

CITY OF URBANDALE

CIVIL SERVICE RULES AND REGULATIONS



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STATEMENT OF PURPOSE

The Civil Service Commission of the City of Urbandale is created under the authority of the Code of Iowa, Chapter 400, Civil Service. The purpose of the Commission shall be to provide harmonious, efficient and courteous public service which will protect the interests of the City of Urbandale and its employees. No person shall in any way be favored or discriminated against because of race, color, religion, creed, political faith or opinions, party affiliation, national origin, sex, age, disability, sexual orientation, gender identity, employee union or association membership, or office therein.

CHAPTER 1 - ORGANIZATION OF COMMISSION

1.1 Commission Members

A. Appointment of Commission

The Mayor shall appoint three Civil Service Commissioners, with approval of the City Council. Following appointment of the initial Commission, hereinto also referred to as Member, according to law; one Member shall be appointed after each regular municipal election to hold office for a term of four (4) years commencing the first Monday of April following such municipal election.

B. Selection of Chairperson

The Chairperson of the Commission for each biennial period shall be the member whose term first expires. The Acting Chairperson of the Commission for meetings shall be the member who is physically present and whose term first expires.

C. Qualifications

The Commissioners shall be citizens of Iowa, eligible electors, and residents of the City of Urbandale preceding appointment. No Commissioner shall hold or be a candidate for any office of public trust.

1.2 Meetings

A. Regular and Special Meetings

Regular meetings shall be held as requested by Human Resources. The Commission may hold a special meeting because of matters under consideration, or the need for timely action. Such special meetings shall be called by the Commission Chairperson as may be necessary or at the call of any two Commission members.

Two members of the Commission present, either in person or by phone, at any meeting for which notice has been given shall constitute a quorum for the transaction of business.

B. Open Meetings

Meetings of the Commission shall be open to the public, unless a closed session is authorized by the provisions of Iowa Code Section 21.5.

Notice of the date, time, place and the tentative agenda for the meetings shall be given to each Member by the Clerk of the Commission, to those news media who have filed a request for such notice, and by posting notice on the City bulletin board. Notice shall be given at least twenty-four (24) hours prior to the meeting, unless, for good cause, such notice is impossible or impractical, in which case as much notice as reasonably possible shall be given.

C. Closed Sessions

Upon proper motion setting forth the reason for holding the closed session, the Commission may hold a closed session by affirmative vote of two-thirds of its members present, as provided in the Code of Iowa. Only those matters set forth in the motion for a closed session shall be discussed in such closed session. Final action on any matter shall be taken in open meeting.

The following matters may be considered a basis for a closed session:

1. To discuss strategy with counsel in 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 governmental body in that litigation.
2. To avoid disclosure of specific law enforcement matters, such as current or proposed investigations, inspection or auditing techniques or schedules, which if disclosed would enable law violators to avoid detection.
3. 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 individual requests a closed session.
4. For any other reason authorized by law.

1.3 Records

The City Clerk (or Chief Deputy City Clerk) shall serve as the official clerk of the Commission. The City Clerk may designate a representative of the City's Human Resources Department to perform certain delegated functions of the Commission. The Commission shall keep a record of all of its meetings and also a complete individual service record of all Civil Service employees, which records shall be permanent and kept up-to-date. All records pertaining to examinations shall be confidential. Civil Service records shall be available upon request only with the

approval of the Civil Service Commission, its legal counsel or administrative staff. Individual employees shall be entitled to a copy of their civil service record.

1.4 Legal Counsel

The City Attorney 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 a counselor or 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 Counselor or 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.

CHAPTER 2 - EMPLOYEES GOVERNED BY CIVIL SERVICE

2.1 Applicability and Exceptions

These rules apply to permanent full-time police officers, permanent full-time fire fighters, and all appointive permanent full-time employees of the City of Urbandale except:

- A. Persons appointed to fill vacancies in elective offices and members of boards and Commissions and the Clerk to the Civil Service Commission.
- B. The City Clerk, Chief Deputy City Clerk, City Attorneys, City Treasurer, and any professional City engineer licensed in the State of Iowa.
- C. The City Manager and Assistant City Managers.
- D. The head and principal assistant of each department and the head of each division of the City. This exclusion does not apply to Assistant Fire Chiefs and to Assistant Police Chiefs who are subject to Iowa Code Sections 400.13 and 400.14.
- E. The principal secretary to the City Manager, the principal secretary to the Mayor, and the principal secretary to each of the department heads.
- F. Employees of boards of trustees or Commissions established pursuant to state law or city ordinances.
- G. Employees whose positions are funded by state or federal grants or other temporary revenues unless it is determined that the position is a permanent position which will be funded for at least one year after the expiration of such state or federal funding.
- H. Casual employees including seasonal labor, part time or ACA eligible Firefighter/EMT – Firefighter/Paramedic, Reserve Officers, etc.

- I. Library employees and Water Utility employees, as they are governed by their own separate Boards.

2.2 Preference by Service

An 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:

- A. The employee meets the minimum qualifications and has completed the required probationary period for the position.
- B. 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.
- C. An employee who otherwise meets the requirements of subsection A or B but has not completed the required probationary period shall receive full Civil Service rights in the position upon completion of the probationary period.

