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CITY OF DES MOINES - CIVIL SERVICE RULES AND REGULATIONS

Foreword

The Civil Service Commission of the City of Des Moines is a special tribunal created under the authority of the Code of Iowa, Chapter 400, Civil Service. The purpose of the Commission is to provide an efficient and equitable public service, which protects the interests of the citizens of Des Moines, the City of Des Moines 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 Human Resources 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 Des Moines the advantages of effective public service based on merit.

To assist in the administering of Civil Service Commission duties, the Director of the Des Moines Human Resources Department shall serve as an ex-officio member, but without vote, to aid in the direction of merit employment and to act as a liaison between the City administration and the Des Moines Civil Service Department. The City of Des Moines does not and will not favor, nor discriminate against any person based on gender, race, national origin, age, disability, political or religious affiliations, employee association membership, or office therein.
For assistance or questions regarding the following rules of the Des Moines Civil Service Commission, contact the Human Resources Department at 283-4213.

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 forty 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 which 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 City Manager.

Commission The City of Des Moines 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 the 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 which 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 Des Moines 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 which are eligible for reemployment to the position classification layoff from within a specified time period from date of separation.

**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.

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**CHAPTER I - ORGANIZATION OF COMMISSION**

**Section 1. Arrangement of the Commission**

The Commission shall be composed of seven members appointed by the Mayor. They shall serve staggered terms, ranging from one to four years. The Commission shall elect a chairperson from among its members to serve biennial terms. The Director of Human Resources shall serve as an ex-officio member of the Commission. Commission members shall only be removed from their positions once they are no longer a resident of Des Moines. The Mayor shall appoint new Commissioners to vacant seats.

**Section 2. Meetings**

Regular business meetings shall be held on the first and third Tuesday of each month. Special meetings shall be held at the call of the Chairperson or any four members. Notice of the date, time, place and purpose of the meetings shall be given to each member by the Human Resources Director at least 24 hours prior to the meeting. Fifty Percent (50%) or more of the appointed members of the Commission shall be required at any meeting for which notice has been given to constitute a quorum for the transaction of business; provided, however, that any new rule or any proposed amendment to these rules shall not be effective until the absent member(s) has /have had an opportunity to cast a vote for or against such rule or amendment.
Electronic meetings may be held when a meeting in person is impossible or impractical as long as it is conducted in accordance with Section 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.

Section 3. Open Meetings

All meetings of the Commission shall be conducted under the terms of Iowa Code Chapter 21–Open Meeting 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 by advising those news media who have filed a request for such notice and by posting a notice on the office bulletin board. Notice shall be given at least 24 hours prior to the commencement of any meeting unless for good cause such notice is impossible or impractical in which case as much notice as is reasonably possible shall be given and the good cause justifying the lack of full notice shall be stated in the minutes.

The Commission may hold a closed meeting by affirmative public vote of 2/3 of the members present only to the extent necessary for any of the following reasons:

A. To discuss strategy with counsel in matters that are presently in litigation or where litigation is eminent where its disclosure would be likely to prejudice or disadvantage the position of the Commission in that litigation.

B. To evaluate the professional competency of an individual whose appointment, hiring, performance or discharge is being considered and that individual requests a closed session.

C. For any other reasons 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. 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 4. Canceling Meetings

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

Section 5. Oral Examination Interviews

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

Section 6. Chairperson

The Commission shall elect a Chairperson from among its members biennially. 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 7. Minutes
The Commission shall keep a record of all of its meetings. A member of the Human Resources staff shall be responsible for the recording of these minutes. The minutes of all open meetings shall become part of the public record and open for public examination.

Section 8. Records

The Human Resources Department shall keep a complete, individual record of all Civil Service employees. Such records shall be permanent and kept up to date. All Civil Service records shall be confidential. Requests for review must comply with the Iowa Code.

Section 9. Legal Counsel

The Corporate Counsel 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. 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 - EMPLOYEES UNDER CIVIL SERVICE

Section 1. Qualifications

Civil Service Employees are selected on the basis of merit. Applicants are ineligible for employment if addicted to narcotics or alcohol and have not been rehabilitated for a period of one year or more, or are not presently undergoing treatment; or if the person has attempted a deception or a fraud in connection with a civil service examination. In addition, a person who is a habitual criminal shall not be employed in any capacity in the fire or police department.

