

CHAPTER I ORGANIZATION OF COMMISSION

Section 1. Meetings: Regular meetings shall normally be held on the first Tuesday of each month, unless otherwise changed by the Commission or cancelled by the chairman. Special meetings shall be held at the call of the chairman or any member. Notice of the date, time, place and purpose of the meetings shall be given to each member by the Civil Service Clerk prior to the meeting. Notice of meetings shall be posted in compliance with the Iowa Open Meetings Law. Two members of the Commission present at any meeting for which notice has been given shall constitute a quorum for the transaction of business; provided, however, that any new rule or any proposed amendment to these rules shall not be effective until the absent member has had an opportunity to cast a vote for or against such rule or amendment.

Section 2. Open Meetings: Except as hereinafter provided, all meetings of the Commission shall be open to the public. Notice of the time, date and place of each meeting, and its tentative agenda shall be given by advising those news media that have filed a request for such notice and by posting a notice and tentative agenda on the office bulletin board and in such other electronic formats as are customary at the City. Notice shall comply in all respects with Iowa Code § 21.4 and shall be given at least 24 hours prior to the commencement of any meeting unless for good cause such notice is impossible or impractical in which case as much notice as is reasonably possible shall be given, and the good cause justifying the lack of full notice shall be stated in the minutes. "Good cause" means an emergency, which will rarely, if ever, be the case with Civil Service issues.

The Commission may hold a closed meeting by affirmative public vote of 2/3 of the entire commission, or all of its members present. Put differently, if any member of the Commission is not present, the vote to enter closed session must be unanimous. A closed session may be held only to the extent necessary for reasons specifically enumerated in Iowa Code § 21.5 (1), the most of common of which will be:

- a. To discuss strategy with counsel in matters that are presently in litigation or where litigation is eminent where its disclosure would be likely to prejudice or disadvantage the position of the Commission in that litigation. This means legal counsel must be actually present in the closed session. See Iowa Code § 21.5(1)(c).
- b. To evaluate the professional competency of an individual whose appointment, hiring, performance or discharge is being considered and that individual requests a closed session. See Iowa Code § 21.5(1)(i). In any case where a quorum of Commissioners will be participating in interviews, the Commission will reach out to interview candidates in advance of their interviews to verify their request for a closed session and obtain that verification in writing, either by email or other written means, prior to holding any closed session with respect to that individual.
- c. If there are questions about the legality of a closed session, the City Attorney should be consulted.

The vote of each member on the question of holding the closed meeting and the reasons for the closed meeting by reference to a specific exemption under Chapter 21.5 (1) shall be announced publicly at the open session and entered in the minutes, but the statement of

such reason need not state the name of any individual or the details of the matter discussed in the closed meeting.

The closed session shall be tape recorded; and separate, detailed minutes of all discussion, persons present and action occurring shall be taken. These tapes and minutes shall be sealed and shall not be open to public inspection, except as required by law. They shall be kept for at least one (1) year from the date of the meeting. Any final action on any matter shall be taken in open session, unless the Code expressly permits action to be taken in closed session. All hearings shall be public in accordance with Section 400.26 of the Code of Iowa.

Section 3. Oral Interviews: Oral interviews conducted by the Commission are an integral part of the examination process. However, in any case where a quorum of Commissioners will be participating in interviews, Iowa Code § 21.5(1)(i) shall always govern whether said interviews are held in open or closed session.

Section 4. Chairperson: The Commission will meet and select a chairperson from among the Commission members during the month of May each year. The member shall hold the position until the following May. Should no member agree to serve, the chair shall be the member whose term first expires.

Section 5. Records: The Commission shall keep a record of all of its meetings and also a complete individual record of all Civil Service employees. The records shall be permanent and kept up to date. All Civil Service records, including all papers pertaining to examinations of record shall be confidential. Civil Service records shall be made available, upon approval by the Civil Service Commission of a written request, by the City Manager in the case of a city department or by the chairman of a City board or commission, specifying such records as are required in the performance of the duties imposed upon said department, board or commission by law. Such records shall remain confidential upon and after the granting of such request, except where such confidentiality is waived by the Civil Service Commission and the affected individuals, or as required by law as advised by the City Attorney (such as in the case of a valid subpoena or as required by Chapter 22 of the Iowa Code) and the original of such records shall not leave the custody of the Civil Service Commission.

