

## **RULES AND REGULATIONS**

### **MASON CITY CIVIL SERVICE COMMISSION**

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## **FOREWORD**

**The Civil Service Commission of the City of Mason City is created under the authority of the Iowa Code, Chapter 400, commonly referred to as Civil Service. The Commission is a administrative tribunal designed to provide a harmonious, efficient and courteous public service which will protect the interests of the City of Mason City and its employees. In concert with such protection and pursuant to Chapter 400.2. In keeping with its statutory obligation the Commission must ensure that no person shall in any way be favored or discriminated against because of race, political or religious opinions and affiliations, national origins, sex, age, employee union or association membership, or office therein.**

**Commissioners shall govern the appointment, promotion, transfer, dismissal, discipline and other related conditions of employment on the basis of merit in accordance with the intent of Chapter 400. The Human Resources Department is authorized to guide civil service appointments, promotions, transfers, dismissals, disciplinary actions and other civil service related conditions of employment of City civil servants. In fulfilling the Commission's duties the rules and regulations contained herein are promulgated to assist this Commission to carry on the purpose and intent of Chapter 400.**

## **CHAPTER I ORGANIZATION OF COMMISSION**

**Section 1. Commission Composition:** The Commission shall be composed of three residents of Mason City, citizens of Iowa, eligible electors as defined in Iowa Code, Chapter 39, and shall serve without compensation. Each member of the Commission shall be appointed by the Mayor with the approval of the City Council, and shall hold office for a term of four years each. Commissioners shall be removed when they are no longer a resident of Mason City. The Commission shall elect a chairperson from among its members to serve biennial terms.

**Section 2. Meetings:** Regular business meetings shall be established by the Commission and subject to the provisions of Iowa Code Chapter 21, commonly known as the Open Meeting Law. Special meetings may be called by the Chairperson, the Human Resources Director, or any two members of the Commission. Notice of any Commission meeting shall be posted at least 24 hours prior to the meeting as directed by the Chairperson. All notices shall contain the date, time, place and purpose of the meeting and shall be issued by a Commission designee. Two members of the Commission must be present at any meeting for which notice has been given in order to constitute a quorum for the transaction of business.

In a situation where it becomes impossible or impractical for the Commission to assemble a quorum, electronic meetings may be held in accordance with Iowa Code Chapter 21. All Commission meetings shall be duly tape recorded.

**Section 3. Open Meetings:** Except as hereinafter provided, all meetings of the Commission shall be open to the public.

1. Notice of regular meetings will be posted in compliance with Chapter 21 and in the manner approved under city policies for access to employees, the general public, and the local media. In case of special emergency meetings, the designee of the Commission shall notify representatives of the media at least 24 hours prior to the meeting, unless for good cause such notice is impossible or impractical to issue. The nature of good cause shall be given in the minutes.
2. The public may, with the consent of the Commission, use audio and visual recording devices during an open meeting if such use, in the opinion of the Commission, does not interfere with or interrupt the conduct of the meeting.

**Section 4. Closed Meetings:** 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:

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. 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.
2. 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.
3. Oral examinations conducted by the Commission or the Commission's designee as a component of the testing process shall not to be construed as an official meeting, but an integral part of the selection process and ministerial in nature, and therefore shall not be open to the public.

**Section 5. Chairperson:** The Commission shall biennially elect a chairperson from its membership. In the event the Chairperson is absent from a Commission meeting the members in attendance shall elect an Acting Chair at the start of the meeting.

**Section 6. Minutes:** The Commission shall keep a permanent record of all its meetings in minute form. The Commission may designate the human resources staff to record and maintain their meeting minutes. The minutes of all open meetings shall become part of the public record in compliance with Iowa law.

**Section 7. Confidential Minutes:** All minutes from confidential meetings shall not be subject to public examination or copying unless ordered by a court, or as provided for under the terms of Iowa Code Chapter 22.

**Section 8. Records:** The Commission shall keep a permanent record of all of its meetings and a complete personnel service record for all Civil servants. All such personnel service records shall be maintained by the Human Resources Director and continually updated. All Civil Service records pertaining to examinations shall be confidential. Information in Civil Service records shall only be made available with the approval of the Commission, its legal counsel, or its designee upon written request. All Civil servants shall be entitled to a copy of their Civil Service

record without written request.

**Section 9. Legal Counsel:** The City Attorney shall be the attorney for the Commission and when requested by the Commission shall present matters to the Commission concerning civil servants. The Commission, however, may hire an outside attorney on a per diem basis to represent the Commission when in their opinion a conflict of interest would arise as a result of litigation between the City Council and the Commission. In accordance with Iowa Code Chapter 400, the City shall pay the costs incurred by the Commission in employing an attorney under this section.