Applications shall be accepted from all persons who are at least eighteen years of age and otherwise qualified unless age is a bona fide occupational qualification. Applicants for Firefighter or Police Officer must be twenty-one years of age as of the application deadline date. Employees shall not be required to be a resident of Des Moines, but they shall become a resident of Iowa at the time such appointment or 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 Police Officers, Firefighters, or other critical municipal employees may live.

Section 2. Applicability - Exceptions

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

A. Persons appointed to fill vacancies in elective offices and members of boards and commissions and the clerk to the Civil Service Commission.

B. The city clerk, chief deputy city clerk, city attorney, city treasurer, city assessor, city auditor, professional city engineers licensed in this state and city health officer.
C. The city manager or city administrator and assistant city managers or deputy or assistant city administrators.

D. The head and principal assistant of each department and the head of each division. However, the Civil Service Commission is responsible for holding entrance examinations for Police Chief and Fire Chief.

E. The principal secretary to the city manager or city administrator, the principal secretary to the mayor and the principal secretary to each of the department heads. Employees of boards of trustees or commissions established pursuant to state law or city ordinance.

F. Employees of boards of trustees or commissions established pursuant to state law or city ordinance.

G. Employees whose positions are funded by state or federal grants or other temporary revenues. However, a city may use state or federal funds, grants or other temporary revenue to fund a position under Civil Service if the position is a permanent position which will be maintained for at least one year after expiration of the grants or temporary revenues.

Section 3. Preference by Service

An employee regularly serving in or holding a position when the position becomes subject to this chapter or when the position is reclassified by the city shall retain the position and have full civil service rights in the position under any of the following conditions:

A. The employee meets the minimum qualifications established for the position and has completed the required probationary period for the position.

B. The employee has served satisfactorily in the position for a period equal to or greater than the probationary period of the position, and passes a qualifying non-competitive examination for the position but does not meet the minimum qualifications established for the position.

C. An employee who has not completed the required probationary period but who otherwise meets the minimum qualifications established for the position or who passes a qualifying non-competitive examination for the position shall receive full civil service rights in the position upon completion of the probationary period.

CHAPTER III - CLASSIFICATION

Section 1. Classification Plan

The City operates under a classification plan prepared under the direction of the City Manager. 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.

Section 2. New Position Classifications

Whenever a new position classification is created, the Human Resources Director will ensure appropriate adoption and determination of Civil Service or Non-Civil Service Status. Those new positions determined to be Civil Service
protected positions will be presented to the Commission with a recommendation concerning Entrance or Promotional Status.

Section 3. Changes in Positions

The appointing authority shall notify the Human Resources Department whenever the duties and responsibilities of a Civil Service position change so materially that reallocation action is contemplated. Reclassification shall not be used for the purpose of avoiding restrictions surrounding promotions and demotions.

Section 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 Chapter II Section 3 of these rules. Whenever the title of a class is changed without a significant change in duties and responsibilities the incumbents shall have the same status in the retitled class as they had in the former class.

Section 5. Abolishing a Position

When the public interest requires a diminution of employees in a classification or grade under civil service, the City Manager acting in good faith, may either abolish the position 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 classification affected. Seniority shall be computed as provided in Chapter XI Section 3. (See also Chapter IX Section 2. (Layoffs).

CHAPTER IV - EXAMINATIONS

Section 1. Nature of Examinations

Examinations for classified positions in Civil Service are to be practical, fair and competitive tests to determine the person most fit 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 or physical 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 medical examination, including but not limited to drug and alcohol screenings. 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 Human Resources Department will develop and administer examinations on behalf of the Commission in accordance with the Iowa Code, Chapter 400.

Section 2. Announcement of Examinations

Entrance examinations will be scheduled as the needs of the service may require. The Human Resources Department will give notice of all civil service examinations. Such announcement shall be given as much general circulation as possible to all areas that might provide possible applicants. All such announcements shall be posted in the Human Resources Department and distributed further as provided in the City of Des Moines Affirmative
Action Plan. Announcements shall be posted at least ten (10) days prior to the application deadline. The deadline may be extended by the Human Resources Director so long as such extension is announced and posted.

Examination announcements shall contain:

A. The official notice 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.
E. The method of obtaining application forms and final dates for filing the same.
F. Any additional information desirable at the discretion of the Human Resources Director.

