

**CITY OF AMES**

**CIVIL SERVICE COMMISSION  
POLICIES AND PROCEDURES**

**Effective July 1, 2019**



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CITY OF AMES - CIVIL SERVICE COMMISSION  
PROCEDURES AND POLICIES

The Civil Service Commission of the City of Ames is a special tribunal created under the Iowa Code Chapter 400, Civil Service.

The purpose of the Commission shall be to establish guidelines for conducting examinations, to hear appeals in accordance with Iowa Code Chapter 400, and to perform such other duties and functions as may be required by Chapter 400 and these Procedures.

CHAPTER 1  
ORGANIZATION OF COMMISSION

1.1 Commission Members

The Commissioners must be citizens of Iowa, eligible electors, and residents of Ames preceding their appointment. The Commission shall elect a chairperson and vice chairperson from among its members.

1.2 Meetings

1. Regular Meetings

Regular business meetings shall be held on the fourth Thursday of each calendar month, or as provided. Notice of the date, time, place and purpose of the meeting shall be given to each member by the City Clerk at least twenty-four (24) hours prior to the meeting. The Commission may also hold additional meetings because of workload or the need for timely action. Such additional meetings shall be called by the Human Resources Director with consent of the Commission Chairperson as may be necessary.

2. Open Meetings

Meetings shall be open to the public. Notice of the time, place and date of each meeting, and its agenda shall be posted on the City's official bulletin board. Notice shall be given at least twenty-four (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 reasonably possible shall be given.

### 3. Closed Meetings

The Commission may hold a closed meeting upon motion, second and affirmative vote of two-thirds (2/3) of members present at the meeting, and then only to the extent necessary for any of the following reasons:

- A. To discuss strategy with counsel in such matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the Commission in that litigation.
- B. To evaluate the professional competency of an individual whose appointment, hiring, performance, or discharge is being considered when necessary to prevent needless and irreparable injury to that individual's reputation and that person has requested a closed session.
- C. To discuss the decision to be rendered in a contested case.
- D. For any other reasons authorized by the law.

#### 1.3 Records

The City Clerk, or a designee of the City Clerk, shall serve as Clerk of the Commission and shall keep a record of all Civil Service Commission meetings. If an employee who is appointed Clerk of the Commission has Civil Service status at the time of appointment as Clerk of the Commission, the employee shall retain the Civil Service rights held before the appointment.

The Civil Service Commission shall delegate responsibility for maintenance of a complete individual service record for each civil service employee to the Human Resources Department. This record shall be permanent and be kept up to date throughout the employee's service to the City.

A copy of these Policies and Procedures shall be posted in the Human Resources Department and on the City's website.

#### 1.4 Delegation of Responsibilities

Recruiting efforts for all vacancies will be planned and carried out by the Human Resources Director or designee in a manner consistent with these policies, which ensures open competition. Job announcements for all vacant or newly created positions will be posted at City Hall and be available on the City of Ames website at a minimum. Advertising may be used for recruitment as appropriate to the occupational field and employment market.

The Human Resources Director will determine the positions that qualify as exempt from Civil Service pursuant to current state law. These classifications are subject to change pursuant to amendments in the state law or departmental reorganization.

CHAPTER 2  
EMPLOYEES GOVERNED BY CIVIL SERVICE

2.1 Applicability/Exceptions

The provisions of these rules and regulations shall apply to permanent full-time Police Officers and Firefighters and to all permanent full-time employees except:

1. The City Clerk, Chief Deputy City Clerk, Attorneys, City Treasurer, City Assessor, City Auditor, professional engineers licensed in the State of Iowa, City Health Officer, City Manager and Assistant City Managers.
2. The head and principal assistant of each department (and the head of each division) including the principal secretary to the City Manager, Mayor, and the principal secretary to each of the department heads. This exclusion does not apply to assistant or deputy fire chiefs, or assistant or deputy police chiefs.
3. Persons appointed to fill vacancies in elective offices and members of boards and commissions and the Clerk to the Civil Service Commission, and employees of board of trustees or commissions established pursuant to state law or City ordinances.
4. Employees whose positions are funded by state or federal grants or other temporary revenues.