Section 6. Fees: The Commission may establish fees to help offset the costs of administering entrance and promotional examinations and from time-to-time revise or adjust said fees as it deems necessary and desirable. No person shall be allowed to take an examination without paying the established fee prior to the examination.

CHAPTER II EMPLOYEES UNDER CIVIL SERVICE

Section 1. Qualifications: Except as otherwise provided, no person shall be appointed or employed in any capacity in any department which is governed by Civil Service, until such person has passed a civil service examination as provided for in these rules and has been certified to the City Council as being eligible for such appointment. In no case shall any person be appointed or employed in any capacity in any department which is governed by Civil Service unless such person has passed a civil service examination as provided in Chapter 400 (Iowa Code) and has been certified to the City Council as being eligible for appointment. In the case of an emergency, in which the peace and order of the City is threatened by reason of fire, flood, storm or mob violence, making additional protection of life and property necessary, the person having the appointing power may deputize additional persons, without examination, to act as peace officers until the emergency has passed.

A person may be appointed to a position subject to successfully completing a civil service medical examination and mental health evaluation. The person shall not be appointed or employed in any capacity in the fire or police department if the person is unable to meet reasonable physical condition training requirements and reasonable level of experience requirements necessary for the performance of the position; if the person is a habitual criminal; if the person is addicted to narcotics or alcohol and has not been rehabilitated for a period of one (1) year or more, or is not presently undergoing treatment; or if the person has attempted a deception or fraud in connection with a civil service examination.

Additional Entrance Examination Requirements for Police Officers: In addition, all candidates for entrance level police officer must meet minimum standards as established by the director of the Iowa Law Enforcement Academy pursuant to Iowa Code, Chapter 80B.1 and any amendments thereto, and in addition meet the physical standard as set by the appropriate hiring department.

An applicant for the position of police officer who has successfully completed training at the Iowa Law Enforcement Academy, or another training facility certified by the director of the Iowa Law Enforcement Academy does not need to retake a civil service examination upon:

- a. Changing employment from one Iowa law enforcement agency to another Iowa law enforcement agency, or
- b. Becoming employed by the City of Marion and another Iowa law enforcement agency simultaneously.

If the applicant previously passed a civil service examination when the applicant was initially hired as a certified peace officer and if, without a break of not more than one hundred eighty days from prior law enforcement service, the applicant is hired by another Iowa law enforcement agency. However, the applicant shall still complete and pass the applicable physical examination provided in subsection 1 prior to the beginning the new employment.

Additional Entrance Examination Requirements for Firefighters: Candidates for entrance level firefighter must meet the following additional minimum standards:

- a. Is a graduate of an accredited high school or possess an equivalency certificate (GED) which meets the minimum requirements of the State of Iowa as determined by the Department of Public Instruction.
- b. Has not been convicted of a felony or crime involving moral turpitude and is not a habitual criminal.
- c. Must have a current valid driver's or chauffeur's license at time of employment.
- d. Is EMTB certified, either in Iowa or nationally.

The ages for police officer and firefighter applicants must fall within the ages allowed for the positions under any applicable state and federal laws.

Candidates for all other entrance level positions besides police officers and firefighters must meet the minimum training and experience requirements as set forth in the applicable city job description for such position.

Although employees shall not be required to be a resident of Marion, they shall become a resident of Iowa within two (2) years from the date of employment or if a resident at the time employment begins, the employee shall remain a resident of the state during employment. The city may set reasonable maximum distances outside its corporate limits in which police officers, firefighters, or other critical municipal employees may live.

Section 2. Applicability Exceptions: The provisions of these rules and regulations shall apply to all appointive, permanent full-time employees except:

- a. Persons appointed to fill vacancies in elective offices and members of boards and commissions and the Clerk to the Civil Service Commission.
- b. The City Clerk, Chief Deputy City Clerk, City Attorneys, City Treasurer, City Assessor, City Auditor, professional City Engineers licensed in Iowa and City Health Officer.
- c. The City Manager and Assistant City Managers.
- d. The head and principal assistant of each department and the head of each division, excepting assistant fire and police chiefs. However, the Civil Service Commission is responsible for holding entrance examinations for Police Chief and Fire Chief.
- e. The principal secretary to the City Manager, the principal secretary to the Mayor and the principal secretary to each of the department heads.
- f. Employees of boards of trustees or commissions established pursuant to state law or city ordinance.
- g. Employees whose positions are funded by state or federal grants or other temporary

revenues.

