

CEDAR FALLS CIVIL SERVICE COMMISSION

LOCAL RULES AND REGULATIONS



"Our Citizens Are Our Business"

Department of Finance & Business Operations
City of Cedar Falls • 220 Clay Street • Cedar Falls, Iowa 50613
Telephone (319) 273-8600 • Fax (319) 268-5126

ADOPTED AUGUST 1, 2006

REVISED JANUARY 8, 2010; SEPTEMBER 14, 2022

CEDAR FALLS CIVIL SERVICE RULES AND REGULATIONS

FORWARD

The Civil Service Commission of the City of Cedar Falls is a special tribunal created under the authority of the Code of Iowa, Chapter 400, Civil Service, and the City ordinances of the City of Cedar Falls. The purpose of the Commission is to provide an efficient and equitable public service, which protects the interests of the citizens of Cedar Falls, the City of Cedar Falls, and its employees. Commissioners are to govern the appointment, promotion, transfer, dismissal, discipline, and other related conditions of employment on the basis of merit, in accordance with the spirit of the Code of Iowa, Chapter 400. Day to day administration of these responsibilities is delegated to the City's Finance and Business Operations Department. In fulfilling the Commission's empowered duties, it is the Commission's ultimate goal to bring the citizens, employees, and the City government of Cedar Falls the advantages of effective public service based on merit.

To assist in the administering of Civil Service Commission duties, a representative from the Finance and Business Operations Department, to be designated by the City Clerk of the City of Cedar Falls, shall serve as clerk/ex-officio member, without vote, to aid in the direction of merit employment and to act as a liaison between the City administration and the Cedar Falls Civil Service Commission (hereinafter referred to "Clerk of the Commission"). The City of Cedar Falls does not and will not favor, nor discriminate against any person based on gender, pregnancy, veteran status, marital status, genetic information, race, creed, color, national origin, age, disability, sexual orientation, gender identity, political or religious affiliations, employee association membership or office therein, or any other legally protected characteristic.

For assistance or questions regarding the following rules of the Cedar Falls Civil Service Commission, contact the Finance and Business Operations Department at (319) 273-8600.

TABLE OF CONTENTS

Section 1.1. Arrangement of the Commission	1
Section 1.2. Meetings	1
Section 1.3. Open Meetings	1
Section 1.4. Cancelled Meetings	2
Section 1.5. Oral Examination Interviews	2
Section 1.6. Chairperson	2
Section 1.7. Minutes	2
Section 1.8. Records	3
Section 1.9. Amendment of Rules	3
Section 1.10. Legal Counsel	3
Section 2.1. Classification Plan	4
Section 2.2. New Position Classifications	4
Section 2.3. Changes in Positions	4
Section 2.4. Reclassification of Incumbents	4
Section 2.5. Abolishing a Position	4
Section 3.1. Nature of Examinations	5
Section 3.2. Types of Examination	5
Section 3.3. Announcement of Examinations	6
Section 3.4. Cancellation or Postponement	6
Section 3.5. Veteran's Preference	6
Section 3.6. Applications	7

Section 3.7. Disqualification of Applicants	8
Section 3.8. Conduct of Examinations	9
Section 3.9. Promotional Examinations	9
Section 3.10. Notification of Results	10
Section 3.11. Review of Written Tests	10
Section 3.12. Fraud in Examinations	10
Section 3.13. Promotion of Individuals Serving on Active Military Duty	11
Section 3.14. Examination Scoring	11
Section 3.15. Confidentiality of Examinations	12
Section 4.1. Certification	12
Section 4.2. Removal of Persons from Entrance and/or Promotional Lists.....	13
Section 4.3. Decertification	13
Section 4.4. Certified List Size	13
Section 5.1. Types of Appointments.....	14
Section 5.2. Permanent Appointments.....	14
Section 5.3. Temporary Appointments.....	14
Section 6.1. Permanent Appointment Following Probationary Period.....	15
Section 6.2. Objective of Probationary Period.....	15
Section 6.3. Rejection of the Probationer	15
Section 7.1. Transfer	16
Section 7.2. Promotion	16
Section 7.3. Demotion.....	17
Section 8.1. Disciplinary Procedures	17

Section 8.2. Layoff.....	18
Section 9.1. Appeals	18
Section 9.2. Time Limits for Appealing/Union Grievance	18
Section 9.3. Notice of Appeal	18
Section 9.4. Charges	19
Section 9.5. Time and Place of Hearing.....	19
Section 9.6. Request for Continuance.....	19
Section 9.7. Pre-hearing Motion/Conference	20
Section 9.8. Subpoena Power	20
Section 9.9. Reproduction of Other Employees' Discipline Record	21
Section 9.10. Record.....	21
Section 9.11. Appeal Proceedings	22
Section 9.12. Rules of Evidence	23
Section 9.13. Public Trial.....	24
Section 9.14. Non-Lawyer Representation.....	24
Section 9.15. Legal Counsel.....	24
Section 9.16. Legal Opinions	24
Section 10.1. Change of Address	25
Section 10.2. Organization Membership	25
Section 10.3. Seniority	25
Section 10.4. Violation of Rules	25
Section 10.5. Exception of Collective Bargaining Agreement.....	26

Appendix A: Glossary of Terms.....	27
Appendix B: Full-Time Job Classifications.....	28

CHAPTER I - ORGANIZATION OF COMMISSION

Section 1.1. Arrangement of the Commission

The Commission shall be comprised of three members appointed by the Mayor in accordance with requirements set forth in the Iowa Code and the Cedar Falls Code of Ordinances, including but not limited to, making a good faith effort to establish a gender balanced Commission in compliance with Iowa Code § 69.16A. They shall serve staggered terms of four years each. The Clerk of the Commission shall be appointed by the City Clerk. The Human Resources Manager, who serves as liaison to the Human Rights Commission, shall serve as a non-voting ex-officio member of the Commission. Commission members shall be removed from their positions once they are no longer a resident of Cedar Falls. The Mayor shall appoint new Commissioners to vacant seats.

Section 1.2. Meetings

Regular business meetings shall be held as necessary. Special meetings shall be held at the call of the Chairperson or any two members. Notice of the date, time, place and purpose of the meetings shall be given to each member by the Clerk of the Commission at least 24 hours prior to the meeting. Two members of the Commission present at any meeting for which notice has been given shall constitute a quorum for the transaction of business.

Meetings shall be conducted in accordance with Iowa Code Chapter 400, these Rules and Roberts Rules of Order.