2.3 Residency Requirements

Employees shall become a resident of Iowa or must take reasonable steps to become a resident of the state as soon as practical of their appointment or the date on which their employment begins and shall remain a resident of the state during employment. The City may set reasonable maximum distances outside of its corporate limits in which municipal employees may live and/or may set reasonable maximum travel times for police officers, fire fighters and other critical municipal employees may live from their place of employment.

CHAPTER 3 - RECRUITMENT AND SELECTION

3.1 Application Process

Applications are available on the City of Urbandale's online career website. Applications will be accepted for current position openings in the absence of a valid certified list for that position. Online postings shall be active for promotional positions for a minimum of five (5) business days. Entrance postings shall be active for a minimum of ten (10) business days.

All applications shall be filed on forms approved by the Commission and shall call for information such as the applicant's education, training, experience, or military service. The Commission has the right to ask for certificates of health, fingerprints, and other pertinent information which may be desirable.

The Human Resources Department has the authority to require additional pertinent information including, but not limited to, the following: transcripts, licenses, certificates, proof of military service, etc.

It is the responsibility of the applicant for any open position to submit a completed City of Urbandale on-line Employment Application with all required documents and any required supplemental information required by the application deadline. Application materials must be posted on-line by the applicant or received in the Human Resources Department on or before the application deadline. Exceptions may be made if arrangements are made with a member of the Human Resources Department prior to the application deadline.

It is the responsibility of the applicant for any promotional position to complete an on-line Employment Application and any required supplemental information by the application deadline. Application materials must be posted on-line by the applicant or received in the Human Resources Department on or before the application deadline. Exceptions may be made if arrangements are made with a member of the Human Resources Department prior to the application deadline.

3.2 Minimum Qualifications

Minimum qualifications are established for each position by the Human Resources Department, with input from appropriate personnel, and are outlined in each job description.

Minimum qualifications may be revised at any time but will not be changed during an announced recruitment for an open position.

The minimum qualifications will be stated on the recruitment announcement.

An applicant must meet the minimum qualifications for a position to be admitted to an examination. Each application will be reviewed by a staff member of the Human Resources Department. If there is a question about technical qualifications, the department with the vacancy may be consulted. However, the Human Resources Department will make the final determination as to whether an applicant meets the minimum qualifications for the open position. Notification of eligibility to take the examination will be sent to the applicant by the Human Resources Department.

A person shall not be appointed, promoted, discharged, or demoted to or from a civil service position or in any other way favored or discriminated against in the position because of political or religious opinions or affiliations, race, national origin, sex or age. However, the maximum age for a Police Officer or Firefighter covered by this chapter and employed for police duty or the duty of fighting fires is sixty-five years of age.

Certificate: A non-degree offering below the associate degree and most often offered in technical and vocational fields of study. Courses offered which usually do not qualify for regular college credit. Candidate must transfer these earned credit hours towards an Associate's Degree. Transferred credit hours must be accepted by the accredited institution to be counted. If the candidate has not transferred these credit hours towards a degree or if the accredited institution does not accept the credit hours then these credit hours, will not be counted as an equivalent credit hour.

Associates Degree: An undergraduate academic degree awarded by community colleges, junior colleges, technical colleges, and bachelor's degree-granting colleges and universities upon completion of a course of study usually lasting two years. Equivalency to an associate's degree is 60 credit hours towards a Bachelor's degree from an accredited institution. Candidate bears the responsibility of providing documentation to verify that an Associate's Degree has been attained or to prove that 60 credit hours have been earned. If credit hours are from more than one institution, it is the candidate's responsibility to transfer the credit hours to one institution to verify the 60 credit hours.

Bachelor's Degree: An academic post-secondary degree conferred by a college or university upon those who complete the undergraduate curriculum. Candidate bears the responsibility of providing documentation to verify that a Bachelor's Degree has been attained.

Master's Degree: An academic degree higher than a Bachelor's degree granted to individuals who have undergone study demonstrating a mastery or high-order overview of a specific field of study or are of professional practice.

Experience Equivalency for Associates Degree, Bachelor's Degree and Master's Degree requirements: Full-time work experience performing job functions substantially similar to the job functions of the position for which candidate is applying. 1-2 years of work experience per year of college. Applicant bears the responsibility for verifying all experience by documentation determined to be satisfactory by the City. Example, experience equivalency for a Bachelor's Degree would be 6-8 years of related work experience.

3.3 Disqualifications

A. Basis for Disqualification

The Human Resources Department shall reject an application if the applicant does not possess the minimum qualifications. After acceptance of employment, an applicant shall be rejected if it is later found that he or she does not possess the minimum qualifications.

The Human Resources Department or the Commission may reject an applicant deemed unqualified for any of the following reasons:

1. The applicant is guilty of making false statements of fact or practicing fraud or deception in the application materials or any part of the examination.
2. The applicant does not pass the examination for the position, which can be a written test, oral test (interview prior to the Commission establishing a certified list), performance test, physical agility test, or other selection procedures.
3. The applicant is physically or mentally unable to perform the essential functions of the position, with or without reasonable accommodation. A

physical examination is required of all entrance level applicants. Police Officer and Fire Fighter applicants will be examined in accordance with the guidelines of the medical protocols established by the board of trustees of the police or fire retirement system and the appointing authority.