- h. Non-fire or police employees who are not required to be appointed pursuant to Iowa Code Chapter 400 and who are not appointed employees pursuant to the City's ordinances.

Section 3. Resignation: Any Civil Service employee who resigns and wishes to be rehired must reapply as a new applicant, successfully pass all related tests, be placed on the certified list and be selected for appointment or hire. If rehired, the employee's Civil Service seniority will be determined from the date of current rehire. Said employee will be treated as a new employee from the date of rehire for all purposes.

Section 4. Preference by Service: An employee regularly serving in or holding a position when the position becomes subject to this chapter or, when the position is reclassified by the City, shall retain the position and have full Civil Service rights in the position under any of the following conditions:

- a. The employee meets the minimum qualifications established for the position and has completed the required probationary period for the position.
- b. The employee has served satisfactorily in the position for a period equal to the probationary period of the position and passes a qualifying non-competitive examination for the position but does not meet the minimum qualifications established for the position.
- c. An employee who has not completed the required probationary period but who otherwise meets the minimum qualifications for the position or who passes a qualifying noncompetitive examination shall receive full Civil Service rights in the position upon completion of the probationary period.

CHAPTER III CLASSIFICATIONS

Section 1. New Position Classifications: Whenever a new position classification is created, the appointing authority shall notify the Commission, and the Commission shall determine whether or not that position classification falls within the purview of Civil Service. If the position does fall within the Commission's jurisdiction, the appropriate examination status (entrance or promotional) will also be determined.

Section 2. Changes in Positions: The appointing authority shall notify the Commission whenever the duties and responsibilities of a Civil Service position change so materially that reallocation action is contemplated. The Commission shall review each case concerning any abrogation of an employee's Civil Service rights. Reclassification shall not be used for the purpose of avoiding restrictions surrounding promotions and demotions.

Section 3. Reclassification of Incumbents: An employee regularly serving in or holding a position when the position is reclassified by the City shall retain the position and have full Civil Service rights in the position under any of the conditions listed in Chapter II Section 2 of these rules. Whenever the title of a class is changed without a significant change in duties and responsibilities, the incumbents shall have the same status in the re-titled class as they had in the former class.

Section 4. Diminution: Whenever the public interest may require diminution of employees in any classification or grade under Civil Service, the City shall act pursuant to Section 400.28 of the Code of Iowa.

CHAPTER IV ENTRANCE LEVEL EXAMINATIONS

Section 1. Nature of Examinations: The Commission may prepare and administer examinations or may hire persons with expertise to do so if the Commission approves the examinations. It may also hire persons with expertise to consult in the preparation of such examinations if the persons so hired are employed to aid the personnel of the Commission in assuring that a fair examination is conducted. Examinations shall be practical in character and shall relate to such matters as will fairly test the mental and physical ability of the applicant to discharge the duties of the position to which the applicant seeks appointment. Provided, however, that such physical examination and mental health evaluation of applicants for appointment to the positions of Police Officer or Firefighter shall be held under the direction of and as specified by the Boards of Trustees established by Chapter 411 of the Code of Iowa.

The examination may consist of one or more parts. The Commission shall determine or approve the qualifying score for each part of an examination as well as the combined score for all parts of the examination based on sound testing principles. Failure to pass any part or parts of the examination shall be deemed sufficient reason to disqualify the applicant for further consideration on the particular examination involved.

Section 2. Announcement of Examinations: Entrance examinations will be scheduled as the needs of the various services may require. The Commission is to be notified in writing of imminent need by the appropriate department official, recognizing that 90 days from the date of the written examination may be needed to complete the testing procedure, as allowed by the Iowa Code. The Commission through its staff shall post notice of all civil service examinations on the official bulletin board in City Hall and all other official City bulletin boards. Such announcements shall contain:

- a. The official notice inviting the filing of applications.
- b. The method of obtaining application forms, final date and time for filing the same.
- c. Any additional information desirable at the discretion of the Commission.