Electronic meetings may be held when a meeting in person is impossible or impractical as long as it is conducted in accordance with § 21.8 of the Code of Iowa. Any number of members may participate in the meeting by electronic means when attendance in person is impossible or impractical.

As used in these Rules and Regulations, the term “meeting” does not include any gathering where there is no deliberation or action within the scope of the Commission’s policymaking duties. Ministerial functions are therefore not open to the public.

Section 1.3. Open Meetings

All meetings of the Commission shall be conducted under the terms of Iowa Code Chapter 21—Open Meetings Law. The public may use cameras or recording devices at any open session so long as such use is not disruptive of the meeting. Notice of the time, date and place of each meeting, and its tentative agenda shall be given at least 24 hours prior to the commencement of any meeting as provided by law, 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.

Public comment may be allowed during an open meeting at the discretion of the Chair.

The Commission may hold a closed meeting by affirmative public vote of 2/3 of the members present only as authorized by the Code of Iowa.

The vote of each member on the question of holding the closed meeting and the reasons for the closed meeting 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. However, the closed session shall be electronically recorded and separate, detailed minutes of all discussion, persons present and action occurring shall be taken. These recordings and minutes shall be sealed and shall not be open to public inspection. They shall be kept for at least one year from the date of the meeting.

Section 1.4. Canceling Meetings

Meetings may be cancelled for good cause, including lack of a quorum.

Section 1.5. Oral Examination Interviews

Oral interviews conducted by the Commission or at the Commission's delegation are an integral component of the examination process and ministerial in nature. Therefore, they are not open to the public.

Section 1.6. Chairperson

The Commission shall elect a Chairperson from among its members annually during the last meeting of the calendar year, for a term of one calendar year commencing on January 1st. In the event the Chairperson is absent from a meeting of the Commission, the members in attendance shall elect an "acting Chair" at the beginning of the meeting.

Section 1.7. Minutes

The Commission shall keep a record of all of its meetings. The Clerk of the Commission shall be responsible for the recording of these minutes. The minutes shall contain a record of actions taken at the meeting and not a verbatim record. Copies of the minutes shall be distributed by the Clerk of the Commission to the Commission members. The minutes of all open meetings shall become part of the public record and open for public examination.

All hearings before the Commission shall be recorded by use of an electronic voice recording device. The voice recording shall be maintained by the Clerk of the Commission pursuant to state and local law. Either party shall notify the opposing party and the Clerk of the Commission/Civil Service Commission three days before the hearing of its intent to have a certified court reporter transcribe the proceedings, at its expense.

Section 1.8. Records

All records of the Commission shall be maintained in the Finance and Business Operations Department by the Clerk of the Commission in compliance with Cedar Falls code of ordinances and related practices and procedures. The Finance and Business Operations Department shall keep a complete, individual record of all Civil Service employees. All Civil Service records, except minutes of open meetings and hearings, shall be confidential. Requests for review must comply with the Iowa Code.

Section 1.9. Amendment of Rules

Any proposed rule change shall be announced and discussed at a scheduled meeting. No votes shall be taken until the following scheduled meeting. Any proposed amendment to these rules shall not be effective until all voting members of the Commission shall have an opportunity to cast a vote for or against said rule or amendment. A two-thirds vote of the voting members shall be necessary to pass a new rule or amendment.

Section 1.10. Legal Counsel

One of the City Attorneys shall be the attorney for the Commission or when requested by the Commission shall present matters concerning Civil Service employees to the Commission. However, the Commission may hire an attorney on a per diem basis to represent it when in the opinion of the Commission there is a conflict of interest between the Commission and the City Administration. The attorney hired by the Commission shall not be a member of the City's legal staff. The City shall pay the costs incurred by the Commission in employing an attorney under this section. Retention of outside legal counsel to represent the Commission and payment for such services rendered shall be in accordance with the City Council resolutions regarding such matters duly adopted from time to time.

CHAPTER II - CLASSIFICATION

Section 2.1. Classification Plan

The Commission shall utilize the Classification Plan approved by the City Council. Grouping of job classes promotes more efficient administration and establishes minimum employment standards for original appointments and promotional appointments based upon the qualifications necessary for job success.

Section 2.2. New Position Classifications

Whenever a new position classification is created, the Clerk of the Commission shall notify the Commission. The Commission shall determine whether or not that position classification falls under the Commission's jurisdiction. If the position does fall within the Commission's jurisdiction, the appropriate examination status, entrance or promotional, will also be determined.

Section 2.3. Changes in Positions

The appointing authority shall notify the Clerk of the Commission whenever the duties and responsibilities of a Civil Service position change so materially that reclassification is contemplated. The Commission shall review each case concerning any annulment of an employee's Civil Service rights. Reclassification shall not be used for the purpose of avoiding restrictions surrounding promotions and demotions.

Section 2.4. 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 Iowa Code and 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 retitled class as they had in the former class.

Section 2.5. Abolishing a Position

When the public interest requires a diminution of employees in a classification under civil service for the purpose of economy or efficiency, the City Council by resolution may either abolish the position or reduce the number of employees in any classification by suspending the necessary number. The Civil Service Commission shall be notified of such action. Such diminution shall be carried out in accordance with any procedures provided in a collective bargaining agreement to which a bargaining unit that has at least 30% of members who are public safety employees as defined in Iowa Code Section 20.3, is a party.

CHAPTER III - EXAMINATIONS

Section 3.1. Nature of Examinations

Examinations for classified positions in Civil Service are to be practical in character and shall relate to matters which will fairly test the mental and physical ability of the applicant to discharge the required duties of the position sought. It shall be the responsibility of the Civil Service Commission to oversee the selection process of employees for vacant and anticipated vacant positions. The examinations will be written, oral and/or physical, consisting of one or more parts, and may include, but are not limited to one or more of the following methods of testing: experience and character background checks, knowledge and ability tests, manual skills tests, physical ability tests, psychological tests, drug-screenings and medical examinations. When necessary, a post-offer condition of employment test may require passing a medical examination, including but not limited to drug and alcohol screenings. The Commission shall determine the qualifying score for each part of an examination as well as the combined score for all parts of the examination based upon sound testing principles. Failure to pass any one part of the examination may be deemed sufficient reason to disqualify the applicant from further consideration on the particular examination involved.

The Commission may hire persons with expertise to consult in the preparation and administration of examinations if the persons so hired are employed to aid the Commission in assuring that a fair examination is conducted. City personnel shall assist the Commission in preparation and administration of examinations.