## **CHAPTER II EMPLOYEES UNDER CIVIL SERVICE**

**Section 1. Qualifications:** All appointive officers and employees of Mason City shall be selected for employment by reference to their qualifications and fitness for public service. Civil Service employees shall always be selected on the basis of merit and without regard their political faith or party allegiance. Except as otherwise provided by law, no person shall be appointed, promoted, or employed in any capacity in City government until such person has passed a Civil Service examination and has been certified to the City Council as being eligible for such appointment. A person shall not be appointed, promoted or employed in any capacity in City government which is governed by the Commission, including a new classification in any City department, until all of the requirements of Iowa Code Chapter 400 have been achieved. Except for exigency situations that threaten the peace and order of the City no person shall be appointed or employed in any capacity as a civil servant, including the fire and police department, without original examination.

**Section 2. Physical Qualifications:** Except as otherwise provided in these rules and Iowa Code Chapter 400, a person shall not be appointed or employed in any capacity in any City department which is governed by Civil Service if the person is unable to meet reasonable physical condition training requirements and reasonable level of experience requirements necessary for the performance of the position. A person may be appointed to a Civil Service position subject to successfully completing a Civil Service medical examination.

**Section 3. Physical Qualifications For Police or Fire:** A person shall not be appointed or employed in any capacity in the fire or police department if the person is unable to meet the job requirements, including reasonable physical condition training requirements and reasonable level of experience requirements necessary for the performance of the position. The Commission shall with the



assistance of the Chief of Police and Fire conduct a thorough background investigation of all applicants.

**Section 4. Disqualification:** No person shall be appointed or employed in any Civil Service capacity if the person is a habitual criminal, is addicted to narcotics or alcohol and has not been rehabilitated for a period of one year or more. All such applicants may be subject to disqualification if the applicant has attempted a deception or fraud in connection with a Civil Service examination. In determining disqualification under this section the Human Resources Director shall monitor the process for compliance with state and federal discrimination laws.

Employees 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 municipal employees may live.

**Section 5. Applicability - Exceptions:** The provisions of these rules and regulations shall apply to all appointed officers and employees, except:

1. Persons appointed to fill vacancies in elective offices and members of boards and commissions and the Clerk to the Commission.
2. The City Clerk, Deputy City Clerk, City Attorneys, City Treasurer, and City Engineer.
3. The City Administrator and Assistant City Administrator.
4. The head and principal assistant of each department and the head of each division of City government. This exclusion does not apply to Deputy Fire Chief and to the Assistant Police Chief. However, sections 400.13 and 400.14 of the Code of Iowa apply to Police and Fire Chiefs.
5. The principal secretary to the City Administrator, the principal secretary to the Mayor, and the principal secretary to each of the department heads.
6. Employees of boards of trustees or commissions established pursuant to state law or city ordinances.
7. Employees whose positions are funded by state or federal grants or other temporary revenues. However, the City may use state or federal funds, grants or other temporary revenue to fund a position under Civil Service if the position is permanent and which will be maintained for at least one year after expiration of the grant or temporary revenue.

**Section 6. 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 Commission shall adopt a classification plan approved by the City Council. This plan groups the various job classes into a series of positions 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. Changes in Positions:** When a new position is created by the Human Resources Director, and approved by the City Council, the Commission shall determine whether the position is appropriate for Civil Service designation. If the duties of a particular position change significantly so as to necessitate reclassification, the Commission shall determine whether or not that reclassification falls within the purview of Civil Service. Reclassification shall not be used for the purpose of avoiding restrictions surrounding demotions and promotions.

**Section 3. Reclassification of Incumbents:** An employee regularly serving in or holding a position in Civil Service which undergoes reclassification by the Human Resources Department shall retain the position and have full Civil Service rights in the position under any of the conditions outlined in Chapter II, Section 6, of these rules. Whenever the title of a class is changed without a significant alteration in duties and responsibilities, the incumbent shall have the same status in the retitles class as they had in the former class.

**Section 4. Abolishing a Position:** When the public interest requires a reduction of the number of employees in a classification under Civil Service for the purposes of economy or efficiency, the City Council may either abolish the position and remove the employee from the classification or reduce the number of employees in any classification by suspending the necessary number. Such reductions shall be in accordance with any procedures provided in a collective bargaining agreement for public safety employees as defined under the Iowa Code.

## **CHAPTER IV EXAMINATIONS**

**Section 1. Nature of Examinations:** Examinations for classified positions in Civil Service shall be practical, fair, competitive tests which are designed to determine if the person taking the test is competent to discharge the required duties of the position sought. The Commission shall utilize personnel with expertise to prepare and administer the Civil Service examinations in accordance with Iowa Code Chapter 400, which may include the Human Resources Director or other persons with expertise if the Commission approves the examinations and it shall be the responsibility of the Commission to determine the type and nature of the examination. The Commission may authorize the Human Resources Director to oversee the testing and selection process of employees for vacant and anticipated vacant positions.

**Section 2. Type and Nature of Examinations:** Examinations may be written, oral or physical and may include, but not limited to one or more of the following methods of testing.