Section 3. Applications: All applications shall be filed on forms provided by the Commission and shall call for information covering the applicant's education, training, experience, and any other information deemed desirable at the discretion of the Commission. The Commission has the right to ask for certificates of health, fingerprints, education certificates, transcripts or diplomas, proof of identification and other pertinent information or documentation which may be desirable at the discretion of the Commission. Any medical certificate shall be from an appropriate licensed, medical doctor, ophthalmologist/optometrist whichever is applicable. The application shall provide all required information and be signed by the applicant. The Commission shall accept applications if completed in accordance with these rules from any qualified applicant. All applications and documentation shall be properly completed and returned to the designated office on the closing date and time for applications as established by the Civil Service Commission. Photo identification shall be required at the time of testing. For police officers and firefighters, the photo identification shall be in the form of a valid driver's license.

Section 4. Disqualification of Applicants: The Commission shall reject an application if the applicant does not possess the minimum qualifications. An applicant will also be rejected after acceptance if it is later found that they do not possess the minimum qualifications.

An applicant may also be rejected because of any of the following:

- a. Does not pass the examination for the position, which can be a written examination, oral interview, physical qualifications test, or other selection procedure either singly or in combination. In addition, all police candidates shall take a polygraph examination and a battery of psychological tests to determine their suitability for employment.
- b. Is physically unfit or of unsound health which would interfere with the proper performance of the duties required of the position. A medical examination and a mental health evaluation shall be required and is generally given at a time later than the other examinations. If a candidate fails to appear for a scheduled medical examination and/or mental health evaluation the candidate shall be disqualified for appointment. Copies of all communication concerning each applicant's medical physical examination, mental health evaluation, and/or appointment showing cause for disqualification for appointment to the department shall be immediately forwarded to the Civil Service Commission. Qualifying medical and mental health reports must be in the Civil Service Commission office before the date of hire.
- c. Should an applicant be disqualified in a medical physical examination and/or mental health evaluation, the applicant shall not be qualified to reapply for consideration in any department which has the same or similar physical and/or mental health qualification requirements unless the applicant makes a satisfactory showing that the condition which caused the disqualification no longer exists.
- d. Is guilty of making false statements of fact or of practicing fraud or deception in the application or the examination process.
- e. Does not meet one of the other requirements stated in Chapter II, Section 1 of these rules or Chapter 400, Iowa Code.

Persons making application for employment under civil service shall not be discriminated against on the basis of any characteristic protected by local, state, or federal law.

The commission shall cause notice to be sent to any applicant whose application has been rejected or is incomplete. The applicant may provide the required information and it shall be accepted if received before the expiration date and time stated in the original announcement. Rejection of applicants due to physical fitness or unsound health will be based on standards established by the respective pension board or by the appropriate authority. The Commission shall use the application and any additional information submitted by the applicant to determine the eligibility of such applicant in accordance with the established requirements for the position.

Section 5. Conduct of Examinations: Applicants must report on the date and at the time scheduled as late arrivals will not be allowed to take the examination, and examination make ups will not be permitted.

Section 6. Notification of Results: The Commission shall notify all applicants of their examination results. The names of successful applicants shall be placed on certified lists as set forth in these rules.

Section 7. Fraud in Examinations: Any person who, at the examination or on any document signed or furnished by the applicant in connection with any examination or application therefor, makes any false representation or who shall use any materials or memoranda, whereby an advantage would be obtained over competitors at such examination, may be excluded from the examination and the applicant's name stricken from any eligible list on which it may appear.

Section 8. Applicant Files: Individual files for unsuccessful civil service entrance applicants will be retained by the Civil Service Commission for a period of five years from date of certification. At the end of the five-year period the files will be destroyed by shredding or other appropriate means. No microfilm records will be maintained.