The City has the exclusive rights to the results of the examinations and such results shall be confidential.

Section 3.2 Types of Examination

A. Entrance Level Examination: An entrance level examination is given to non-employees and employees to fill an entry level classification. An entrance level examination may be given for a promotional classification if allowed under Iowa Code § 400.9. The Commission shall guide the Clerk of the Commission and the Finance and Business Operations Department in the preparation, administration, and guidelines for all entrance level examinations in compliance with Iowa Code § 400.8.

B. Promotional Examination: The Commission shall guide the Clerk of the Commission and the Finance and Business Operations Department in the preparation, administration and guidelines of all promotional examinations in compliance with Iowa Code § 400.9 and subsection A of this rule.

Section 3.3. Announcement of Examinations

Entrance examinations will be scheduled as the needs of the service may require. The Commission, through the Finance and Business Operations Department, will give notice of all civil service examinations. All announcements shall be distributed to every City Department, Collective Bargaining Unit, and the Commission; however, failure of a department or bargaining unit to post said announcement shall not serve as lack of notice. All such announcements shall be posted. Announcements shall be posted at least ten (10) days prior to the application deadline. The deadline may be extended by the Finance and Business Operations Department so long as such extension is announced and posted.

Examination postings shall contain:

- A. The official notice of vacancy and inviting the filing of applications.
- B. The titles and rates of pay of the positions to be filled.
- C. A summary of the types of duties typically performed.
- D. The minimum qualifications required for eligibility to undergo examination.
- E. The method of obtaining application forms and final dates for filing the same.
- F. The outline of testing criteria including requirements established by law.
- G. The time(s), date(s) and place(s) of examination.
- H. Any additional information desirable at the discretion of the Commission.

In addition, promotional announcements shall instruct employees to notify the Clerk of the Commission if they currently hold or formerly held a position in the classification and wish to transfer or if they previously held the position and wish to take a voluntary demotion to the vacancy.

Section 3.4. Cancellation or Postponement

The Clerk of the Commission may cancel or postpone any examination for good cause. Should a cancellation or postponement be necessary, the Clerk of the Commission must notify all applicants of their status or alternate testing date.

Section 3.5. Veteran's Preference

See Iowa Code § 400.10 for Preferences. The veteran's preference percentage points will be given only upon passing the exam and cannot be the determining factor in passing the examination. Veteran's preference percentage points shall be applied once to the final scores used to rank applicants on the eligible list.

Veteran's preference percentage points shall not be applied to promotions or to appointments of police chief or fire chief.

Honorably discharged veterans may be awarded five percentage points to their grade or score, and veterans with a service-connected disability, as defined below, may be awarded an additional five percentage points to their grade or score. The "five percentage points" for an exam with a raw score shall be computed on the basis of the total possible points. For example, if an exam has a total of 800 possible points, five percent would equal 40 points.

In order to receive veteran's preference, applicants must furnish a copy of their DD 214 or other official Department of Defense document that verifies the dates of their induction and separation and their honorable discharge from military service. Qualified veterans may claim an additional five percentage points be added to the grade or score if the veteran has a service-connected disability or is receiving compensation, disability benefits or pension under laws administered by the 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. Veterans who believe they qualify for the additional five percentage points due to a service-connected disability must submit a disability statement issued by the Veterans' Administration and dated within the 12 months preceding the examination announcement closing date. Qualified veterans claiming a Purple Heart award as the basis for these additional five percentage points must submit a copy of an official document from the Veterans Administration or Defense Department verifying such award.

Documents verifying eligibility for veteran's preference percentage points and additional disability percentage points must be submitted to the Clerk of the Commission prior to the conclusion of the examination process.

For the purposes of these Rules and Regulations, the term "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.

Section 3.6. Applications

All applications shall be filed on forms provided by the Finance and Business Operations Department and shall require information covering the applicant's education, training, experience and references. Applications shall be used for both entrance level and promotional job classifications. The Clerk of the Commission has the right to ask for additional job related information. The application shall be signed by the applicant and filed in the Finance and Business Operations Department within the time period established for receipt of applications. Applications may be submitted in person to the Finance and Business Operations Department in City Hall, 220 Clay Street, Cedar Falls, Iowa, 50613. Applications submitted by mail must be properly addressed and placed in

the U.S. mail with the appropriate postage paid. When so mailed, such application shall be deemed filed as of the date postmarked by the U.S. Postal Service upon the envelope. Applications with all required supporting documentation may be filed by email, facsimile, or other electronic method approved by the Finance and Business Operations Department if received prior to the expiration of the application period. Applications received after the application period expires shall not be considered except in extraordinary circumstances as determined by the Commission.

The Finance and Business Operations Department shall accept an application if completed in accordance with these rules, from any qualified person who has not been rejected for cause. Any application received from a person previously employed in civil service employment with the City and separated from such employment under circumstances rendering such employee ineligible for rehire shall not be processed and considered by the Finance and Business Operations Department until such ineligibility has been removed by the appointing authority or pursuant to an appeal finally determined by the Civil Service Commission in the employee's favor under these Rules or Iowa Law.

Section 3.7. Disqualification of Applicants

The Commission shall reject an application if the applicant does not possess the minimum qualifications as outlined in the job classification. An applicant will also be rejected after acceptance if it is later found that the applicant does not possess the minimum qualifications. However, the Commission may accept an application if it is reasonably anticipated that the applicant will possess and be able to show proof of the minimum qualifications by the date that the list of eligibles is certified by the Commission. 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 examination, performance examination, education and experience evaluation, or other selection procedure either singly or in combination.
- B. Is unable to perform the essential functions of the position with or without reasonable accommodation. A medical examination may be required after a conditional offer of employment has been made. Police Officer and Firefighter (including Public Safety Officer) applicants are examined in accordance with the guidelines of the medical protocols established by the board of trustees of the fire or police retirement system and the appointing authority.
- C. Is guilty of making false statements of fact or of practicing fraud or deception in the application or the examination.
- D. Does not meet the qualifications established by Iowa Code §400.17.
- E. Fails to meet the position requirements or qualifications as specified in the job classification or timely provide sufficient proof of same; or

- F. Has been discharged by the City pursuant to Iowa Code §400.18 or § 400.19.

The Commission, through the Clerk of the Commission, shall send notice to any applicant whose application has been rejected stating clearly the reason(s) for the rejection. Rejection of applicants due to physical fitness or unsound health will be based on standards established by the respective pension board and/or by the job classification.