In addition, promotional announcements shall instruct employees to notify the Human Resources Department if they currently hold 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. Cancellation or Postponement

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

Section 4. Veteran's Preference

In all entrance examinations except those held for Police Chief or Fire Chief, honorably discharged war-time veterans shall have five points added to their final passing score. Should eligible veterans have service connected disabilities or receive compensation, disability benefits or pension under laws administered by the Veterans Administration, an additional five points shall be added to their score. An eligible veteran who has been awarded the Purple Heart for disabilities incurred in action shall be considered to have a service-connected disability. Points shall be given only upon passing the examination and shall not be the determining factor in passing. Moreover, veterans preference points shall be added to final scores, rather than normed on a percentage basis.

War-time service means service in the armed forces of the United States during the following periods:

A. World War II - December 7, 1941 through December 31, 1946
B. Korean Conflict - June 25, 1950 through January 31, 1955
C. Vietnam Conflict - August 25, 1964 through May 7, 1975
D. Persian Gulf Conflict - August 2, 1990 and ending on the date specified by the president or the Congress of the United States as the date of permanent cessation of hostilities, both dates inclusive
E. All other periods established by law.
In order to receive veterans preference, applicants must furnish a copy of their DD 214 or other official Department of Defense document which verifies the dates of their induction and separation and their honorable discharge from military service. Qualified veterans wishing to claim an additional five 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 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 and additional disability points must be submitted to the Human Resources Department prior to the conclusion of the examination process.

Section 5. Validation of Examinations

It is the intent of this Commission through the Human Resources Department to adhere to the Uniform Guidelines on Employment Selection Procedures (1978) promulgated by the Equal Employment Opportunity Commission. These guidelines require that where adverse impact results from selection procedures which are used as a basis for any employment decision, they must be validated, modified or changed. Statistical information on examinations held, including statistics on the applicant population, shall be compiled for use in validity and reliability studies and in the computation of adverse impact.

Section 6. Applications

All applications shall be filed on forms provided by the Human Resources Department and shall call for information covering the applicant's education, training, experience and references. The Human Resources Department has the right to ask for additional job related information. The application shall be signed by the applicant and filed in the Human Resources Department within the time period established for receipt of applications. Applications may be submitted in person to the Human Resources Department in City Hall, 400 Robert D Ray Drive, Des Moines, Iowa, 50309-1891. 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 facsimile transmission provided they are received by the Human Resources Department prior to the expiration of the application period. The original application with supporting documentation must be received by the Human Resources Department within seven (7) days of the facsimile transmission. The Human Resources Department may accept other electronically submitted applications consistent with its own procedures.

The Human Resources 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 Human Resources 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 7. Disqualification of Applicants

The Human Resources Department shall reject an application if the applicant does not possess the minimum qualifications. An applicant will also be rejected after acceptance if it is later found that he/she does not possess the minimum qualifications. An applicant may also be rejected because of any of the following:
A. Does not pass the examination for the position, which can be a written examination, oral examination, performance examination, education and experience evaluation, or other selection procedure either singly or in combination.

B. Is physically or mentally unable to perform the essential functions of the position with reasonable accommodation. A medical examination is required of all entrance level applicants after a conditional offer of employment has been made. Police Officer and Firefighter 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 one of the other requirements stated in Chapter II, Section 1 of these rules.

The Human Resources Department shall send notice to any applicant whose application has been rejected stating clearly the reason(s) for the rejection. If an application is rejected for failure to meet the minimum qualifications, the applicant may submit further data regarding his or her qualifications. Such information shall be accepted if received prior to the date specified by the Human Resources Department for its receipt.

Section 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. Applicants must report on the date and at the time scheduled as examination make-ups will not be permitted. However, where an applicant fails to appear for a scheduled entrance examination due to an emergency situation or for a scheduled promotional examination due to scheduled vacation leave or pre-established off-site business-related activities, make-ups may, at the discretion of the Human Resources Director, be permitted. Requests for such make-ups shall be in writing and directed to the Human Resources Director.

Human Resources 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 9. Notification of Results

The Human Resources Department shall notify all applicants of their examination results. The names of successful applicants shall be placed on certified lists as set forth in Chapter V of these rules.

