueblo utilizes for those background investigations. However, that form that he filled out when he went to work for Trinidad was sent along correctly to the psychological company, the psychologist reviewed it, met with him, spoke with him on those matters and then in her assessment said that he was fit for duty. Ms. Ownbey stated that the City of Pueblo has failed to send him to that psychologist, yet they're using that intake form from that company to disqualify him from service. She felt their confusion in the matter is who from the Police Department or what individual in the Police Department is using an intake form from a psychology corporation, but not using it in the correct manner. She went on to say they're using that intake form to disqualify candidates before they even give them the opportunity to discuss those topics with the trained professional. Ms. Ownbey said she believes when they sent in his appeal, they included a copy of that background form, the intake form, that he was to fill out. She went on to explain that it says on the very front page that the form was meant to be sent on to Psychological Evaluations Inc., which is a company out of Denver. She said it was never sent along. He was never sent up there to speak with that psychologist between when he turned the form in to the Police Department for them to mail it to the psychologist. The form never made it there, yet he's being disqualified from that form.

Sergeant Dustin Taylor was present from the Police Department. After being sworn in by Mr. Jagger, Sergeant Taylor told the Commission he is currently the sergeant in charge of the training division. He did give Mr. Ownbey the psychological form to fill out that would be forwarded on to the psychologist, Dr. Cullens, in Denver. That was forwarded on and Dr. Cullen did send back an initial assessment of their risk of being a police officer. From this form, Mr. Ownbey was rated as a moderate risk. Sergeant Taylor stated there's low risk, high risk, and moderate risk as far as their ability to perform in a law enforcement capacity. That report was given to Sergeant Ortega, who contacted Mr. Ownbey and requested information on those items that were of concern. Once Mr. Ownbey's background check came back from Sergeant Ortega, Sergeant Taylor presented the findings to Chief Velez, Deputy Chief Davenport, Deputy Chief Bennett, Deputy Chief McLachlan, Captain Rummel in a meeting to discuss the eligibility of all candidates that were on the list. At that time, it was unanimous between everybody in the meeting that even though Sergeant Ortega had recommended Mr. Ownbey for continuation, they felt that the information was concerning enough to ask for his removal from the list.

Mr. Kennedy asked Sergeant Taylor if he said he sent the paperwork up to Denver. Sergeant Taylor said he did. Mr. Kennedy asked if the report came back here. Sergeant Taylor said it did. Mr. Archibeque inquired if the psychologist had made a recommendation. Sergeant Taylor answered that she recommended that a background check be completed to confirm the information. He elaborated that the psychologist does send copies of the entire assessment that the Police Department reviews and hands off to the background investigator to review. Mr. Archibeque asked if Sergeant Taylor had said the psychologist rates the candidates for the level of risk. Sergeant Taylor said she did, and went on to say it is basically a risk assessment as to how well the candidates will perform in a law enforcement capacity; whether they would be a high risk for leaving the position or having disciplinary issues. A low risk would be that

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they would do well in a law enforcement capacity. A moderate risk would be that there could possibly be some indications of issues throughout their career, and a high risk is generally there could be a lot of issues if they are employed as a police officer. Mr. Archibeque asked what was the risk level that came back regarding Mr. Ownbey. Sergeant Taylor said he was at a moderate risk. Ms. Bonner inquired if the fact that he is currently a police officer in Trinidad was considered as a plus. Sergeant Taylor said at that time it was not.

Mr. Jagger reminded the Commission that they still had three options. They could approve, disapprove, or set the matter for hearing.

Commission Action: Mr. Kennedy moved to approve the appeal.

After asking if there was any discussion, Mr. Archibeque stated he would just say that he is concerned as well with a moderate level of risk coming back on that initial assessment based on what was received back.

Roll Call -- Ayes: Kennedy. Nays: Archibeque and Bonner. Motion failed.

2. The Interim Civil Service Administrator submitted the eligible list for Planner.

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

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

3. The Interim Civil Service Administrator submitted the eligible list for Associate Engineer I.

Commission Action: Mr. Kennedy, seconded by Ms. Bonner, moved to approve and certify the eligible list for Associate Engineer I.

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

4. The Interim Civil Service Administrator submitted the eligible list for Deputy City Clerk.

Commission Action: Mr. Kennedy, seconded by Ms. Bonner, moved to approve and certify the eligible list for Deputy City Clerk.

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

ADMINISTRATIVE ITEMS

1. The next regular meeting of the Civil Service Commission was scheduled May 12, 2015, at 5:30 p.m. The meeting will be held in the City Council Chambers, #1 City Hall Place.

INFORMATIONAL ITEMS

1. The Commission received the Employee Status Report for February 2015.
2. The Commission received their handouts.

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HEARING

1. Hearing on the appeal of Deandria Martinez was held. Parties were advised they would receive notification when the Commission had reached a decision.

EXECUTIVE SESSION

1. Motion to convene into executive session at 10:20 p.m. for a conference with the City Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b).

Commission Action: Mr. Archibeque, seconded by Ms. Bonner, moved to approve the motion to convene into executive session.

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

The executive session adjourned at 10:45 p.m. and the regular meeting reconvened. Having no further business to discuss, the Chairman adjourned the meeting.

ADJOURN – 10:46 p.m.


Chairman