Section 3.8. Conduct of Examinations

Examinations will be conducted in settings appropriate to the type of examination being conducted, thereby offering applicants the best possible testing conditions. Any supplies which the applicant will be expected to furnish for the examination will be listed on the announcement. If applicable, applicants must report on the date and at the time and place scheduled. Late arrivals will not be permitted. Entry level examination make-ups will not be permitted. An employee may be permitted to test during working hours. All applicants must notify the Clerk of the Commission at least three working days prior to the test date of any request for special accommodations.

Finance and Business Operations Department Staff may require applicants to furnish proof of identity for admittance to examinations. Persons unable to verify their proof of identity, when requested, will be excluded from examinations.

Section 3.9. Promotional Examinations

Promotional examinations will be scheduled as the needs of the service may require in the same manner as for entrance examinations, and may consist of examinations of prior service, ascertained merit, accomplishments in special training courses, written, performance or oral examination. All applicants for promotional examinations must possess the minimum qualifications as set forth in the specifications of the class to which promotion is sought. Employees requesting a make-up of a promotional examination shall present a written request to the Clerk of the Commission prior to the scheduled examination time. Employee make-up on promotional examinations may be granted only if the employee is on an approved military leave.

In accordance with Iowa Code Section 400.9(2), the names of persons approved to administer any promotional examination shall be posted in the city hall at least twenty-four hours prior to the examination.

Section 3.10. Notification of Results

The Commission shall notify all applicants of their examination results. The names of successful applicants shall be placed on certified eligible lists as set forth in Iowa Code § 400.11 and these rules.

Section 3.11. Review of Written Tests

It is general policy of the Commission to permit applicants to review the test questions and their own answer sheets under supervision of the Finance and Business Operations Department Staff. A review may not be permitted, however, when prohibited by the test publisher or when the examination is scheduled for immediate re-administration. Requests for test reviews must be received within two weeks following notification of examination results, and the applicant shall make arrangements with the Clerk of the Commission to view the test. The Clerk of the Commission or designee shall permit a reasonable time limit to view the test. The applicant shall not be permitted to take notes, make reproductions of the test or view the answer key. Errors in scoring brought to the attention of the Commission within the two-week review period shall be corrected, but such errors shall not invalidate any certifications or appointments previously made so long as the minimum requirements for the classification, after correction, are met. In instances where the publisher's test security provisions prohibit applicant review of the test booklet and/or scoring key, applicants may, where possible, receive counseling on their test results and/or written certification as to the correctness of their score.

All test scores directly associated with individual applicants not placed on the certified list shall be kept confidential. The Clerk of the Commission may disclose test scores or range of scores not associated with individual applicants. Requests that may be easily identifiable with individual applicants should be directed to the Commission for review. The Commission will balance the private interests in protecting against invasion of privacy with the public interest served by disclosure. The Commission also will consider whether the disclosure of test scores or range of scores will compromise the integrity of the test or interfere with the accomplishment of the test objectives.

Section 3.12. Fraud in Examinations

Applicants who commit, either singly or in cooperation with others, any fraudulent acts during the application and examination process shall be subject to the action deemed appropriate by the Commission. After having an opportunity to be heard and present their defense, such persons may be excluded from taking or continuing in the examination process or may have their names stricken from any eligible list on which they may appear. These acts include but are not limited to the following:

- A. Making any false representation regarding themselves or other applicants on any documents furnished either by the Commission or themselves.
- B. Impersonating anyone else or permitting anyone to impersonate them.
- C. Using printed or handwritten material or anything else while taking the examination, which would provide them with an advantage over other applicants.

Any Commission action upon such matter is independent of, and in addition to, any action taken by the appointing authority if an employment relationship has been established prior to the discovery of the fraudulent conduct.

Section 3.13. Promotion of Individuals Serving on Active Military Duty

If an employee is serving on active duty and a vacancy occurs in a classification for which the employee is the only person on the certified eligible list, the individual shall be promoted to fill the vacancy. If there is a critical need for an employee in this classification prior to the release from active duty of the newly promoted employee, a temporary appointment may be made pending the return of the employee.

If an employee is serving on active duty and a vacancy occurs in a classification for which the employee is one of two or more persons on the certified eligible list, the employee could be promoted by the appointing authority. If, however, the employee is not selected to fill the vacancy, the employee will remain on the certified eligible list or will be transferred to a subsequent list if a new one is developed during his/her absence. The employee's position on the new list would be commensurate with the employee's previous score, or if that score is too low to qualify for the new list, be placed in a tie for tenth position on the new list. If an employee is serving on active duty but is not on any certified eligible list as the result of a promotional examination, and a Civil Service examination is offered which is of interest to the employee, it shall be the employee's responsibility to fulfill the application and examination responsibilities. If competing in the examination is not possible for the employee, the employee must await the employee's release from active duty and subsequently participate in the next promotional examination when administered.

Section 3.14. Examination Scoring

The final score on examinations held by the Civil Service Commission shall be rounded off to the nearest whole number (.5 or more rounded to next highest number). When a final examination score consists of two or more sub-test scores, the score on each sub-test shall be rounded off to the nearest tenth and the final score rounded to the nearest whole number. When a sub-test is pass/fail, the nearest tenth is further rounded to the nearest whole number.

Section 3.15. Confidentiality of Examinations

Examinations, answer sheets, scores, results of background investigations, psychological screenings and related materials shall become property of the Finance and Business Operations Department to hold in confidentiality.

CHAPTER IV - CERTIFICATION

Section 4.1. Certification

General: The Commission shall establish all eligible lists in compliance with qualifications established, these Rules and Iowa Code § 400.11. Whenever possible, all background and employee reference checks shall be completed prior to the certification of lists. Medical examinations are completed as part of the conditional offer of employment which takes place after the certification of lists.

Entry Level Lists: An entry level list shall be established when an entry level position needs to be filled or when no City employee applied for or passed a promotional test pursuant to Iowa Code § 400.9 and these rules. Entry level lists for all positions shall be considered valid for one year from the date of certification unless a different period is specified by the Code of Iowa.

The Commission may certify a list of names eligible for appointment subject to the completion of background and employee reference checks and medical examination results. If information received from background, employee reference or medical examination provides appropriate cause to decertify any person(s) from the certified eligible list, the Clerk of the Commission will notify affected person(s) by mail at the last known address and afford the person the opportunity to be heard before the Commission prior to final action, pursuant to Section 4.2.