Section 10. Review of Written Tests

It is general policy of to permit applicants to review the test questions and their own answer sheets under supervision of the Human Resources Department Staff. A review may not be permitted, however, when prohibited by the test publisher or when the examination is scheduled for immediate readministration. Requests for test reviews must be received within two weeks following notification of examination results. Errors in grading brought to the attention of the Human Resources Director 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.

Section 11. 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 a chance to be heard in their own 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 taken by the appointing authority if an employment relationship has been established prior to the discovery of the fraudulent conduct.

Section 12. 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, seniority in service, written, performance or oral examination. All applicants for promotional examinations must be permanent employees in the classified service, and must possess the minimum qualifications as set forth in the specifications of the class to which promotion is sought.

Section 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 List of Eligible's, 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 List of Eligible's, 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 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 their 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 Civil Service List of Eligible's 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, they shall have to await their release from active duty and subsequently participate in the next promotional examination when administered.
Section 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 15. Confidentiality of Examinations

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

CHAPTER V - CERTIFICATION

Section 1. Eligible Lists for Original Appointments

The Commission, within one hundred eighty days after the beginning of each competitive examination for original appointment, shall certify to the City Council a list of the names of the forty persons, or lesser number as determined by the Commission, who qualify with the highest standing as a result of each examination for the position they seek to fill, or the number which have qualified if less than forty, in order of their standing. 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 case of diminution of employees, within thirty days of approval of a Personnel Requisition. If a tie occurs in the examination scores, which qualify persons for the last position on the list, the list of the names of the persons who qualify with the highest standing as a result of each examination shall include all persons who qualify for the last position. Said persons tied at the last position shall be listed in alphabetical order on the eligible list. Ties of said persons occurring within the eligible list shall be listed alphabetically in rank order according to their score. Preference for temporary service in civil service positions shall be given those on the lists.

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. The medical examination shall be provided pursuant to Commission rules adopted under Chapter 400 of the Iowa Code. If said information provides appropriate cause to decertify and/or remove any person(s) from the certified list of eligible's, the Human Resources Director will notify affected person(s) by mail at the last known address and afford them the opportunity to be heard before the Commission prior to final action.

The Commission may hold in reserve, for original appointments, additional lists of forty persons, each next highest in standing, in order of their scores, or such number as may qualify if less than forty. If the list of up to forty persons provided in the first paragraph is exhausted within one year, the Commission may certify such additional lists of up to forty persons each, in order of their standing, to the City Council as eligible for appointment to fill such vacancies as may exist.

A list shall automatically expire at the beginning of a new examination normally after at least one year has passed. However, in those instances where a Certificate of Eligible's (the certified list plus requests for lateral transfer and voluntary demotion, if any) has been issued, but the vacancy has not yet been filled prior to the commencement of the new examination, vacancies may be filled from such Certificate of Eligible's until the list has been exhausted.
The certified or reserve lists of eligible's for original appointments to Firefighter and Police Officer positions will cancel thirty (30) days after the initiation of Firefighter Drill School and Police Officer Academy.

Section 2. Eligible Lists for Promotional Appointments

The Commission, within ninety days after the beginning of each competitive examination for promotions, shall certify to the City Council a list of names of the ten persons who qualify with the highest standing as a result of each examination for the positions they seek to fill, or the number which have qualified if less than ten, in order of their standing. 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 days of an approved Personnel Requisition. If a tie occurs in the examinations 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. Said persons tied at the tenth place shall be listed in alphabetical order on the eligible list. Ties of said persons occurring within an eligible list shall be listed alphabetically in rank order according to their score.

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. The medical examination shall be provided pursuant to Commission rules adopted under Section 400.8 of the Iowa Code. If said information provides appropriate cause to decertify and/or remove any person(s) from the certified list of eligible's, the Human Resources Director will notify affected person(s) by mail at the last known address and afford them the opportunity to be heard before the Commission prior to final action.

Except where a preferred list exists, persons on the certified eligible list for promotion shall hold preference for promotion for two years following the date of certification, except for certified eligible lists of fire fighters as defined in Section 411.1, Subsection 9 of the Iowa Code (i.e. Members of a fire department who have passed a regular mental and physical civil service examination for fire fighters and who shall have been duly appointed to such position. Such members shall include firefighters, lieutenants, captains and other senior officers who have been so employed for the duty of fighting fires.), which lists shall hold preference for three 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.