2.2 Preference by Service

Any employee regularly serving in or holding a Civil Service position or reclassified into Civil Service shall have full Civil Service rights in the position under any of the following conditions:

1. The employee meets the minimum qualifications and has completed the required probationary period for the position.
2. The employee has satisfactorily served in the position for a period equal to the probationary period and passes a noncompetitive examination for the position, but does not meet the minimum qualifications for the position.
3. 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 for the position shall receive full Civil Service rights in the position upon completion of the probationary period.

## CHAPTER 3 RECRUITMENT AND SELECTION

### 3.1 General

It is the policy of the City of Ames that employee recruitment, selection, transfer and promotion will be based on the applicants' relative abilities, knowledge, skills, interests and workplace values. A system of personnel administration based on merit principles will be maintained for all City employees and the same shall be consistent with the provisions of Iowa Code Chapter 400 where applicable, and other state and federal laws, where applicable.

### 3.2 Applications

Applications can be completed electronically online or in the City Human Resources Department located in City Hall, 515 Clark Avenue during business hours, typically 8:00 a.m. to 5:00 p.m., Monday through Friday. Applications will be accepted only during announced recruitments. Applications will be accepted for current position openings in the absence of a valid list of certified eligible candidates, or in anticipation of the expiration of a current eligibility list.

The Human Resources Department is authorized to require transcripts, licenses, certificates, and other pertinent information which may be necessary to determine the qualifications or eligibility for employment of any applicant.

It is the responsibility of the applicants, both open and promotional, to submit a completed City of Ames application together with all required documents by the closing date for applications. If more time is needed to obtain any documents, arrangements must be made with the Human Resources Department prior to the closing date.

### 3.3 Qualifications

#### 1. Minimum Qualifications

The minimum qualifications are established by the Human Resources Director, usually after consultation with other management personnel or others having expertise in the field covered by the job. Minimum qualifications may be revised at any time, but will not be changed during an announced recruitment period (from posting until deadline).

The minimum qualifications will be stated on the recruitment announcement. Based on the nature of the position, the required qualifications, the anticipated size of the applicant pool, the City's immediate hiring needs, the City's experiences with prior recruitment efforts for the same or similar positions, and any other factors that the Human Resources Director considers relevant, the announcement may include a statement such as, "the Human Resources Director may require additional or preliminary review steps to narrow the pool of qualified applicants. In addition, preference may be given to applicants

possessing qualifications above the minimum.” In such cases, the Human Resources Director may implement such additional or preliminary review steps to narrow the pool of qualified applicants, and the number of persons advancing through the various stages may be limited based on qualifications above the minimum, or possession of special qualifications. For purposes of this section, the Human Resources Director shall have the discretion to determine what constitutes a large number of expected applicants relative to a particular position.

An applicant must meet the minimum required qualifications in order to be considered. The Human Resources Director shall have the discretion to extend or phase application due dates for a particular position and to extend the time limit for an applicant to meet the qualification requirements. However, all qualifications must be met prior to the Commission's certifying the eligibility list. Each application will be reviewed by a professional staff member of the Human Resources Department. In the case of technical qualifications, the operating department may be consulted. However, the Human Resources Department will make the final determination as to whether an applicant meets minimum qualifications. Notification of eligibility to take the examination will be sent to the applicant by the Human Resources Department.

## 2. Disqualification of Applicant

The Human Resources Department shall reject an applicant who does not possess the minimum qualifications or is unqualified because the applicant:

- A. Is guilty of making false statements or of practicing fraud or deception in the application, examination or other part of the selection process; or
- B. Is unable to perform the essential functions of the position with or without reasonable accommodation as defined by the Americans With Disabilities Act; or
- C. Does not pass the examination for the position, which can be a written test, scored analysis of education and experience, oral interview, performance test, or other selection procedure either singly or in combination; or
- D. Has a criminal history that, when considered in connection with the requirements of the position, is deemed to be indicative of inability to properly perform the job, including inability to adhere to standards of conduct for employees, or would constitute a liability to the City; or
- E. Has reference and/or background check results that do not provide indicators of future success in the position.



### 3.4 Promotional Track Eligibility

In order to be eligible to apply for a promotional position, an employee of the city must currently work in another civil service position on the promotional track. For purposes of these Policies, the Human Resources Director shall determine which Civil Service job classes are open and which are promotional. In making such a determination, the Human Resources Director shall consider, among other relevant factors, whether service in a lower level of the promotional track can reasonably be expected to result in the acquisition of the knowledge, skill, and ability necessary to meet the minimum qualifications of the higher level promotional job class(es).