Promotional lists: Civil Service lists for promotions shall be considered valid for two years following the date of certification, except as set forth in Iowa Code § 400.11.

The Commission may certify a list of names eligible for promotion subject to the completion of background and employee reference checks and medical examination results. If information received from background, employee reference or medical examination provides appropriate cause to decertify any person(s) from the certified eligible list, the Clerk of the Commission shall notify affected person(s) by mail at the last known address and afford the person the opportunity to be heard before the Commission prior to final action, pursuant to Section 4.2.

Exhaustion of lists: A certified eligible list shall be exhausted without further action from the Commission when all applicants whose names appear thereon and who have not been decertified have been appointed or when there is a vacancy and all applicants whose names appear thereon have been removed or refuse appointment. See Section 4.2 for Removal.

Section 4.2. Removal of Persons from Entrance and/or Promotional Lists

Names shall be removed from a certified eligible list for the following reasons:

- A. The person requests in writing that his or her name be removed.
- B. The person fails to respond to a notice of interview.
- C. Failure to respond to notification of offered appointment within 5 days of notification shall be considered declination.
- D. The person refuses a conditional offer of employment or waives employment consideration for the classification if the person is the last one on the list.
- E. The person who leaves City employment for any reason shall be removed from any and all lists.

Section 4.3. Decertification

Upon request by the City, the Commission may remove a person from a certified list for cause, including, but not limited to, a violation of Section 3.7 of these Rules, as well as due to a failure to pass the medical examination, background check or reference check, or any other lawful basis. The person affected shall be afforded an opportunity to be heard prior to removal. The City shall notify the individual of the request to decertify at least seven days prior to the Civil Service Hearing. The Commission shall take into consideration any relevant evidence that occurred or became known after the initial certification of the list and shall determine in each case whether or not there is sufficient cause to remove the name of the person affected from the certified eligible list.

A decertification of an individual shall be considered as a factor in future entry level and promotional opportunities.

Section 4.4. Certified List Size

Pursuant to Iowa Code § 400.11, the Civil Service Commission may designate the number of individuals who shall be certified as qualified for a position for original appointment. The Commission hereby determines that no more than 40 individuals shall be placed on a list for original appointment for any one position. No more than 10 individuals shall be certified as qualified for a promotional position. A list of up to 40 individuals may be held by the Commission in reserve

to be certified for an entry level position in the case a certified list is exhausted prior to its expiration date. All other provisions of Iowa Code § 400.11 remain applicable.

The lists of qualified individuals shall be certified to the City Council for receiving and filing. Offers of appointment to candidates from the list of eligibles may not take place until after certification to the City Council.

CHAPTER V - APPOINTMENTS

Section 5.1. Types of Appointments

All vacancies in Civil Service classifications shall be filled by transfer, demotion, or from eligibles certified by the Commission from an appropriate entrance or promotional list, if available. In the absence of persons eligible for appointment in the foregoing ways, temporary appointment may be permitted in accordance with Iowa Code § 400.11. Preferred lists shall not be provided for use in the case of diminution of employees.

Section 5.2. Permanent Appointments

Appointments are made from entrance or promotional lists or transfer or voluntary demotion. See Chapter VII regarding procedures for transfers and voluntary demotions. Persons appointed from entrance lists must satisfactorily serve a probationary period as provided for in Iowa Code § 400.8.

Appointments shall be made in all newly created positions or vacancies which occur before the beginning of the next examination, within 30 days of certification of the applicable lists.

See also Iowa Code § 400.7 regarding preference by service.

Section 5.3. Temporary Appointments

In the absence of eligibles from whom permanent appointments may be made, a person otherwise meeting the qualifications for the vacant position may be temporarily appointed by the appointing authority pending the establishment of the certified list in the manner prescribed by these rules. Any person whose name is on a certified list for a position in the civil service may accept a temporary appointment in that, or a different competitive position, if he/she is properly qualified, without losing his/her place upon such a list. Temporary appointments are limited to ninety (90) 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. A temporary appointment to a position

regularly held by another shall, whenever possible, be made according to the certified eligible list. If the appointing authority wishes to temporarily appoint a person to a civil service position who is not on a certified list, then the Civil Service Commission must grant prior approval for such temporary appointment.

CHAPTER VI - PROBATIONARY PERIOD

Section 6.1. Permanent Appointment Following Probationary Period

All original appointments shall be tentative, subject to satisfactory completion of a probationary period in accordance with Iowa Code § 400.8. An employee shall serve only one probationary period, which may be extended for a reasonable time if the probationary employee agrees to such extension.

Section 6.2. 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 the position and for eliminating any probationary employee whose performance does not meet the required work standards. Every effort shall be made by the appointing authority to ensure that the new employee receives proper training and assistance and that performance evaluations are completed during the probationary period.

Section 6.3. Rejection of the Probationer

If at any time during the probation period the probationer shall be found incompetent or not qualified for the performance of the duties of the position, the probationer may be rejected by the appointing authority without recourse to appeal.

A person removed or discharged during a probationary period shall, at the time of discharge, be given notice in writing stating the reason or reasons for 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.

CHAPTER VII - CHANGES IN EMPLOYMENT STATUS

Section 7.1. Transfer

A lateral transfer means movement by an employee who is currently employed in or has previously been employed in a job classification to the same job classification for which there is a current vacancy, without affecting pay grade.

An employee may laterally transfer from one department to the same Civil Service classification in another department, and such employees shall retain the same Civil Service status. No employee shall laterally transfer to a position for which the employee does not possess the minimum qualifications.

An employee requesting a lateral transfer shall not be required to take the entrance or promotional examination. It is not a lateral transfer for an employee to request a different job assignment in the same job classification in the same department, or for the appointing authority to require such a different job assignment. An employee who qualifies for a lateral transfer shall have the employee's name added to the list of candidates for interview and consideration for the vacancy, subject to Section 7.2 of these rules and the Iowa Code. The appointing authority retains the discretion whether or not to fill the vacancy with an employee requesting a lateral transfer.

An employee who wishes to apply for a current vacancy that would not be considered a lateral transfer must meet the minimum qualifications for the job classification and must undergo examination to be placed on a certified list.

Section 7.2. Promotion

Vacancies in civil service promotional grades shall be filled by lateral transfer, voluntary demotion or promotion, to the extent that City employees qualify for the position. See Iowa Code § 400.9. An employee seeking promotion shall have completed the employee's probationary period no later than the effective date of the promotion.