When there is no such preferred list or certified eligible list, or when the eligible list shall be exhausted, the person or body having the appointing power may temporarily fill a newly created office or other vacancy only until an examination can be held and the names of qualified persons be certified by the Commission, and such temporary appointments are hereby limited to ninety days for any one person in the same vacancy. Such limitation shall not apply to persons temporarily filling a position held by another.

A list for promotional appointment shall be exhausted without further action from the Commission 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 appointments or fail to respond, within reasonable time limits, to written notification of the vacancy mailed to their last known address.

A list promotional appointment shall automatically expire at the beginning of a new examination and upon the expiration of the statutory preference period for certified promotional lists, such lists shall be cancelled without further action of the Commission except in the instance where the Commission has provided, in response to an approved requisition to fill a vacancy, a Certificate of Eligibles (the certified list plus requests for lateral transfer
and voluntary demotion, if any) but the vacancy has not yet been filled. In such instances vacancies may be filled from such Certificate of Eligibles until the list is cancelled or exhausted.

**Section 3. Certification of Lists of Eligibles**

The Chair or, in the absence of the Chair, the Acting Chair of the Commission, or the Human Resources Director, if so authorized shall have the authority to certify lists of eligibles by affixing their signature upon said lists on behalf of the Commission. An official meeting with an established quorum is not necessary for certification. Certification of the lists of eligibles may take place outside the regularly scheduled business meetings. However, such certification shall be entered into the record of transactions of the Commission at the next scheduled business meeting. If concerns arise in regard to certification of said lists, the matter will be brought before the body of the Commission for appropriate action.

**Section 4. Removal of Persons from Entrance and/or Promotional Lists**

The Commission shall remove names from a certified list including those names of persons requesting a lateral transfer and/or voluntary demotion 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 mailed to his or her last known address on two separate occasions or fails to respond and is the only person whose name remains on the list.

C. The person refuses a conditional offer of employment or waives employment consideration for the classification on two separate occasions during the life of the list.

D. The person is on a promotional list and leaves City employment for any reason.

A person's name may be removed from a list for failure to meet the minimum requirements, or for other appropriate cause at any time. Any person so affected shall be notified by mail sent to his or her last known address and shall be given an opportunity to be heard before the action becomes final.

**Section 5. Objection of Appointing Authority**

If the appointing authority or the Human Resources Director have information regarding any person certified tending to show that person to be unfit for the position to be filled, the information shall be communicated 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. The Commission shall determine in each case whether or not there is sufficient cause to remove the name of the person affected from the eligible list. The person affected shall have an opportunity to be heard and shall be notified as set forth in Section 4 of this Chapter above.

(CHAPTER VI - APPOINTMENTS)

**Section 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 preferred (re-employment), 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.

Section 2. Permanent Appointments

Appointments are first made from preferred lists (re-employment from layoff lists) if any exist for the position classifications concerned. Appointments from these lists must be made in the order of greater seniority. Names remain on a preferred list for three years from the date of layoff.

If there is no preferred list, appointments are made from entrance or promotional lists or by transfer or voluntary demotion. See Chapter VIII, Section 2 regarding procedures for transfers and voluntary demotions when filling promotional positions. Persons appointed from entrance lists must satisfactorily serve a probationary period generally six months, but one year for Police Officers and Police Dispatchers and for Firefighters, twelve months beyond completion of drill school, before attaining a permanent appointment.

Section 3. Temporary Appointments

In the absence of eligibles from whom permanent appointments may be made, a person otherwise meeting the qualifications for the vacant appointment may be temporarily appointed by the appointing authority pending the establishment of the certified list in the manner prescribed by these rules. The Human Resources Director shall determine 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.

Section 4. Emergency Appointments

In cases of emergency, in which the peace and order of the City is threatened by reason of fire, flood, storm, mob violence or other event of disastrous proportion, making additional protection of life and property necessary, the appointing authority may deputize additional persons, without examination, to act as peace officers until such emergency shall have passed.

CHAPTER VII - PROBATIONARY PERIOD

Section 1. Permanent Appointment Following Probationary Period

All original appointments shall be tentative, subject to satisfactory completion of a probationary period not to exceed six consecutive months of employment starting with the date of civil service appointment, with the exception of Police Officers and Public Safety Dispatchers who must complete a one year probationary period and Firefighters who must complete a probationary period of one year following graduation from drill school.