### 3.5 Examinations

#### 1. Purpose of Examinations

Under the direction of the Human Resources Director, the Human Resources Department shall establish orderly procedures for the testing of applicants for civil service positions, which testing shall help identify the most qualified individuals for each position. The Department is authorized to conduct examinations for the purpose of determining the qualifications of applicants for positions under civil service, which examinations shall be practical in character and shall relate to matters which fairly test the mental and/or physical ability of each applicant to discharge the duties of the position to which appointment is sought. Examinations shall explore the knowledge, skills, abilities, competence, interest, and workplace values of the applicants in the particular fields of examination; and other such qualifications as may be required for the position by law or applicable governing agency. Appointments shall be made on the basis of merit.

Under the authority of the Commission, the Human Resources Director or designee shall review the qualifications of all applicants for civil service positions, establish appropriate criteria for applicants to qualify for testing, establish appropriate examinations for each position, establish multiple levels of examinations when needed (e.g., written, oral, physical, psychological, etc.), and establish the qualifying score for examinations based on sound testing principles. Failure to pass any part or parts of such examinations shall be deemed sufficient reason to disqualify an applicant from further consideration on the particular examination involved.

#### 2. Examination Announcements

Examinations shall be conducted as the needs of the City may require. The Human Resources Department shall give notice of Civil Service examinations to all qualified applicants. The names of persons approved to administer any examination shall be posted in City Hall at least twenty-four hours prior to the examination.

Job announcements shall be posted in the Human Resources Department and on the City's website for a minimum of not less than ten calendar days. Notice of job openings shall be

sent to all departments. Such notice shall contain:

- A. The deadline for submission of applications setting forth the day, date and time for return;
- B. The title and rate of pay of the position(s) to be filled; and
- C. Identification as entry-level, promotional, lateral transfer, and/or voluntary demotion.

3. Promotional Examinations

Whenever possible, vacancies in civil service promotional positions will be filled by lateral transfer, voluntary demotion, or promotion of employees within the relevant promotional track, and to the extent that the city employees in such promotional track qualify for the positions. When laterally transferred, voluntarily demoted, or promoted, an employee shall hold full civil service rights in the position.

Promotional examinations shall be conducted for the purpose of creating a certified list of qualified candidates for promotion to a higher grade under civil service. If there is a certified list of qualified candidates, then a notice that interviews are being scheduled to fill a vacancy will be posted for at least five working days before the closing date in the Human Resources Department at City Hall. Civil Service employees who have completed the probationary period for their initial civil service appointment by the recruitment closing date, and who wish to voluntarily demote or to laterally transfer into a vacancy and have previously been or are currently in the promotional track where the vacancy exists, shall notify the Human Resources Department of the employee's interest in the vacant position by completing a job application. Employees who meet minimum qualifications will be added to the list of candidates to be interviewed and considered for the vacancy. Such employees are eligible to apply for Civil Service promotional examinations, regardless of their current salary level.

If there is no certified list of qualified candidates for a promotional appointment, then, when an examination announcement is posted, it will state that an employee who has been or is currently employed in the classification where the vacancy exists, may express interest in the vacancy by completing an application. Upon completion of the application, the employee shall be added to the list of candidates for an interview and consideration for the vacant position. If there are fewer than three (3) qualified applicants for any given promotional position, then the City will proceed to an open examination.

4. Open Examinations

An open examination will be used to fill the vacancy if there are fewer than three (3) employees of the city considered qualified for the promotional opportunity, if fewer than three (3) employees of the city pass the promotional examination and otherwise qualify for a vacated position, or if fewer than three (3) employees of the city apply for a vacated

position.

5. Examinations for Multiple Classifications

At the discretion of the Human Resources Director a single examination may be used to establish more than one eligibility list if the classifications are closely related. In such cases, different pass points may be set for the respective classifications. In the case of multiple-component examinations, scores on one or more components may be applied to more than one examination where the components are common to the respective examinations.

In addition, at the discretion of the Human Resources Director, separate eligibility lists can be established within the same classification. In such cases, candidates shall indicate the specific position or positions they would like to be eligible for appointment.