Promotional grades are normally those position classifications above the lowest in each job family. In determining if a job is a promotion, the basic consideration shall be how well the knowledge, skills and abilities required of incumbents in the lower classification prepares them for success in the higher classification within the same job family. The Finance and Business Operations Department shall maintain a list indicating which positions require a promotional examination. See Appendix B.

If a promotional list pursuant the requirements of Iowa Code § 400.9 is not established, then an entrance examination for such vacated position may be used to fill it. In order to be on a promotional list eligible for certification, an

employee must either pass a promotional examination, request a lateral transfer or take a voluntary demotion. The appointing authority retains the right to contest the placement of an individual(s) on the list and present sufficient evidence to the Commission that the individual/employee lacks the qualifications or adequate performance to warrant placement on the list. The Commission shall make the final decision as to the placement of individuals on the promotional list.

Section 7.3. Demotion

An appointing authority may demote an employee whose performance of the required duties falls below standard, or for disciplinary purposes. 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 within three days following the effective date of the demotion and a copy shall be provided to the Commission. The employee shall have a right to request a hearing before the Commission as prescribed by these rules.

A voluntary demotion occurs when an employee voluntarily requests in writing to move to a vacant position in a lower classification in which the employee previously had been employed. An employee requesting a voluntary demotion shall not be required to take the eligibility examination. An employee who qualifies for a voluntary demotion shall have the employee's name added to the list of candidates to be interviewed and considered for the vacancy, subject to Section 7.2. Subsequent to any voluntary demotion, an employee must re-apply, take the promotional examination and be re-certified to be considered for a promotional position, the employee's employment history notwithstanding. The appointing authority retains the discretion whether or not to fill the vacancy with an employee requesting a voluntary demotion.

CHAPTER VIII - SEPARATION FROM SERVICE

Section 8.1. Disciplinary Procedures

The appointing authority may, upon presentation of grounds for such action to the subordinate in writing, peremptorily suspend, demote, remove or discharge a subordinate then under the person's direction 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 is sufficient to show that the employee is unsuitable or unfit for employment. The appointing authority shall report such action to the Clerk of the Commission in writing, stating the reasons for such a suspension, demotion, removal or discharge. The employee involved may appeal such action to the Commission as set forth in Chapter IX of these rules.

Section 8.2. Layoff

See Iowa Code § 400.28.

CHAPTER IX - APPEALS AND HEARINGS

Section 9.1. Appeals

Civil Service employees may appeal to the Civil Service Commission all matters involving their civil service rights under Chapter 400 of the Code of Iowa. These matters may include, but are not necessarily limited to, examinations, inclusion on eligible lists, exclusion or removal from eligible lists, decertification, and peremptory suspension, demotion, removal or discharge. Deliberations of the Commission to adjudicate the procedural and substantive issues of such appeal shall include only the members of the Commission and its attorney, if any. The Commission may affirm, modify or reverse any case on its merits. A quorum shall be necessary to hear appeals with only those Commissioners present for the entire hearing eligible to render judgment, unless a tie vote or other sufficient cause requires additional Commissioners to view the record as a whole and make a determination.

Section 9.2. Time Limits for Appealing/Union Grievance

Any person holding Civil Service rights may appeal any adverse action involving their civil service rights to the Civil Service Commission within fourteen (14) calendar days after the appellant has or reasonably should have knowledge of the action which precipitated the appeal. If the appeal involves the suspension, demotion, removal or discharge of an employee the appeal must be filed within fourteen (14) calendar days from the suspension, demotion, removal or discharge.

If an issue is jurisdictional to the Commission and also falls under the grievance procedure in the employee's collective bargaining agreement, the employee must file an appeal as set forth in this Section within the required time period in order to preserve the employee's appeal rights to the Commission.

Section 9.3. Notice of Appeal

The notice of appeal must be in writing and signed by the appellant and specify the action appealed from. The appeal shall be filed with the Clerk of the Commission who shall record the date the appeal was received by the Clerk for filing. A notice of appeal may not be filed electronically, including filing by facsimile transmission. It shall be the duty of the Commission to inform the appointing authority or other persons involved of the filing of an appeal.

Section 9.4. Charges

If the appeal involves suspension, demotion, removal or discharge, then within fourteen days from the service of the notice of appeal the person or body that took the action appealed from shall file with the Civil Service Commission a written specification of the charges and grounds upon which the action was based. If the charges are not filed, the appellant 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 appellant for want of prosecution.

The Commission reserves the right to pass upon the sufficiency of the charges. If the charges are held to be insufficient, indefinite or have no precise meaning and the appointing authority fails to correct the charges, the Commission may dismiss the charges as not sustained.

Section 9.5. Time and Place of Hearing

If the appeal involves suspension, demotion, removal or discharge, within ten days after the specification of charges is filed, the Clerk of the Commission, on behalf of the Commission, shall fix the time and place of the hearing, which shall be 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 specification of charges.

If the appeal does not involve suspension, demotion, removal or discharge, the Clerk of the Commission shall fix the time and place of the hearing, which shall be not less than five (5) nor more than twenty (20) days after the notice of appeal is filed with the Commission.

If a quorum of the Commission is not available within the time periods stated above, the hearing shall be set as soon as practicable thereafter. Hearings beyond one day in duration are discouraged. The parties are encouraged to stipulate facts and focus upon points of contention.

Section 9.6. Request for Continuance

The Commission shall consider requests for continuance and shall grant or deny these requests based upon the facts presented and the ability of the Commission to schedule an alternate hearing date within a reasonable time period. A party's request for continuance shall be in writing, shall include the reasons for the request, and shall be filed with the Clerk of the Commission not less than three working days before the hearing.

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

Section 9.7. Pre-hearing Motion/Conference

It is the goal of the Commission to provide a swift and appropriate resolution of appeals within the Commission's jurisdiction. Any pre-hearing motion or request for other Commission action shall be made at least five working days before the scheduled hearing date. A pre-hearing motion or other request for Commission action must be in writing (typed or legible handwriting), shall be served upon the opposing party and shall cite any statute or rule under which the motion or request for Commission action is made. Any resistance to the motion shall be served and filed at least three working days before the scheduled hearing. Said motion shall be heard on the date of the hearing prior to commencement of the hearing. However, both parties may consent to oral argument on the motion or request prior to the hearing date before the Chairperson of the Commission whose decision shall be that of the Commission.

If the parties desire a pre-hearing conference, a request for same shall be in writing and made to the Chairperson of the Commission. All issues decided at the pre-hearing conference shall be submitted as a consent order and made a part of the hearing record.