Section 2. Objective of Probationary Period

The probationary period is regarded by the Commission as an intrinsic part of the examination process to be utilized by the appointing authority for close observation of the employee’s work, for securing the most effective adjustment of the new employee in 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 insure that the new employee receives proper training and assistance and that performance evaluations are completed during the probationary period.
Section 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. Continuance in the position after the expiration of such probationary period shall constitute a permanent appointment.

CHAPTER VIII - CHANGES IN EMPLOYMENT STATUS

Section 1. Transfer

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.

Section 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. When laterally transferred, voluntarily demoted or promoted, an employee shall hold full civil service rights in the position. If an employee of the City does not 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 grades are normally those position classifications above the lowest in each job family. A basic consideration shall be how well the knowledge, skills and abilities required of incumbents in the lower level position prepare them for success in the higher level position. The Human Resources Department shall maintain a list indicating which positions require a promotional examination.

Whenever a vacancy exists in a Civil Service promotional position for which there is a current certified list, a notice shall be posted for at least five working days inviting employees who are interested in a transfer or a voluntary demotion into the vacant position to contact the Office Human Resources Department. In order to be eligible for transfer or voluntary demotion, employees must be currently serving in the same classification as the vacant position (transfer) or must have formerly served in the same classification as the vacant position (voluntary demotion). If there is no current list the invitation shall be included in the job announcement and interested employees shall contact the Human Resources Department by the examination deadline date. Departments shall interview and consider employees referred by Civil Service as being eligible for transfer or voluntary demotion prior to making a final hiring decision.

All covered civil service employees, who meet the minimum qualifications for a classification, shall have the right to compete in the civil service examination process to establish a certified list of qualified candidates.

Section 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, however. Written notice of the demotion and pay rate
shall be given to the employee within three days following the effective date of the demotion. The employee shall have a right to request a hearing before the Commission as prescribed by these rules.

Upon written request an employee may be voluntarily demoted into a vacant position. If it is a promotional position the employee must have previously held a position in the same classification. (See Section 2 of Chapter VIII Promotions regarding voluntary demotions into promotional positions).

Employees who currently hold a position in a classification higher than the vacant position and who otherwise meet the minimum qualifications of the vacant position, may voluntarily demote. Subsequent to any voluntary demotion, an employee must re-apply and be re-certified to be considered for a promotional position, their employment history not withstanding.

CHAPTER IX - SEPARATION FROM SERVICE

Section 1. Disciplinary Procedures

The City Manager, the Chief of Police or the Chief of the Fire Department, as the respective appointing authority may peremptorily suspend, demote or discharge a subordinate then under the person's or chief's direction for neglect of duty, disobedience of orders, misconduct, or failure to properly perform the subordinate's duties.

Section 2. Layoff

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 XI Section 3. Employees so removed from a classification shall revert to their seniority in the next lower classification. If such seniority is equal between employees, then the one less efficient and competent as determined by the person having the appointing power shall be the one affected. (See also Chapter III Section 5: Abolishing a Position).

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.

Section 3. Resignation

An employee wishing to terminate employment in good standing shall file with the department director, at least two weeks before leaving the service, a written resignation stating the effective date and reasons for leaving. Failure by the employee to comply with this rule shall be entered on the service record of the employee and shall be cause for denying future employment by the City. 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.
Section 4. Retirement from Service

Eligible employees may retire under varying retirement options available to City employees.

CHAPTER X - APPEALS AND HEARINGS

Section 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. Appeals shall be filed in accordance with the provisions of Chapter 400 which govern such matters. The trial of all appeals shall be public and the parties may be represented by Counsel. However, 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 judgement, unless a tie vote or other sufficient cause requires additional Commissioners to view the record as a whole and make a determination.

Section 2. Time Limits for Appealing

Suspensions, demotions, discharges or other matters pursuant to Chapter 400 of the Iowa Code may be appealed by a civil service employee to the Civil Service Commission. Written Appeals shall be filed with the Human Resources Department within fourteen calendar days after the occurrence which precipitated the appeal.

Section 3. Notice of Appeal

The notice of appeal signed by the appellant and specifying the ruling appealed from shall be filed with the Human Resources Director. It shall be the duty of the Commission to inform the appointing authority or other persons involved of the filing of an appeal.