Section 9. Veterans Preference: In all entrance examinations except those held for Police Chief or Fire Chief, veterans as defined in Section 35.1 of the Iowa Code shall be eligible for additional percentage points as provided in Section 400.10 of the Code of Iowa

In order to receive the veteran's preference, applicants must furnish a copy of their DD 214 or other official department of defense document which verifies the date of their induction and separation and their honorable discharge from military service. Qualified veterans wishing to claim an additional five (5) percentage points due to a service-connected disability must submit a disability statement issued by the Veterans Administration and dated within the last 12 months. Qualified veterans claiming a Purple Heart award as the basis for these additional five (5) percentage points must submit a copy of an official document from the Veterans Administration or Defense Department verifying such award. Documents verifying eligibility for veterans' preference and additional disability points must be submitted to the Civil Service office prior to the conclusion of the examination process.

Section 10. Requesting Examinations. Departments requesting entrance level examinations for positions shall comply with the procedures, standards, guidelines and practices of the Civil Service Commission and Human Resources Department.

CHAPTER V PROMOTIONAL EXAMINATION

Section 1. Vacancies: Vacancies in promotional grades shall be filled by lateral transfer, voluntary demotion, or promotion as provided in Section 400.9 of the Iowa Code. The department head needing a promotional exam shall follow the procedures attached to these rules.

Section 2. Conduct of Examination: The commission shall conduct promotional examinations in accordance with Section 400.9 of the Code of Iowa and amendments thereto. Make ups for written promotional examinations and oral interviews will be allowed only in the following circumstances:

- a. A serious personal illness or injury and an attending physician(s) restricts the candidate to hospital/home care and the candidate is able to complete the makeup examination within 60 days of the original testing date.
- b. In the event of a death if an applicant qualifies for funeral leave at the time of the examination as stated in the current City of Marion, Iowa Personnel Rules and Regulations or applicable union contract.

Unless authorized by the foregoing, failure to appear on the established date, time and place for either written examinations or oral interviews shall result in disqualification. If the candidate is requesting a makeup examination for any reason set forth herein, the candidate shall notify the Commission of the request in writing before the date and time of the scheduled interview or examination and provide documentation to substantiate the request.

Section 3. Scheduling: Promotional examinations will be scheduled as the needs of the various services may require. The Commission is to be notified in writing of imminent need by the appropriate department official, recognizing that 90 days from the date of the written examination may be needed to complete the testing procedure as allowed by the Iowa Code and further recognizing that, except as stated above, no make ups will be allowed for the written examination or the oral interview.

Applications for promotional examinations must be completed by the established date/time for accepting applications.

Candidates who desire consideration in promotional examinations must complete separate applications for each examination.

Section 4. Qualifications: Promotional opportunities and qualifications shall be determined and approved by the Commission prior to the posting of the announcement of the examination. The Commission shall use the application and any additional information submitted by the applicant to determine the eligibility of such applicant in accordance with the established requirements for the position.

Persons seeking promotion under civil service shall not be discriminated against on the basis of any characteristics protected by local, state, or federal law.

CHAPTER VI CERTIFICATION

Section 1. Certification of Original Appointment Lists: The Commission shall, within one hundred eighty (180) days after the beginning of each competitive examination for original appointment certify to the City Council a list of the names of the forty (40) persons, or a lesser number as determined by the Commission, who qualify with the highest standing as a result of each examination, or such number as may have qualified, if less than forty (40), in the order of their standing. Certified lists for entrance level candidates shall remain valid until the announcement of the beginning of a new examination process. The Commission may hold an additional original appointment list of up to 40 persons in reserve. All newly created offices or other vacancies in positions under civil service which shall occur before the beginning of the next examination for such positions shall be filled from said lists or from the preferred list existing as provided for in the case of diminution of employees, within thirty (30) days. If a tie occurs in the examination scores which would qualify more than one person for the last position on the list, the list of the names of the persons who qualify with the highest standing as a result of each examination shall include all persons who qualify for the last position.

If the City Council suspends the civil service certification requirements for hiring, the provisions of this Chapter VI, Section 1 shall also be suspended. The suspension of the civil service procedures regarding hiring, including this Chapter VI, Section 1, does not relieve an employee of the requirements to complete all examinations and tests applicable to those persons for positions subject to Iowa Code Chapter 400.