4. The applicant does not meet one of the requirements for the position as provided in the Code of Iowa or in any applicable administrative regulations.
4. The applicant did not submit or did not adequately complete the required application and/or supplemental material(s) prior to the deadline date.
5. Any other reason permitted by state or federal law.

B. Procedure for Disqualification

Human Resources, on behalf of the Commission, shall send notice to any applicant whose application has been rejected and the basis for such rejection.

3.4 Examinations

A. Rules and Guidelines

The Commission shall establish rules and guidelines for the conduct of examinations including but not limited to written and oral examinations. Civil Service examinations shall be practical in character and shall relate to matters which fairly test the mental and physical ability of the applicant to discharge the duties of the position to which the applicant seeks appointment. A fair examination shall explore the competence of the applicant in the particular field of examination.

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

Unless otherwise provided for in rules adopted for a specific examination, these rules shall govern the examination process. All examinations shall be approved by the Commission.

B. Administration of Examinations

The Commission and/or the Human Resources department may prepare and administer examinations or may hire persons with expertise to do so if the Commission approves the examinations. It may also hire persons with expertise to consult in the preparation of such examinations, if the persons so hired are employed to aid the personnel of the

Commission in assuring that a fair examination is conducted. Examinations may be assembled or unassembled, and may consist of written, oral, performance tests or evaluation of experience and training or any other testing method appropriate for the position classification involved. The examination may consist of one or more parts.

C. Recurring Test Processes

The City experiences recurring recruitments for several job classifications, primarily for entrance level positions. Annual recruitment processes include, but are not limited to, Laborer, Police Officer, Firefighter/EMT, Engineering Technician, and Administrative Technician.

If there are no changes to the to the recruitment and testing procedures from the previous Commission-approved processes, the Civil Service Commission shall allow the recruitment and test process to be conducted without meeting to re-approve the process each time the recruitment is needed. Rather the Civil Service Commission shall meet to certify the list of candidates eligible for hire once the recruitment process is completed and a list is to be certified. Should there be any change in the recruitment process from year to year, Human Resources would bring that new process to the Commission for approval.

D. Examination Announcements

Entrance and promotional examinations shall be conducted as needed. The Human Resources Department shall give notice of all Civil Service examinations by job announcement. Such job announcements are normally distributed internally to all departments and to various organizations, particularly with emphasis to affirmative action recruitment. All such announcements shall be posted on the City Hall bulletin board. Such announcements shall contain:

1. The official notice requesting application materials;
2. The title and rate of pay of the position(s) to be filled;
3. A job summary;
4. Minimum qualifications required;
5. Vacant position identified as entry level or promotional; and
6. Any additional information at the discretion of the Human Resources Department.

E. Conduct of Examinations

The examinations will be conducted by the Commission and/or by persons employed

and/or designated by the Commission to assist in administering the examinations, such as the Human Resources Department. Any supplies which the applicant will be expected to furnish for the examination will be so noted in the announcement. Applicants must report on the date and at the time and place scheduled. Makeup examinations may be scheduled only when the applicant failed to appear due to a verified emergency situation or active duty service in the United States Military. Requests for makeup examinations shall be in writing and directed to Human Resource professional overseeing the recruitment. The Human Resources professional shall have the sole discretion in determining whether a makeup examination shall be allowed. The general rule is that no makeup examination shall be allowed.

A candidate's score in any examination shall be either the combination of the scores on each competitive part of the examination, a pass/fail at individual steps in the examination process, or a scoring system deemed fair and appropriate based on the classification and recruitment process. In some examinations, failure of any part of the examination may be grounds for declaring such candidate as failing the entire examination or as disqualified for subsequent parts of the examination.

F. Notification of Results

Efforts are made to score the examinations as quickly as possible in order to advise applicants of the results in a timely manner. A candidate shall have a right to receive his/her examination results. However, the staff of the Human Resources Department shall restrict access to examination materials to maintain test security.

Human Resources shall notify all applicants of the results obtained in the examination and the top designated number of successful applicants shall be given status on the eligibility list.

G. Fraud in Examinations

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

H. Veterans Preference

The veteran's preference provides for five percentage (5%) points to be added to the passing scores of eligible veterans. Eligible veterans are honorably discharged veterans from the military or naval forces of the United States in any war the United States has been engaged as described in Iowa Code Section 400.10. In applying veterans preference points, five percentage (5%) points will be added to the final or composite passing score. Five percentage (5%) additional points shall be added to the score if the veteran has a service connected disability or is receiving compensation disability benefits or pension under laws administered by the Veterans Administration.

Veterans wishing to claim preference must submit Form DD 214 no later than the application deadline. Veterans claiming preference on the basis of disability must present official Veterans Administration documents verifying disability status.

Veteran's preference is not applicable in the case of promotion or appointment to Chief of the Fire Department or Chief of the Police Department.