Section 4. Charges

If the appeal involves suspension, demotion or discharge, then within fourteen days from the service of the notice of appeal the person or body making the ruling appealed from shall file with the Civil Service Commission a written specification of the charges and grounds upon which the ruling was based. If the charges are not filed, the person suspended or discharged may present the matter to the Civil Service Commission setting forth the facts by affidavit and the Commission shall immediately enter an order reinstating the 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 5. Time and Place of Hearing

If the appeal involves suspension, demotion or discharge, within ten days after the specifications are filed, the Human Resources Director on behalf of the Commission shall fix the time and place of the hearing. Both parties shall be notified in writing of the time and place of the hearing, and the notice shall contain a copy of the specifications. Hearings beyond one day in duration are discouraged. The Parties are encouraged to stipulate facts and focus on points of contention.
Section 6. Request for Continuance

The Human Resources Director 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 Human Resources Director not less than three working days before the hearing.

In granting requests, the Human Resources Director reserves the right to impose terms and conditions upon the requesting party when such action is deemed appropriate.

Section 7. 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 at least three working days before the hearing and shall include the following:

A. The names 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.

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. The District Court shall then proceed against the person or witness as if the refusal had occurred in a proceeding legally pending before the court. The service of the subpoenas and the expense involved, if any, shall be the responsibility of the requesting party.

Section 8. 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 City Manager 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 City Manager 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. Record

A verbatim record of all hearing proceedings shall be made, but transcribed only upon request of one of the parties or by order of the Commission. The cost of the transcript shall be borne by the requesting party. A copy of any transcription of hearing proceedings shall be placed on permanent file with the Human Resources Department by the requesting party.

Section 10. Appeal Proceedings

The Commission shall hear the evidence upon the charge and specifications as filed by the appointing authority. Brevity in presentation is strongly encouraged. Commission Chair 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 of the 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. Hearsay evidence shall be permitted when relevant to the central issues but evidence shall not be relied upon when direct evidence is readily available. The burden of proof required shall be that of substantial evidence. While all Commissioners may review the record and participate in an appeal’s disposition, typically only the Commissioners hearing all the evidence will vote in matters heard.

The appointing authority may be represented by the Corporate Counsel or other counsel and the appellant may also be represented by counsel. When the Commission requires legal counsel, and, in its opinion, use of the Corporate Counsel would cause a conflict of interest, outside counsel shall be employed.

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. 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 be represented by counsel at the time fixed for hearing the appeal, the Commission shall hear such evidence as may be produced, or it shall deem proper or necessary and make a finding according to the evidence. The Commission, after due consideration, shall notify the appointing authority and the employee 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 and unnecessarily hostile will not be tolerated. Continued conduct of this nature may lead to suspension of the offending counsel from representing an appellant or the appointing authority before the Commission.

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. The appellant and the appointing authority or his/her designated representative shall be permitted to be present during the entire proceedings.

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 Human Resources Department. A copy of the findings and decision shall be delivered to the appointing authority and the affected employee, and such judgment shall become effective forthwith.

The City, or any civil service employee, shall have the right to appeal to the District Court from the final rule and decision of the Civil Service Commission under Iowa Law. The appeal shall be taken within thirty days from the filing of the formal decision of the Commission. The District Court of Polk County shall have full jurisdiction over the appeal, which 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 Human Resources Director. 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 or discharge and shall be entitled to compensation from the original date of such action. The Human Resources Director shall communicate each case of appeal to the Commission.

CHAPTER XI - GENERAL PROVISIONS

Section 1. Change of Address

Every employee, former employee awaiting action by the Commission, person whose name is on the eligible list, and every applicant is required to notify the Human Resources Department 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 in the with the Human Resources Department. 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 2. Organization Membership
Membership in any organization will operate neither to injure or benefit any employee in the Commission’s actions relating to rights and interests under these rules or the Code of Iowa.

Section 3. 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 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.

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.

Section 4. 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 contributions 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.
Section 5. Amendment and Revision of Rules

These rules may be amended upon recommendation of the members of the Commission, provided that the proposed amendment, revision or addition, shall pass by two-thirds vote of the Commission.

Section 6. 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 7. 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 union bargaining agreements. In such instances when a conflict exists, the current bargaining agreement shall take precedence over the provisions herein.