Section 2. Certification of Promotional Lists: The Commission shall within (90) days after the beginning of each competitive examination for promotion certify to the City Council a list of the names of ten (10) persons for promotional examinations, who qualify with the highest standing as a result of each examination, or such number as may have qualified, if less than ten (10) as is applicable, in the order of their standing. Certified lists for promotions shall remain valid for two (2) years from the date of certification, unless earlier exhausted. All newly created offices or other vacancies in positions under civil service which shall occur before the beginning of the next examination for such positions shall be filled from said lists or from the preferred list existing as provided for in the case of diminution of employees, within thirty (30) days. If a tie occurs in the examination scores which would qualify more than one person for the last position on the list, the list of the names of the persons who qualify with the highest standing as a result of each examination shall include all persons who qualify for the last position. Preference for temporary service in civil service positions shall be given those on such lists.

Except where such preferred list exists, persons on the certified eligible list for promotion shall hold preference for the promotion two (2) years following the date of certification, three (3) years in the case of fire fighters, after which said lists shall be cancelled; and no promotion to such grade shall be made until a new list has been certified eligible for promotion.

When there is no such preferred list, or when the eligible list shall be exhausted, the person or body having the appointing power may temporarily fill a vacancy until an examination can be held and the names of qualified persons be certified by the Commission. Such temporary appointments are limited to ninety (90) days for any one (1) person in the same vacancy, but such limitations shall not apply to persons temporarily acting in positions regularly held by another. Any person, temporarily filling a vacancy in a position of higher grade for twenty (20)

days or more, shall receive the salary paid in that higher grade.

Section 3. Removal of Persons from Lists: A person appearing on a certified list shall be removed by the Commission whenever that person has requested in writing that their name be removed or refuses appointment and there is no other eligible individual on the certified list who is willing to accept appointment.

CHAPTER VII PROBATIONARY PERIOD

Section 1. Regular Appointment Following Probationary Period: All original appointments shall be tentative and conditional upon a probation period not to exceed six (6) months, and in the case of police dispatchers and firefighters, a probation period not to exceed twelve (12) months. In the case of patrol officers, if the employee has successfully completed training at the Iowa Law Enforcement Academy or another training facility certified by the Director of the Iowa Law Enforcement Academy before the initial appointment as a police patrol officer, the probationary period shall be for a period of up to nine (9) months and shall commence with the date of initial appointment as a patrol officer. If the employee has not successfully completed training at the Iowa Law Enforcement Academy or other training facility certified by the Director of the Law Enforcement Academy before initial appointment as a patrol officer, the probationary period shall commence with the date of initial employment as a police patrol officer and shall continue for a period of up to nine (9) months following the date of successful completion of training at the Iowa Law Enforcement Academy or another training facility certified by the Director of the Iowa Law Enforcement Academy.

Section 2. Objective of Probationary Period: The probationary period is regarded by the Commission as an intrinsic part of the examination process to be utilized by the appointing authority for close observation of the employee's work for securing the most effective adjustment of the new employee in their position and for eliminating any probationary employee whose performance does not meet the required work standards. Every effort shall be made by the appointment authority to ensure that the new employee receives proper training and assistance.

Section 3. Rejection of the Probationer: During the probation period, the appointee may be removed or discharged from such position by the appointing person or body without the right of appeal to the Civil Service Commission. A person removed or discharged during the probationary period shall, at the time of discharge, be given a notice in writing stating the reason or reasons for the dismissal. A copy of such notice shall be promptly filed with the Commission. Continuance in the position after the expiration of such probationary period shall constitute a permanent appointment. Notwithstanding the forgoing, the department employing a probationary employee, in its complete discretion, may extend the probationary period for such reasonable time as may be appropriate by agreement with the probationary employee, as an alternative to termination.

CHAPTER VIII CHANGES IN EMPLOYMENT STATUS

Section 1. Disciplinary Procedure: Discipline shall be in accordance with Iowa Code Chapter 400 and amendments thereto.