I. Retesting

Whenever the number of persons that have successfully passed prescribed tests is insufficient to fill existing openings (as determined by the Commission) the Human Resources Department shall post and advertise for the position(s) a second time. If another recruitment and examination is announced, an applicant who failed the original test may reapply and retest one time. Applicants passing the original examination will have the option to keep the score they received or to retest. Further testing for the same classification will not be provided to the applicant for six (6) months following the retest date.

J. Promotional Examinations

Vacancies in Civil Service promotional grades shall be filled by lateral transfer, voluntary demotion, or promotion of qualified City employees. With the City Manager's approval, the Human Resources Director shall determine which Civil Service job classes are promotional.

In the absence of a certified or preferred list, if no employee of the City meets the minimum qualifications for a vacated position and/or no employees of the City pass the promotional examination and otherwise qualify for a vacated position, or if an employee of the City does not apply for a vacated position, an entrance examination may be used to fill the vacancy.

Promotional examinations may include a written test, oral test (interview prior to the Commission establishing a certified list), performance test, physical agility test, or other selection procedures deemed appropriate by the Commission.

Human Resources will administer promotional examinations which will be conducted in the same manner as for original appointment, and may consist of examinations of prior service, ascertained merit, seniority in service, written and/or oral examinations. All applicants for promotional examinations must be permanent employees in the classified service who have successfully completed their probationary period and must possess the minimum qualifications as set forth in the position description of the class to which promotion is sought. Promotion is not limited to Civil Service employees in the immediate lower classification.

Should a promotional exam be conducted two times with no internal candidate successfully passing the promotional testing process, the recruitment shall then be opened

to external candidates as an entrance position. At that time, guidelines for a certified list for entrance positions would be applicable.

3.5 Selection

All appointments or promotions to Civil Service positions shall be made by the City Manager or his/her designated department director from the certified list established by the Civil Service Commission.

3.6 Temporary Assignments

When there is no preferred list, and/or when the eligible list shall be exhausted, the person or body having the appointing power may temporarily fill a vacancy until an examination can be held and the names of qualified persons be certified by the Commission. Such temporary appointments are limited to ninety (90) days for any one person in the same vacancy, but such limitations shall not apply to persons temporarily acting in positions regularly held by another. Any person temporarily filling a vacancy in a position of higher grade for twenty (20) or more working days shall receive the salary paid in that higher grade. 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 similar competitive position, if he or she is properly qualified, without losing his or her place on such a list.

CHAPTER 4 - CLASSIFICATIONS

4.1 Classification Plans

The Commission shall utilize the classification plan (annual pay plan) prepared under the direction of the City Manager and approved by the City Council. This plan groups the various job classes into series promoting more efficient administration and establishes minimum employment standards for original appointments and promotional appointment based upon the qualifications necessary for job success.

4.2 New Position Classifications

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

4.3 Changes in Positions

The appointing authority shall notify the Commission whenever the duties and responsibilities of a Civil Service position change so materially that reallocation action is contemplated. The Commission shall review each case concerning any abrogation of any employee's Civil Service

rights. Reclassification shall not be used for the purpose of avoiding restrictions surrounding promotions and demotions.

4.4 Effect on Incumbent Employees

Whenever a new classification plan is adopted by the City Council based upon a study of all city classes, or all classifications within a class series (Skilled Trades Series, Planning Series, etc.), the incumbents shall gain status in the class to which their positions have been reallocated regardless of the title assigned or the minimum qualifications subsequently established in the class specifications.

Should the title of a class change without a significant change in the duties and responsibilities of the individual positions in the class or should the specification for a class be revised to reflect minor changes in the duties and responsibilities or other requirements normally listed, the status of incumbents shall not be changed. In addition, a regular employee whose position is reallocated or reclassified by virtue of a gradual change in the duties and responsibilities over time, and not because of the assignment to another position may, at the discretion of the Commission, be reclassified without competitive examination provided the employee possesses the minimum education and experience requirements. If new duties and responsibilities are assigned to a position within a class which are so complex, difficult or responsible that the position is allocated to a higher new or existing classification, however, the incumbent employee shall not be reclassified unless or until his/her name appears on the certified list for the higher class. Should the incumbent employee fail to obtain certification the layoff provisions of these rules shall apply.

4.5 Reclassification

Reclassification is a movement from one job grade to another job grade which is: 1) specific to the individual employee, and; 2) they obtain the position based on pre-defined criteria (such as specialized certifications, years of experience in a lower level position, level of performance in the job, etc.) The position is not a competitive promotion and does not involve opening the position up to others, written tests or other examinations or a selection process from a pool of qualified candidates. The new job grade may mean a move into a new pay grade with the potential of a change in pay. Reclassification comes at the recommendation of a supervisor or manager with approval from the Department Director, Human Resources and City Manager.

4.6 Abolishing a Position

Whenever the public interest may require a reduction of the number of employees in any classification under civil service for the purpose of economy or efficiency, the City Council by resolution, and after notifying the Commission of such action, may either abolish the position and remove the employee from his/her classification or reduce the number of employees in any classification by suspending the necessary number. Employees so removed or suspended shall be those having seniority of the shortest duration in the classifications affected.