6. Scoring Examinations

In some examinations, failure of any part of the examination shall be grounds for declaring such candidate as failing in the entire examination or as disqualified for subsequent parts of an examination. Such determinations shall be made by the Human Resources Director. Components, or sub-tests, may be designated qualifying only and scored on a pass/fail basis. The Human Resources staff is authorized to perform such statistical conversions of test scores as they deem professionally appropriate.

7. Notification of Examination Results

Efforts are made to score the examinations as quickly as possible in order to advise applicants of the results in a timely manner. After compiling examination scores, candidates will be notified of their Civil Service scores by the Human Resources Department in writing. The notice of examination results will include notification as to whether the candidate will be recommended for certification to the Civil Service eligibility list for that job classification.

A candidate shall have the right to review their own examination scores; however, the Human Resources Director may restrict access to examination materials in order to maintain test security, including preservation of the reliability and validity of the test for future use, to the extent authorized by Iowa Code Chapter 22.

8. Retesting

Applicants who failed an examination, or any portion of an examination, may re-test for the same position only following a six (6) month waiting period.

## 9. Veterans Preference

In all qualifying examinations under these policies, veterans who are citizens or legal permanent residents of the United States shall have five percentage points added to the veteran's grade or score attained in qualifying examinations for appointment to positions; and five additional percentage points added if the veteran has a service-connected disability or is receiving compensation, disability benefits, or pension under laws administered by the United States Veterans Administration. An honorably discharged veteran who has been awarded the Purple Heart incurred in action shall be considered to have a service-connected disability. The percentage points shall be given only upon passing the exam and shall not be the determining factor in passing. Veteran's preference percentage points shall be applied once to the final scores used to rank applicants for selection for an interview. For purposes of this section, "veteran" means as defined in Iowa Code section 35.1, except that the requirement that the person be a resident of this state shall not apply.

If a veteran entitled to preference pursuant to Iowa Code Chapter 400 has been honorably discharged between forty-five days before and sixty days after an examination is administered pursuant to section 400.8, the commission may allow the veteran to be subject to examination up to ninety days (90) following the date the original examination was administered and if appropriate shall add the veteran's name to the list for original appointment.

Veterans wishing to claim preference must submit Form DD214 not later than the closing date of the application. Veterans claiming preference on the basis of disability must present official Veterans Administration documents verifying disability status.

Veterans preference is not applicable in the case of promotional examinations and of appointments to Chief of the Police Department and to Chief of the Fire Department.

### 3.6 Selection

All appointments or promotions made by department directors will promptly be reported to the clerk of the commission by the appointing officer or the Human Resources Director. In accordance with Iowa Code Chapter 400, appointments shall be made within thirty days of the date of the vacancy, if there is a current eligibility list; or, if there is no current list, within thirty days of certification of a new list.

### 3.7 Temporary Appointment

When there is no list of certified eligible persons, or when the eligible list has been exhausted, the affected department may temporarily fill a newly created office or other vacancy only until an examination can be held and the names of qualified persons be certified by the Commission. Temporary appointments are limited to ninety days for any one person in the same vacancy, but such limitation shall not apply to persons temporarily acting in positions regularly held by

another.

### 3.8 Promotion, Lateral Transfer or Voluntary Demotion of City Employee

Employees who wish to be considered for voluntary demotion, promotion, or lateral transfer to a non-Civil Service vacancy must:

1. Notify the Human Resources Department in writing of their interest in the vacancy; and
2. Meet the current minimum qualifications for the classification in which the vacancy exists; and
3. Complete an application form and/or undergo other selection procedures for the position.

**Civil Service rights shall not be retained where a Civil Service employee is voluntarily demoted, transferred, or promoted to a non-Civil Service position unless otherwise required by Iowa Code Chapter 400.**

## CHAPTER 4 CERTIFICATION

### 4.1 Lists for Certification

The Human Resources Department will present to the Civil Service Commission a list of those candidates passing the prescribed examination, ranked according to test score, for each examination, at the next scheduled meeting. In the case of entry examinations, the list presented for certification shall not exceed the top forty passing scores. In the case of promotional examinations, the list shall not exceed the top ten passing scores. The Commission shall submit entry level certified lists to the City Council within 180 days after the beginning of the examination(s), or within 90 days in the case of promotional examinations.