Section 2. Demotion: An appointing authority may demote an employee whose performance of the required duties falls below standard, or for disciplinary reasons, as governed by Iowa Code 400.19. An employee shall not be demoted into another position unless the employee possesses the minimum qualifications for that position. Written notice of the demotion and pay rate shall be given to the employee, and a copy shall be filed with the Commission. A demoted employee shall have the right to request a hearing before the Commission as prescribed by the rules, the Code of Iowa and amendments thereto. Upon written request, an employee may be voluntarily demoted to a vacant position, provided there is an opening in the position and the employee possesses the minimum qualifications for that position. In all events all demotions will be allowed only if:

- a. The reduction in rank must meet with the approval of the person in authority in the department.
- b. A current opening must be available for the position the employee seeks.
- c. The employee must be reduced in rank only to the previous position held.

CHAPTER IX APPEALS AND HEARINGS

Section 1. Appeals: All civil service appeals and hearings shall be governed by the provisions of Chapter 400 of the Code of Iowa. Employees under civil service shall have the right to appeal to the Civil Service Commission all matters involving their civil service rights except where the right of appeal is denied by the Code of Iowa. Appeals involving removal or discharge, demotion or suspension of civil service employees shall be filed in writing with the clerk of the Civil Service Commission. It shall be the duty of the Commission to inform the appointing authority or other persons involved of the filing of an appeal.

Section 2. Time Limitations for Appeals: Appeals of removal, suspensions, demotions, discharges or other matters must be filed with the clerk of the Civil Service Commission within fourteen (14) days after the removal, discharge, demotion or suspension, or after the employee has knowledge of the occurrence or incident which precipitated the appeal if the appeal does not involve a suspension or demotion of discharge. The notice of appeal shall be in writing, signed by the appellant and shall specify the ruling or matter appealed from.

Section 3. Notice of Appeal: If an appeal is taken by an employee suspended, demoted, or discharged, notice of appeal, signed by the employee and specifying the ruling appealed from shall be filed with the clerk of the Civil Service Commission.

Section 4. Charges: Within fourteen (14) calendar days from the service of the notice of appeal the person or body making the ruling appealed from shall file with the Civil Service Commission a written specification of the charges and grounds upon which the ruling was based. If the charges are not filed, the person suspended, demoted, or discharged may present the matter to the Civil Service Commission setting forth the facts by affidavit; and the commission shall immediately enter an order reinstating the person suspended, demoted, or discharged for want of prosecution.

Section 5. Time and Place of Hearing: Within ten (10) days after the specifications are filed, the Commission shall fix the time and place of hearing. The hearing shall be held not less than five (5) nor more than twenty (20) days thereafter. Both parties shall be notified in writing of the time and place of the hearing, and the notice shall contain a copy of the specifications so filed. A hearing date outside the window specified by the Iowa Code may only occur by mutual agreement between the employee, the appointing authority, and the Commission.

Section 6. Request for Continuance: The Commission shall consider requests for continuances and shall grant or deny such requests based upon the facts presented and the ability of the Commission to schedule an alternate hearing date.

In granting requests for continuances, the Commission reserves the right to impose terms and conditions upon the requesting party when such action is deemed appropriate and reasonable by the Commission.

Section 7. Subpoena Power: The Commission shall issue subpoenas to require the attendance of witnesses or the production of pertinent documents for such hearing, as designated by either of the parties. Requests for subpoenas shall be filed in writing with the clerk of the Civil Service Commission. The request shall include the names of those persons

to be subpoenaed and shall specifically designate and identify the documents requested. Subpoenas shall be signed by the Commission chairperson. The service of subpoenas and expenses involved, if any, shall be the responsibility of the requesting party. The Commission shall not issue subpoenas for the purpose of taking depositions or discovery.

Section 8. Appeal Proceedings: The Commission shall hear the evidence upon the charges and specifications as filed by the appointing authority. The proceedings shall be as informal as is compatible with the requirements of justice and due process and with a view toward presentation of all the evidence so that a fair and impartial decision may be made. Although technical rules of evidence shall not apply at the hearing, testimony and evidence offered must be reasonably relevant and pertinent to the issues presented by the appeal. Objections to the admission of testimony and/or evidence may be made by either party and considered and ruled on by the Commission. The appointing authority may be represented by the city attorney or other counsel, and the appellant may also be represented by counsel at appellant's expense. When the Commission requires legal counsel and in its opinion use of the city attorney would cause a conflict of interest, outside counsel may be employed.