Seniority shall be computed as provided in Chapter 8; Section 1, Seniority.

In case of such removal or suspension, the Civil Service Commission shall issue to each person so affected a certificate showing his/her comparative seniority in each classification from which he/she is so removed, and that his/her service had been satisfactory and his/her name shall be carried for a period of not less than three (3) years after such suspension or removal on a preferred list, and all appointments or promotions made during this period to his/her former duties in such classification shall be made in the order of greater seniority from such preferred lists.

CHAPTER 5 - CERTIFICATION

5.1 Eligible Lists for Original Appointments

Within ninety (90) days after the beginning of each competitive examination for original appointment, the Commission shall certify to the City Council a list of the names of forty (40) persons, or a lesser number as determined by the Commission, who qualify with the highest standing as a result of each examination, or such number as may have qualified, if less than the designated number, in the order of their standing. In case of a tie for the last of the designated number of positions, all persons who qualify for the last position shall be certified. All newly created offices or other vacancies in positions under Civil Service which shall occur before the beginning of the next examination for such positions shall be filled from said lists, or from the preferred list existing as provided for in the case of diminution of employees, within thirty (30) days. The beginning of the exam is the first day of the written or oral examinations for a position.

Preference for temporary service in civil service positions shall be given those on the lists. However, the Commission may certify a list of names eligible for appointment subject to successfully completing a medical examination. The medical examination shall be provided pursuant to Commission rules adopted under Iowa Code Section 400.8.

For original appointments, the Commission may hold in reserve additional lists of forty (40) persons, each next highest in standing, in order of their grade, or such number as may qualify if less than forty (40). If the list of up to forty (40) persons provided in the first paragraph of Section 5.1 of this Chapter is exhausted within one (1) year, the Commission may certify such additional lists of up to forty (40) persons each, in order of their standing, to the council as eligible for appointment to fill such vacancies as may exist. Entrance lists are good for a period of one (1) year from the date of certification.

For entrance positions where the recruitment has been opened to both internal and external candidates simultaneously, the certified list shall be valid for a period of one year.

5.2 Eligible Lists for Promotion

Within ninety (90) days after the beginning of each competitive examination for promotion, the Commission shall certify to the City Council a list of names of the ten (10) persons who qualify with the highest standing as a result of each examination for the position the persons seek to fill,

or the number which have qualified if less than ten (10), in the order of their standing and all newly created offices or other vacancies in positions under civil service which occur before the beginning of the next examination for the positions shall be filled from the lists, or from the preferred list existing as provided for in the case of diminution of employees, within thirty (30) days. If a tie occurs in the examination scores which would qualify persons for the tenth position on the list, the list of names of the persons who qualify with the highest standing as a result of each examination shall include all persons who qualify for the tenth position.

Except where the preferred list exists, persons on the certified eligible list for promotion shall hold preference for promotion for two (2) years following the date of certification, except for certified eligible lists of fire fighters (as that term is defined in Iowa Code Section 411.1, subsection 10). Certified eligible lists of fire fighters shall hold preference for three (3) years upon approval of the Commission, after which the lists shall be cancelled and promotion to the grade shall not be made until a new list has been certified eligible for promotion.

A person listed on an eligibility list may decline appointment once without penalty. A second declination of appointment removes the person's name from the list. However, a list shall be exhausted when all applicants whose names appear thereon have been appointed or when there is a vacancy and all applicants whose names appear thereon either refuse appointment or fail to respond, within five (5) business days, to written or electronic notification of the vacancy.

When there is no such preferred list, or when the eligible list shall be exhausted, or when the eligible list contains two (2) or fewer names and the appointing authority requests a new list, the person or body having the appointing power may temporarily fill a vacancy until an examination can be held and the names of qualified persons be certified by the Commission. Such temporary appointments are limited to ninety (90) days for any one person in the same vacancy, but such limitations shall not apply to persons temporarily acting in positions regularly held by another. Any person temporarily filling a vacancy in a position of higher grade for twenty (20) days or more, shall receive the salary paid in that higher grade.

5.3 Notification of Certification

The Human Resources Department shall notify each candidate as to whether or not he/she is certified. To maintain test security, any candidate shall have the right to review his/her own examination scores but will be unable to review examination materials.

5.4 Removal of Names from a Certified List

A person appearing on a certified list shall be removed by the Commission whenever he or she has requested in writing that his or her name be removed, or if the Commission finds the applicant fails to meet the minimum requirements needed to fill the subject position. A person may be removed from a certified list for cause at any time. Any person so affected shall be notified of the removal of his or her name by a notice sent via mail or electronic communication to the contact information given in the employee's online profile. Persons on promotional employment lists who resign from the classified service shall automatically be dropped from such lists. Any person discharged for cause from the City will be dropped from any and all lists.

5.5 Objection of Appointing Authority

If the appointing authority has information regarding any person certified tending to show unfitness for the position to be filled on the part of said person, the appointing authority shall communicate this information, in writing, to the Commission. Such information may relate either to matters which were disqualifying at the time of examination or to anything disqualifying which may have arisen subsequent to the examination. In such case, the Commission shall enter its findings in its minutes. The Commission shall determine in each such case whether or not there is sufficient cause to remove the name of the person affected from the eligible list.