### 4.2 Duration of Entry Level Eligibility Lists

Active entry level lists shall expire one year after the date of certification. However, upon recommendation of the Human Resource Director, the Civil Service Commission may:

1. Extend the list for up to one additional year, to a total of up to two years from the date of certification. In making a determination for list extension, the Civil Service Commission will consider the following:
  - A. Requests from management along with the recommendation of the Human Resources Department;
  - B. Effects of the extension on affirmative action efforts;
  - C. Numbers and qualifications of the candidates remaining on the list;
  - D. Urgency to fill the position;
  - E. Other pertinent information.
2. Declare the list exhausted. When a list has diminished to three or fewer candidates, the Commission may declare the list exhausted. All candidates remaining on the exhausted list shall be automatically added to the new list for the duration of the new list. A new list of certified eligible candidates shall supersede the previous certified list when the prior list is considered expired or exhausted.

### 4.3 Duration of Promotional Eligibility Lists

All candidates who are certified on a promotional eligibility list shall hold preference for promotion for two years following the date of certification. Certified eligible lists of firefighters, as defined by Iowa Code 411.1(10), shall hold preference for three years upon the Commission's approval, after which the list shall be cancelled.

### 4.4 Appointment Prior to Certification

When the needs of the City are such that it is necessary to appoint an individual to a position

prior to a scheduled meeting of the Civil Service Commission, individuals who have passed all qualifying tests and are recommended for certification, may be appointed conditionally, subject to certification by the Commission and any time or other constraints imposed pursuant to section 400.11(3).

#### 4.5 Removal of Names from Certified Lists

A person appearing on a certified list for original appointment shall have their name removed from the list by the Commission whenever that person has requested that their name be removed, or refuses an interview or an offer of appointment, or requests not to be considered for an available vacancy, or fails to respond to a written notice. In the case of promotional lists an employee shall be removed after the second of such occurrence, provided, however, that in any case where all employees on a promotional list refuse an offer of appointment to an available position, the list will be void, even if it is not the second refusal for the employee or employees involved. **Persons on a promotional employment list who terminate from the classified service shall automatically be dropped from such list.** This includes employees who are terminated from the City service, as well as employees who are promoted, demoted or transferred from a civil service position to a non-civil service position, unless otherwise provided by Iowa Code Chapter 400.

In addition, an individual may be removed and decertified if the person is subsequently found unqualified for any of the following reasons:

1. The candidate is guilty of making false statements or of practicing fraud or deception in the application, examination or other part of the selection process; or
2. The candidate is unable to perform the essential functions of the position with or without reasonable accommodation as defined by the Americans With Disabilities Act; or
3. The candidate has a criminal history that, when considered in connection with the requirements of the position, is deemed to be indicative of inability to properly perform the job, including inability to adhere to standards of conduct for employees, or would constitute a liability to the City; or
4. The candidate has reference, credit and/or background check results that do not provide indicators of future success in the position; or
5. The candidate has prior performance evaluations that were unsatisfactory or which display concerns that may be indicative of inability to perform; or
6. The candidate has failed to obtain a qualifying score on a physical agility, polygraph, or MMPI examination as applicable for the position.

If certification is found to have resulted from an administrative error, an individual shall be removed from the certified list. It is the intent of this policy that an individual shall not acquire

Civil Service rights as a result of inadvertent error of the Commission or staff.

Any person so affected shall be notified of the name removal in writing. In such cases the appointing authority shall communicate the information in writing to the Human Resources Department. After notice listing the reason(s) for the proposed decertification has been submitted to the affected party, the person will be given the opportunity for a hearing on the issue. Decertification may occur at any regular or special meeting of the Civil Service Commission by majority vote of the members present.

#### 4.6 Removal, Discharge, Demotion, or Suspension

An employee holding civil service rights will not be removed, discharged, demoted, or suspended arbitrarily, but may be removed, discharged, demoted, or suspended due to any act or failure to act by the employee that is in contravention of law, city policies, or standard operating procedures, or that in the judgment of the person having the appointing power, or the chief of police or chief of the fire department, is sufficient to show that the employee is unsuitable or unfit for employment.