Section 9.8. Subpoena Power

The Commission may issue subpoenas to require the attendance of witnesses or the production of records designated by either of the parties. Subpoenas shall be signed by the Commission Chairperson. Requests for subpoenas shall be filed in writing with the Clerk of the Commission at least three working days before the hearing and shall include the following:

- A. The names and addresses of those witnesses to be subpoenaed.
- B. The titles or detailed descriptions of requested books, papers and records.
- C. Sufficient information to establish the pertinence of the testimony or documents to the issues of the hearing.

Pre-hearing discovery is not allowed in the context of a Civil Service appeal. The Commission shall not issue subpoenas for the purpose of conducting discovery.

Should a subpoenaed witness refuse to attend, testify or produce required documents, the Commission shall make a written report of the refusal to the District Court and the District Court shall be requested by the Commission to take appropriate action. The service of subpoenas and the expense involved, if any, shall be the responsibility of the requesting party.

Section 9.9. Reproduction of Other Employees' Discipline Record

Requests for subpoenas for reproduction of records of other employees' discipline are not allowed. As an alternative to the issuance of such subpoenas, the Commission may require the following in challenges to discipline as inconsistent, arbitrary, or disparate in order to prevent unwarranted intrusions into and disclosures from confidential files of other employees during the public trial of the appeal the following procedure shall be followed:

- A. The appointing authority or his/her designee (or the respective Chief of Police or Fire) may be examined at the public trial of the appeal regarding any instance of discipline believed to support the claim of inconsistent, arbitrary or disparate discipline so long as such examination is undertaken without identifying the other employee(s) involved.
- B. At the conclusion of the testimony, and only with respect to an issue(s) concerning discipline of other employees raised during the public trial which the Commission is persuaded warrants further consideration, the record shall be left open to allow the Commission itself to review any and all personnel files of other employees concerning such matters.
- C. The Clerk of the Commission or his/her designee (or the respective Chief of Police or Fire) shall provide the Commission the exclusive use of a suitable conference room for such review and shall assign a senior member of the City staff familiar with the disciplinary action(s) taken and the personnel records involved to assist the Commission in securing direct and swift access to the portions of the files which concern the discipline(s) the Commission wishes to scrutinize.
- D. At the completion of the Commission's review, the public trial shall be reconvened solely to allow the Commission to examine the City witness(es) taking the disciplinary action appealed from on any issues of concern generated by such review. Each party shall be allowed an opportunity to further examine the City witness(es) on such matters before the record is closed.
- E. This rule shall not operate to render evidence of other employee(s) discipline relevant or material to the subject matter of the public trial; rather, this rule merely sets out the procedure to be followed by the Commission should it find such evidence relevant and material to the issue(s) to be decided in the appeal.

Section 9.10. Record

The hearing shall be recorded by the Commission. The decision on which method to use shall be based on the anticipated length of the hearing and consultation with the Clerk of the Commission to determine the feasibility or the

expense of transcribing the hearing. If any party wishes to separately transcribe the proceedings by using a certified court reporter, the party may do so at the party's expense.

All appeal records shall be maintained pursuant to state and local law. Court reporter notes are considered working copies and shall be maintained for at least six months after the conclusion of the hearing. Any recording of the hearing shall be maintained pursuant to state and local law. Either party may request the court reporter to transcribe the testimony at its own expense.

Section 9.11. Appeal Proceedings

The Commission Chairperson shall administer oaths to witnesses in the same manner and with like effect and under the same penalties as in the case of magistrates exercising criminal and civil jurisdiction. The proceedings shall be as informal as is compatible with the requirements of justice and with a view toward the presentation of all relevant evidence so that a fair and impartial decision may be made. The Chairperson shall have full authority at all times to maintain orderly procedure and to limit the hearing to matters which are material and relevant to the issue to be decided.

The burden of proof standard shall be that of substantial evidence. The appellant shall have the burden of proof and shall first present evidence in support of the appeal. The appellee or appellee's counsel shall then present such evidence as he/she may wish to offer. 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 of the evidence, the Commission, in its discretion, may hear arguments or request that briefs be submitted.

If the appellant fails to appear or appear by counsel at the time fixed for hearing the appeal, the Commission shall hear such evidence as may be produced or that it deems proper or necessary and make a finding according to the evidence. The Commission, after due consideration, shall notify the parties of its judgment.

Counsel for both parties are entitled to be firm and direct in their cross examination, but not abusive. Conduct toward a witness which is unfair, oppressive, threatening or unnecessarily hostile will not be tolerated. Continued conduct of this nature may lead to suspension of questioning by the offending person.

All persons participating in and appearing at hearings shall conduct themselves in an orderly and decorous manner. The Commission reserves the right to eject from the hearing room persons not conducting themselves in such manner.

Upon the conclusion of any hearing, the Commission shall cause its findings and decisions 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. The findings and decision together with the minority report, if any, shall be filed in the permanent files of the Commission. A copy of the findings and decision shall be delivered to the parties, and such judgment shall become effective upon filing.

The City, or any civil service employee, shall have the right to appeal to the District Court from the final ruling and decision of the Civil Service Commission under Iowa Law. The appeal to the District Court shall be perfected by filing a notice of appeal with the clerk of the District Court within thirty days from the filing of the formal decision of the Commission. Written notice of the appeal to District Court shall be provided to the Clerk of the Commission at the same time as the appeal is taken. The party appealing to the District Court shall bear the cost of the preparation of the transcript.

In the event the ruling or decision appealed from is reversed by the District Court, the appellant, if an employee, shall then be reinstated as of the date of said suspension, demotion, removal or discharge and shall be entitled to compensation from the original date of such action. The Clerk of the Commission shall communicate each case of appeal to the Commission.

Section 9.12. Rules of Evidence

In all hearings:

- A. Irrelevant, immaterial or unduly repetitious evidence shall be excluded. Parties may be permitted to make an off the record offer of proof.
- B. Objections to evidentiary offers may be made and shall be noted in the record.
- C. Documentary evidence may be received in the form of copies or excerpts, if the original is not readily available. Upon request, parties shall be given an opportunity to compare the copy to the original if available. Parties must provide 6 copies of each document submitted as evidence at the hearing.
- D. Either party may request that witnesses be sequestered. The Commission shall honor such requests or may on its own initiative require sequestering when its decision will most probably rest upon a determination of the credibility of the testimony given.
- E. The parties and/or their representatives shall be entitled to be present during the entire proceedings, other than during Commission deliberations.
- F. Hearsay evidence shall be permitted when relevant to the central issues but evidence shall not be relied upon when direct evidence is readily available.
- G. Discovery procedures are not applicable in matters before the Commission.