CHAPTER 6 - APPOINTMENTS, DEMOTIONS, AND LAYOFFS

6.1 Types of Appointments

All vacancies in Civil Service classifications shall be filled by lateral transfer, voluntary demotion, or from those eligible as certified by the Commission from an appropriate preferred (reemployment), entrance or promotion list, if available. In the absence of persons eligible for appointment in the foregoing ways, temporary appointment may be permitted in accordance with appropriate sections of these rules.

6.2 Permanent Appointments

The hiring manager shall indicate whether the vacancy will be filled by lateral transfer or voluntary demotion, or whether appointment from a certified list is preferred. If a preferred (reemployment) list is in effect for that classification in which there is a vacancy, appointment must be made from the preferred list in the order of greater seniority in accordance with Chapter 400.28 of the Code of Iowa. Names remain on a preferred list for three years after layoff.

6.3 Emergency Appointments

To meet the immediate requirements of an emergency condition which threatens public safety or property, the appointing authority may employ such persons as may be needed without regard to the Civil Service restrictions affecting appointments. As soon as possible such appointments shall be reported to the Commission.

6.4 Temporary Appointments

In the absence of eligible candidates from whom permanent appointments may be made, a person otherwise meeting the qualifications for the vacant appointment may be temporarily appointed by the appointing officer pending the establishment of a certified list in the manner prescribed by these rules. The Commission shall determine and certify that such person meets the minimum qualifications before appointment may be effective. 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.

6.5 Lateral Transfers

Lateral transfers between Civil Service positions shall be made in accordance with Iowa Code Section 400.9. An employee other than a Police Officer or Fire Fighter may be transferred with his or her consent from one department to the same Civil Service classification in another department, and such employee shall retain the same Civil Service status. Transfers shall not be used to effectuate a promotion, demotion, advancement, or reduction, each of which must be accomplished only as provided in these rules. No employee shall be transferred to a position for which he or she does not possess the minimum qualifications.

6.6 Demotions

The City Manager may demote an employee for neglect of duty, disobedience of orders, misconduct, or failure to perform the subordinate's duties. Demotions in Civil Service positions shall be made in accordance with Iowa Code Section 400.19. An employee shall not be demoted to a position for which he or she does not possess the minimum qualifications. Written notice of the demotion and pay rate shall be given to the employee within five (5) business days following the effective date of demotion, and a copy shall be filed with the Commission. The employee shall have the right to request a hearing before the Commission as prescribed by these rules.

An employee who has been demoted from a Civil Service job as a result of disciplinary action shall, for a period of six (6) months from the effective date of such demotion, be ineligible to take any examination for appointment to the classification from which the employee was demoted.

6.7 Layoffs

If it becomes necessary to remove or suspend any employees for the purposes of economy or efficiency, persons so removed or suspended shall be those having seniority of the shortest duration in the classifications affected and such seniority shall be computed as provided in Chapter 8. Employees so removed from a classification shall revert to their seniority in the next lower classification. If such seniority is equal between or among employees, then the one less efficient and competent as determined by the person having the appointing power shall be the one affected.

In case of removal or suspension, the Human Resources Department shall issue to each person affected one certificate showing the person's comparative seniority or length of service in each of the classifications or grades from which the person is so removed and the fact that the person has been honorably removed. The certificate shall also list each classification or grade in which the person was previously employed. The person's name shall be carried for a period of not less than three years after the suspension or removal on a preferred list and appointments or promotions made during that period to the person's former duties in the classification or grade

shall be made in the order of greater seniority from the preferred list. Retirements, however, will terminate any preferred list standing.

CHAPTER 7 - PROBATIONARY PERIOD

7.1 Duration of Probationary Period

All appointments to such positions shall be conditional upon a probation period of not to exceed six (6) months, and in the case of fire fighters a probation period not to exceed twelve (12) months. In the case of police patrol officers, if the employee has successfully completed training at the Iowa law enforcement academy or another training facility certified by the director of the Iowa Law Enforcement Academy before the initial appointment as a police patrol officer, the probationary period shall be for a period of up to nine (9) months and shall commence with the date of initial appointment as a police patrol officer. If the employee has not successfully completed training at the Iowa Law Enforcement Academy or another training facility certified by the director of the law enforcement academy before initial appointment as a police patrol officer, the probationary period shall commence with the date of initial employment as a police patrol officer and shall continue for a period of up to nine (9) months following the date of successful completion of training at the Iowa law enforcement academy or another training facility certified by the director of the Iowa law enforcement academy. A police patrol officer transferring employment from one jurisdiction to another shall be employed subject to a probationary period of up to nine (9) months.

However, a current employee, who receives an appointment as a result of an entrance examination, is subject to a probationary period in the new position.

7.2 Rejection of Probationary Employee

During the probationary period, the probationary employee may be removed or discharged 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. If an employee with permanent Civil Service status in a classification accepts an appointment to an entrance Civil Service position, the employee shall serve a probationary period.