If removed, suspended, demoted, or discharged, that employee may request a hearing before the civil service commission to review the decision to remove, discharge, demote, or suspend the employee. The removed, suspended, demoted, or discharged employee has the right to be represented by counsel at the employee's expense or by the person's authorized collective bargaining representative at the hearing.

The removed, suspended, demoted, or discharged person may appeal to the Civil Service Commission within fourteen calendar days after a final decision for suspension, demotion, or discharge, unless this time period is extended or stayed pursuant to a collective bargaining agreement. Notice of the appeal, signed by the appellant and specifying the ruling appealed from, shall be filed with the clerk of the commission.

#### 4.7 Employees - Number Diminished

When the public interest requires a reduction of employees in a classification or grade governed by Civil Service, the City Council may:

1. Abolish the office and remove the employee from the employee's classification or grade;  
or
2. Suspend the necessary number of employees in any classification or grade.

In the event of removal or suspension due to reduction of employees, the person(s) so removed or suspended shall be those having the least seniority in the classifications or grades affected.

The name of the person(s) so removed shall be placed on a preferred list for a period of not less than three years. All appointments or promotions made during that period, to the person's former classification or grade, shall be made in the order of greater seniority from the preferred



lists.

If the reduction involves employees that are a part of a bargaining unit that has at least thirty percent of members who are public safety employees, then the reductions will be carried out in accordance with any procedures provided in the collective bargaining agreement.

CHAPTER 5  
GENERAL PROVISIONS

5.1 Amendment(s) and Revision(s) of policies and procedures

These policies and procedures may be amended upon recommendation of the members of the Commission and/or the Human Resources Director provided that the proposed amendment(s), revision(s), or addition(s) shall pass by a two-thirds vote of the Commission and are within the provisions of Iowa Code Chapter 400.

## **CHAPTER 6 APPEALS AND HEARINGS**

### **6.1 Employee Complaints**

A civil service employee may appear before the Commission at any of its meetings to request a hearing of their complaint pursuant to Iowa Code sections 400.18 and 400.19, or such complaint may be filed in writing with the commission after all other appropriate avenues for resolution have been exhausted. It shall be the duty of the commission to inform the appointing authority or other persons involved of the filing of the complaint.

### **6.2 Notice of Appeal**

A suspended, demoted, discharged, or removed employee must exhaust all avenues for appeal outlined in either the appropriate collective bargaining agreement or employee handbook. Within fourteen (14) calendar days of a final decision for suspension, demotion, discharge, or removal, an employee may file an appeal with the Civil Service Commission. The filing of a challenge to an 80F investigation does not toll or hold in abeyance the appeal timeline for purposes of a civil service appeal.

### **6.3 Appeal Proceedings**

Appeal proceedings will be held in accordance with the procedures for contested cases provided by Iowa Code Chapter 17A.

1. Within fourteen (14) calendar days from the service of the notice of appeal, the City will file with the Civil Service Commission a written description of the charges, which shall include a detailed statement of the matters asserted and grounds upon which the ruling was based. If the charges are not filed, the employee suspended or discharged may submit an affidavit to the Civil Service Commission setting forth the facts, and the Commission shall immediately enter an order reinstating the person suspended or discharged.
2. Within ten (10) days after such description of the charges is filed, the Commission shall set the time, which shall be not less than five (5) nor more than twenty (20) days thereafter, and place for hearing the appeal. The commission shall notify the parties in writing of the hearing, and the notice shall include the following:
  - A. A statement of the time, place, and nature of the hearing;
  - B. A statement that the hearing is being held pursuant to the provisions of Iowa Code Chapter 400;
  - C. A statement of the specific provisions of Iowa Code Chapter 400 that are at issue in the particular matter; and