- H. The Iowa Rules of Evidence, Iowa Rules of Civil Procedure and practice and procedure in the First Judicial District of Iowa may be consulted for guidance in matters not specifically covered by these rules and procedures.
- I. If a test result indicating the presence of alcohol or a controlled substance is submitted as evidence and the test sample was analyzed by a laboratory or testing facility approved by the department of public health pursuant to applicable state law, then no further foundation is necessary for the introduction as evidence of the drug or alcohol testing results. If an appellant intends to challenge the foundation or testing procedures, the City shall be notified in writing five working days prior to the hearing.

Section 9.13. Public Trial

Hearings shall be open to the public, subject to the exceptions set forth in Iowa Code § 21.5. The commission shall hold a closed session to discuss the decision to be rendered in a hearing.

Section 9.14. Representation

An employee may be represented by an attorney, the employee's authorized collective bargaining representative, or him/herself in a hearing before the Commission, all at the employee's expense. The appointing authority may be represented by an attorney.

Section 9.15. Legal Counsel

The Commission shall be represented by the City Attorney or designee. If in the Commission's opinion there is a conflict of interest between the City Council and the Commission, the Commission may hire an attorney pursuant to Iowa Code § 400.27. The Commission shall not hire outside counsel merely when there is a disagreement with the advice of legal counsel provided by the City Attorney or designee.

Section 9.16. Legal Opinions

The Commission may request an interpretation of Chapter 400, these Rules or applicable civil service principles from legal counsel. The Commission shall act as the finder of fact and render its decision in light of the provided legal interpretation or opinion. The Commission may choose to accept or reject the advice of legal counsel.

CHAPTER X - GENERAL PROVISIONS

Section 10.1. 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 Clerk of the Commission of any change of address or change of name. In sending notices affecting such persons, the Commission assumes no responsibility beyond the address last recorded with the Department of Finance and Business Operations. Failure to respond to notices sent by the Commission to the last recorded address may result in denial of admission to examination, in removal from eligible lists, or in waiver of hearing opportunity upon an appeal.

Section 10.2. Organization Membership

Membership in any organization will operate neither to injure nor benefit any employee in the Commission's actions relating to rights and interests under these Rules or the Code of Iowa.

Section 10.3. Seniority

See Iowa Code § 400.12.

Unless covered in a collective bargaining agreement, when classified positions formerly considered non-civil service are "blanketed in" by the Civil Service Commission, the civil service seniority of incumbent employees shall commence on the date the position is accepted by the Commission. In case of layoff in such a position, ties shall be broken by considering total City seniority in that position (civil service plus non-civil service). Further ties shall be broken by using normal layoff procedures. Employees who are promoted or transferred from such a position to a higher level position prior to the acceptance of the newly covered position by the Commission, shall receive seniority in the newly covered position equal to, but not greater than, employees incumbent at the date of acceptance by the Commission, provided such employees had completed their probation prior to their promotion or transfer.

Section 10.4. Violation of Rules

Violation of any of the rules contained herein may warrant disciplinary action, rejection of the application, or decertification depending upon the status of the person judged in violation after appropriate hearing as described herein.

Section 10.5. Exception of Collective Bargaining Agreement

The provisions of the Rules herein shall be followed except where these provisions are in conflict with existing and current collective bargaining agreements. In such instances when a conflict exists, the current collective bargaining agreement shall take precedence over the provisions herein.

APPENDIX A: GLOSSARY OF TERMS

Appointment The designation of a qualified person to a classified service position under the rules set forth for permanent, temporary, and emergency appointments.

Certification The Civil Service Commission certifies to the City Council, lists of up to ten of the most preferred, eligible persons for entrance level positions and lists up to ten of the most preferred, eligible persons for promotional level positions for future appointments.

Class A group of positions, requiring similar qualifications and recognized as similar in duties and responsibilities, that is designated by a shared descriptive title and salary range.

Classification A specified set of duties that a covered employee is assigned to perform. (i.e. **position classification**)

Classification Plan An organized arrangement of positions into separate classes with similar qualifications, duties and responsibilities that establishes minimum standards of qualifications as set forth by the Finance and Business Operations Department.

Commission The City of Cedar Falls Civil Service Commission.

Demotion The assignment of a covered employee to a position classification within a lower pay range or grade. Demotion can be on an involuntary or voluntary basis.

Eligible A person whose name is on a current eligible list and may be certified for appointment to a classified position.

Eligible Lists Lists of up to forty most eligible names for covered entrance level positions and lists of up to ten most eligible names for covered promotional positions, arranged in descending order, from the results of examinations for position classifications for which they are qualified for appointment.

Entrance Examination An examination open to all City employees and members of the general public.

Examinations Tests that determine the qualification fitness of applicants for positions covered under civil service. Tests that fairly measure the knowledge, skills and abilities including mental and physical capabilities of the applicants may be used.

Grievance A disagreement between an employee and the City of Cedar Falls concerning working conditions or terms, unequal treatment or relationships with supervisors or fellow employees.

Lateral Transfer The movement of a covered employee to the same position classification in a different City department or division.

Layoff The involuntary separation of an employee from a classified position because of inadequate fund appropriations, lack of work or other reasons that does not reflect fault of the employee.

Original Appointment Employment appointment to entrance level position classifications covered under Civil Service.

Permanent Continuance after the expiration of a successfully completed probationary appointment period constitutes a permanent appointment.

Preferred List List of names of employees separated from covered position classifications due to layoff that are eligible for reemployment to the position within a specified time period from date of separation. See Iowa Code § 400.28.

Probationary Period A working test period for employees newly appointed or promoted to classified positions for the purpose of assessing their abilities in the position to which they have been appointed.

Promotion The reassignment of a covered employee to a position classification with a higher pay range or grade.

Promotional Examination An examination for classification advancement open only to covered qualified civil service employees (i.e. those employees who have completed the specified probationary period).

Suspension An involuntary leave of absence for disciplinary or investigative purposes; or when a covered position classification has been abolished due to economic reasons resulting in a layoff.

Temporary Appointment In the absence of a preferred list or certified eligible list or when the eligible list is exhausted, the person or body having the appointing power may fill the vacant position for no more than 90 days.

Vacancy A newly created position classification or position classification that is not occupied and has funding allocated for it.