CHAPTER 8 - SENIORITY

8.1 Calculation of Seniority

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

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

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.

8.2 Seniority Lists

A list of all civil service employees shall be prepared and posted in the City Hall by Human Resources Department on or before July 1 of each year indicating the civil service seniority standing of each employee. For those hired in the same civil service list on the same day, seniority will be based on the Civil Service final score.

CHAPTER 9 - SEPARATION FROM SERVICE

9.1 Procedure

The appointing power or the Chief of the Police Department or Chief of the Fire Department may peremptorily suspend, demote, or discharge any subordinate under his/her direction for neglect of duty, disobedience of orders, misconduct, or failure to properly perform the employee's duties. The employee involved may appeal to the Commission as set forth in Chapter 10 of these rules.

9.2 Layoffs

Layoffs are governed by Chapter 5, Section 6, of these rules.

9.3 Resignation

An employee wishing to terminate employment and leave the City of Urbandale Civil Service in good standing shall file with the department head, at least two (2) weeks before leaving the service, a written resignation stating the effective date and reasons for leaving. All resignations shall be forwarded immediately to the Human Resources Department with a statement by the appointing officer as to the resigned employee's service, performance and other pertinent information concerning the cause for resignation.

CHAPTER 10 - APPEALS AND HEARINGS

10.1 Appeals

A. Right of Appeal

Employees in the Civil Service shall have the right to appeal to the Commission relative to their removal, discharge, suspension or demotion, except where the right of appeal is denied by the Code of Iowa.

B. Time for Appeal

An employee who has Civil Service rights as defined in the Code of Iowa and who is suspended, demoted or discharged may appeal said suspension, demotion or discharge to the Civil Service Commission within fourteen (14) calendar days after the adverse action.

C. Method of Appeal

If an appeal is taken by the person suspended, demoted, or discharged, notice of the appeal, signed by the appellant and specifying the ruling appealed from, shall be filed with the Clerk of the Commission within fourteen (14) calendar days after the suspension, demotion, or discharge. If such appeal is by the City, it shall be served upon the employee and the Clerk of the Commission.

10.2 Time Requirements

Time shall be computed as provided in Iowa Code Section 4.1(34).

For good cause, the Commission may extend or shorten the time to take any action, except the time for filing a notice of appeal as provided in Iowa Code Section 400.20. Except for good cause stated in the record, before extending or shortening the time to take any action, the Commission shall afford all parties an opportunity to be heard or to file written arguments.

10.3 Charges

Within fourteen calendar days from the service of the notice of appeal, the person or body making the ruling appealed from shall file with the body to which the appeal is taken a written specification of the grounds upon which the ruling was based. If the grounds for the ruling are not filed, the person suspended, demoted or discharged may present the matter to the body to whom the appeal is to be taken by affidavit, setting forth the facts, and the body to whom the appeal is to be taken shall immediately enter an order reinstating the person suspended or discharged for want of prosecution.

10.4 Time and Place of Hearing

Within ten (10) days after such specifications are filed, the Commission shall fix the time, which shall be not less than five (5) nor more than twenty (20) days thereafter, and place for hearing the appeal and shall notify the parties in writing of the time and place so fixed, and the notice shall contain a copy of the specifications so filed.

10.5 Oaths, Books, and Subpoenas

The presiding officer of the Commission shall have power to administer oaths in the same manner and with like effect and under the same penalties as in the case of magistrates exercising criminal or civil jurisdiction. The Commission shall cause subpoenas to be issued for such witnesses and the production of such books and papers as either party may designate. The subpoenas shall be signed by the chairperson of the Commission.

10.6 Contempt

In case a witness is duly subpoenaed and refuses to attend, or in case a witness appears and refuses to testify or to produce required books or papers, the official body hearing the appeal shall, in writing, report such refusal to the district court of the county, and said court shall proceed with said person or witness as though said refusal had occurred in a proceeding legally pending before said court.

10.7 Public Trial

The trial of all appeals shall be public, and the parties may be represented by counsel.

10.8 Appeal Proceedings

A. General Procedures

The Commission shall hear the evidence upon the charge and specifications as filed with it by the appointing authority. The proceedings shall be as informal as is compatible with the requirements of justice.

If the employee shall fail to appear or be represented by counsel at the time fixed for a hearing, the Commission shall hear such evidence as may be produced or as it shall deem proper or necessary and make a finding according to the evidence.

The appointing authority shall have the burden of proof and shall first present evidence in support of the charge. The appellant or appellant's counsel shall then present such evidence as he/she may wish to offer in support of the appeal. The parties in interest may then offer rebuttal evidence. Commission members may question witnesses upon the conclusion of direct or cross examination. The standard of proof shall be a preponderance of the evidence.

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

The Commission chairperson shall maintain the decorum of the hearing and may expel or refuse to admit anyone whose conduct is disorderly.

After hearing all of the evidence, the Commission, in its discretion, may hear arguments or request that briefs be submitted.

The proceedings shall be recorded by a certified court reporter or by an electronic recording device. Upon timely request and prepayment of estimated cost to the Commission, a party shall be entitled to a transcript of the proceedings. Any balance due shall be paid before the final transcript is provided.