Appeal proceedings before the Commission shall be reported by a Certified Shorthand Reporter, in order that an accurate record will be preserved for any appeal to the District Court.

The appointing authority shall use numbers to identify their exhibits and the appealing employee shall use letters to identify their exhibits.

The appointing authority shall first present evidence in support of the charge. Each party shall have the right to cross-examine all witnesses. The appellant or appellant's counsel shall then present such evidence as appellant may wish to offer in support of the appeal. The parties in interest may then offer rebuttal evidence. Commission members may question witnesses upon the conclusion of direct or cross-examination. After hearing all the evidence, the Commission, in its discretion, may hear arguments or request that briefs be submitted.

Either party may request that witnesses be sequestered. The Commission shall honor such requests or may on its initiative require sequestering when its decision will most probably rest upon a determination of the credibility of the testimony given. The appellant and the appointing authority or his or her designated representative shall be permitted to be present during the entire proceedings.

If the appellant and/or the appellant's counsel fails to appear at the time fixed for hearing appellant's appeal, the Commission shall hear such evidence as may be produced, or it shall deem proper or necessary, and make a finding according to the evidence.

Within a reasonable time after the conclusion of any hearing, the Commission shall cause its findings and decision to be prepared in writing and signed by each commissioner. If the decision is not unanimous, the dissenting member may submit a supplemental or minority report. Such findings and decision, together with any supplemental or minority report, shall be filed in the permanent files of the Commission. The decision shall be filed with the Clerk of the Civil Service Commission. A copy of the findings and decision shall be delivered to the appointing authority and the affected employee, and such judgment shall become effective forthwith.

The City, or any civil service employee, shall have the right to appeal to the District Court from the final ruling or decision of the Civil Service Commission. The appeal shall be taken within thirty (30) days from the filing of the formal decision of the Commission. The District Court of Linn County shall have full jurisdiction over the appeal.

The appeal to the District Court shall be perfected by filing a notice of appeal with the Clerk of the District Court within the time herein prescribed and by serving notice thereof on the secretary of the Civil Service Commission.

In the event the ruling or decision appealed from is reversed by the District Court, the appellant, if it be an employee, shall then be reinstated as of the date of said suspension, demotion, or discharge and shall be entitled to compensation from the date of such suspension, demotion, or discharge.

CHAPTER X GENERAL PROVISIONS

Section 1. Change of Address: Every employee, former employee awaiting action by the Commission, person whose name is on the eligible list, and every applicant is required to notify the Commission of any change of address or change of name. Prior to a change of name being entered on the Civil Service Commission records, a certified copy of the order granting the name change should be filed with the Commission. In sending notices affecting such persons, the Commission assumes no responsibility beyond the address last recorded in the Commission office. Failure to respond to notices sent by the Commission to the last recorded address may result in denial of admission to examination or in removal from the eligible list.

Section 2. Seniority: For the purpose of determining the seniority rights of civil service employees, seniority shall be computed beginning with the date of appointment to, or employment in, any position or which they were certified or otherwise qualified but shall not include any period of time exceeding sixty (60) days in any one year during which they were absent from the service except for disability.

In the event that a civil service employee has more than one classification or grade, the length of their seniority rights shall date in the respective classifications or grades from and after the time they were appointed to or began their employment in each classification or grade. In the event that an employee has been promoted from one classification to another, their civil service seniority rights shall be continuous in any department classification that they formerly held.

A list of all civil service employees shall be prepared and posted in the City Hall by the Civil Service Commission on or before July 1 of each year indicating the civil service standing of each employee as to their seniority.

Section 3. Records: Records which are confidential pursuant to Iowa Code, Chapter 22, and amendments thereto shall not be considered public information and shall not be available for public inspection except as provided in Chapter 22. Any employee or applicant appearing in person before the Civil Service Clerk to view their personnel file records must present proper identification before being allowed access to their file.

Section 4. Amendment and Revision of Rules: These rules may be amended upon recommendation of any service chief or of the members of the Commission, provided that the proposed amendment, revision or addition, shall pass by two-thirds vote of the Commission.

Section 5. Conflicts: Any differences between these Rules and the Code of Iowa shall be harmonized, if possible and if not, the Iowa Code shall govern.