- D. A copy of the written specifications.
3. The Chairperson of the Commission shall have power to administer oaths in the same manner as in the case of magistrates. The Commission may issue subpoenas for witnesses and the production of documents as either party may designate. The subpoena shall be signed by the Chairperson of the Commission.
  4. All parties will have the opportunity to present evidence and argument on all issues involved and to be represented by counsel at their own expense. The appellant or their counsel shall produce such evidence as they may wish to offer in support of their appeal. The City shall then present evidence in support of the action taken by the City. The parties may then offer rebuttal evidence. The Commission may then hear oral arguments.
  5. The Commission shall record and document the full record of the proceeding. The recording or stenographic notes of oral proceedings or the transcription thereof must be maintained by the Commission for at least five (5) years from the date of decision.
  6. Oral proceedings shall be open to the public and shall be recorded or transcribed by a court reporter. Commission deliberations may occur in closed session pursuant to Iowa Code section 21.5(f). If any party requests a transcription of the oral proceeding, the expense of the transcription is charged to the requesting party.
  7. The City Attorney or designee shall be the attorney for the Commission. However, the Commission may hire an attorney when, in the opinion of the Commission, there is conflict of interest between the Commission and the City Council. The City shall pay the costs incurred by the Commission in employing an attorney.
  8. Upon conclusion of the hearing, the Commission shall prepare its written findings of fact and conclusions of law. Such findings shall be filed as a permanent record in the file of the Commission. The Commission shall deliver a certified copy of such findings to the City and to the employee affected.
  9. If the employee fails to appear or be represented by counsel at the hearing, the Commission shall hear the City's evidence, and make a finding according to the record before them. If a decision is rendered against the employee and the Commission is notified within ten days of adequate reasons showing good cause for the employee's failure to appear, the Commission may vacate the decision and, after proper service of notice, conduct another hearing. If adequate reasons are not provided showing good cause for the employee's failure to appear, the Commission shall deny the request for a new hearing.
  10. The City or the employee shall have the right to appeal to the District Court from the final rule and decision of the Commission. The appeal shall be filed within thirty (30) days from the filing of the formal decision of the Commission. The Iowa District Court in and for Story County shall have full jurisdiction of the appeal. The scope of review for the

appeal shall be limited to de novo appellate review without a trial or additional evidence.

11. In the event the ruling or decision appealed from is reversed after full adjudication through the District Court, Appellant Court, and/or Supreme 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 original date of such action.

#### 6.4 Applicant Complaints

If an applicant for a civil service position contests any of the City's procedures under Iowa Code Chapter 400, they may submit a written complaint to the Human Resources Director, who shall render a final binding decision.

## **GLOSSARY**

**Appointment** - The selection and hiring of an individual to a civil service position. An “appointment” shall mean the signed date of acceptance of a final offer by a person to a position either on a regular or temporary basis. A conditional offer is not a final offer.

**Civil Service List** - A record which contains the names of those persons who have successfully completed examinations, listed and ranked in order of the final rating from highest to lowest.

**Demotion** - A change in job description or work assignment to a lower level of an employee’s promotional track. A demotion may or may not result in a reduction in pay.

**Discharge** - The termination of an employee from employment with the City.

**Entry-level** - Those positions that are at the lowest level of the promotional track.

**Examination** - A test conducted to determine the qualifications of applicants for positions under civil service. All exams are practical in character and relate to matters which fairly test the mental and physical ability of the applicant to discharge the duties of the position to which an applicant seeks appointment.

**Job Classification** - A group of positions sufficiently similar with respect to duties and responsibilities so that the same title may be used reasonably for each, the same qualifications may be required, and the same salary range may be applied.

**Preferred list** - The list of persons removed or suspended due to reduction of the number of City employees, whom shall have preference in appointments or promotions made during the subsequent three years to the person’s former classification or grade.

**Open Examination** - An exam offered to fill a civil service vacancy when there are insufficient qualified employees to fill the vacancy via lateral transfer, voluntary demotion or promotion of current employees.

**Probation** - The period of conditional employment an employee works prior to attaining full appointment into a civil service position.

**Promotion** - A change of employee from a lower grade on a promotional track to a higher grade on the promotional track.

**Promotional Track** - A Civil Service promotional track is one which provides a logical avenue of progression from one or more Civil Service job classes to another.

**Removal** - The act of removing a person’s name from a certified list for original appointment.

**Suspension** - A disciplinary measure in which an employee’s right to work and receive pay and other

benefits during the period of suspension is temporary denied.

Transfer - A change of an employee from one department to a position in another department in the same or comparable classification.

Vacancy - A “vacancy” is defined as an unfilled position that is (1) authorized in the City’s budget, (2) has the City Council’s authorization to fill, and (3) has a requisition on file that has been approved by the City Manager.