The Commission may do anything it deems necessary to ensure a full and fair consideration of the case, including suspending the hearing and continuing it at a later date if necessary to obtain material evidence.

B. Evidence

The Commission shall rule on the admissibility of evidence and may, where appropriate, take official notice in accordance with all applicable requirements of law.

Stipulation of facts is encouraged. The Commission may make a decision based on stipulated facts.

The party seeking admission of an exhibit shall provide opposing parties with an opportunity to examine the exhibit prior to the ruling of its admissibility. Copies of documents shall be provided to opposing parties.

Any party may object to specific evidence or may request limits on the scope of any examination or cross-examination. Such an objection shall be accompanied by a brief statement of the grounds upon which it is based. The objection, the ruling on the

objection, and the reasons for the ruling shall be noted in the record. The Commission may rule on the objection at the time it is made or may reserve a ruling until the written decision.

C. Legal Counsel

Legal counsel issues are addressed in Chapter 1, Section 4. When the Commission requires legal counsel, and, in its opinion, use of the City Attorney or Assistant City Attorneys would cause a conflict of interest, outside counsel shall be employed.

D. Continuance

Applications for continuances shall be made to the Commission in writing and shall:

1. Be made at the earliest possible time and no less than seven (7) days before the hearing except in case of unanticipated emergencies;
2. State the specific reasons for the request; and
3. Be signed by the requesting party or the party's representative.

An oral application for continuance may be made if the Commission waives the requirement for a written request. No application for continuance shall be made or granted without notice to all parties except in an emergency where notice is not feasible.

E. Deliberations

The Commission may proceed with its deliberations in closed session immediately following the close of the evidence, subject to the right of any party to file a brief or other written argument within a time certain after the date of the hearing. Deliberations may be continued as necessary to allow for such filing. Any party may waive its right to file a brief or other argument.

F. Default

If a party fails to appear in a proceeding after proper service of notice, the Commission may, if no adjournment is granted, proceed with the hearing and render a decision in the absence of the party.

Where appropriate and not contrary to law, any party may move for default against a party who has requested the proceeding and has failed to appear after proper service.

G. Withdrawal

A party requesting an appeal may withdraw that request prior to the hearing.

H. Waiver of Procedures

Unless otherwise precluded by law, the parties in a proceeding may waive any provision of this section. However, the Commission in its discretion may refuse to give effect to such a waiver, if it deems the waiver to be inconsistent with the public interest.

I. Findings

Upon conclusion of any investigation or hearing, the Commission shall cause its findings and decisions to be prepared in writing and shall certify the same. The Commission may affirm, modify, or reverse any case on its merits. The Commission's findings shall be cosigned and filed as a permanent record in the files of the Commission. The Commission shall deliver a certified copy of such findings to the appointing authority and to the employee affected and such judgment shall become effective immediately.

Any member of the Commission may submit a supplemental or minority report which shall be filed as a permanent part of the record of the Commission.

J. Prohibited Communications

Following issuance of the notice of hearing, there shall be no communication, directly or indirectly, between any party or representative of any party and any member of the Commission in connection with any issue or fact or law in the case.

K. Appeal from Commission Decisions

The City or any Civil Service employee shall have the right to appeal to the district court from the final ruling or decision of the Civil Service Commission. The appeal shall be taken within thirty (30) days from the filing of the formal decision of the Commission. The District Court of Polk County shall have full jurisdiction over the appeal and the said appeal shall be a trial de novo as an equitable action in the district court.

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

CHAPTER 11 - GENERAL PROVISIONS

11.1 Change of Address

Every employee, former employee awaiting action by the Commission, person whose name is on the eligible list, and every applicant is required to notify the Commission, or Human Resources Department, of any change of name and of his or her current mailing address and to make sure that the address meets the delivery regulations of the U.S. Postal Service. In sending notices affecting such persons, the Commission assumes no responsibility beyond the address last recorded in the Commission office. Failure to respond to notices sent to the last recorded address may result in loss of admission to examinations, in removal from the eligible lists, or in declination of appointment.

11.2 Political Activity

A person holding a Civil Service position shall not, while performing official duties or while using City equipment at the person's disposal by reason of the position, solicit in any manner contribution for any political party or candidate or engage in any political activity during working hours that impairs the efficiency of the position or presence during the working hours. A person shall not seek or attempt to use any political endorsement in connection with any appointment to a Civil Service position.

A person holding a Civil Service position shall not, by the authority of the position, secure or attempt to secure in any manner for any other person an appointment or advantage in appointment to a Civil Service position or an increase in pay or other advantage of employment in any such position for the purpose of influencing the vote or political action of that person or for any other consideration.

A person who in any manner supervises a person holding a Civil Service position shall not directly or indirectly solicit the person supervised to contribute money, anything of value, or service to a candidate seeking election, or a political party or candidate's political committee.

This section shall not be construed to prohibit any employee or group of employees, individually or collectively, from expressing honest opinions and convictions, or making statements and comments concerning their wages or other conditions of their employment.

11.3 Amendment of Rules

These rules may be amended upon the recommendation of the Commission members.