- a. Experience and character background checks
- b. Knowledge and ability tests
- c. Manual skills test
- d. Physical ability test
- e. Psychological test
- f. Drug-screening and medical examinations
- g. Professionally developed tests

**Section 3. Qualifying Grade:** 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. When necessary, a post-offer condition of employment may require passing a medical examination, including but not limited to drug and alcohol screening. 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.

**Section 4. Announcement of Examinations:** Entrance examinations will be scheduled as the needs of the service may require. The Commission, through its staff, shall give notice of all Civil Service examinations. Such announcements shall be given as much general circulation as possible to all areas that might provide possible applicants. All such announcements shall be posted in City Hall, the Human Resources Office and distributed to all departments.

Such 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) The minimum qualifications required.
- d) The method of obtaining application forms and final dates for filing the same.
- e) Any additional information desirable at the discretion of the Commission.

**Section 5. Applications:** All applications shall be filed in a manner developed by the Human Resources Director and shall call for information covering the applicant's education, training, experience and other relevant information to the position. Such applications may be in electronic or paper format as determined by the Human Resources Director.

**Section 6. Disqualification of Applicants:** The Commission shall reject an application if the applicant does not possess the minimum qualifications as outlined in the position description. An applicant will also be rejected after acceptance if it is later found that he or 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 test, or other selection procedure either singly or in combination.

- b. Is physically unfit or of unsound health which would interfere with the proper performance of the duties required of the position. A physical examination may be required and may be given at a time later than the other examinations.
- 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.
- e. Has been discharged for disciplinary cause from the city within the preceding year.

Rejection of applicants due to physical fitness or unsound health will be in accordance with state and federal law, and the position description for the position.

**Section 7. Conduct of Examinations:** The examinations will be conducted by the Commission. 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. Examination makeups may be scheduled only when the applicant failed to appear due to an emergency situation. Requests for examination makeup shall be in writing and directed to the Civil Service Clerk, who make approve the request after consultation with the Human Resources Director. If necessary the Commission shall make the final determination in determining whether a makeup examination shall be allowed. The general rule is that no makeup examination shall be allowed.

**Section 8. Scoring of Examinations:** The final score on examination held by the Commission shall be rounded 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 9. 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.

**Section 10. Notification of Results:** The Commission 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. To protect the integrity of test documents and to comply with confidentiality requirements of outside testing agencies, the test questions are not made available for review by the applicant or outside parties.

**Section 11. Fraud in Examinations:** Any person who, at the examination or on any document signed or furnished by him 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, shall be excluded from the examination, and his or her name stricken from any eligible list on which it may appear.

**Section 12. Promotional Examinations:** The Commission shall, at such times as the service may require, administer promotional examinations which will be conducted in the same manner as for original appointment, and shall explore the competence of the applicant in a particular field of examination and fairly test the ability of the applicant to discharge the duties of the position for which the applicant seeks promotion.

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. When no qualified employees apply for or pass the promotional examination, the Commission may conduct entrance examination for such position.

## **CHAPTER V CERTIFICATION**

**Section 1. Entry Level Eligibility Lists Certification:** 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 shall be filled in accordance with Iowa Code Chapter 400 using the eligible lists certified by

the Commission or from the preferred list for in case of diminution of employees.

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 the names of eligible candidates for appointment subject to the candidates' successful completion of background and employee reference checks, and medical examinations. The medical examinations shall be provided pursuant to Commission rules adopted under Iowa Code Chapter 400. If said information provides appropriate cause to decertify and/or remove any person(s) from the certified list of eligible persons, the Human Resources Director will notify affected person(s) by mail or email.

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.

**Section 2. Duration of Entry Level Eligibility Lists:** A list for original appointment shall be exhausted without further action from the Commission when:

- All applicants whose names appear thereon have been appointed;
- When there is a vacancy and all applicants whose names appear thereon either refuse appointments or fail to respond within reasonable time limits to notification of the vacancy;
- A entry level list shall automatically expires after at least one year has passed, unless certified for a longer period of time;
- When an external entry level list has diminished to three or fewer candidates, the Commission may declare the list exhausted. All candidates remaining on the exhausted list shall remain eligible and be automatically added to the new list for the duration of the new list. A new list of certified eligible candidates shall supersede the previous certified list when the prior list is considered expired or exhausted.

**Section 3. Promotional Eligibility Lists Certification:** The Commission, within ninety (90) days after the beginning of each competitive examination for promotions, 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 positions they seek to fill, or the number which have qualified if less than ten (10), 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. 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. 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 Iowa Code Chapter 400. If said information provides appropriate cause to decertify and/or remove any person(s) from the certified eligible list, the Human Resources Director will notify affected person(s) by mail or email.

Except where a 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 defined in Iowa Code Chapter 411, for which certified eligible lists shall hold preference for promotion for three (3) years upon approval of the Commission.

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 (90) days for any one person in the same vacancy. Such limitations shall not apply to persons temporarily acting in positions regularly held by another person. Any person filling a vacancy in a position of higher grade for twenty (20) days or more shall receive the higher salary at the higher grade commencing on the twentieth day.



**Section 4. Duration of Promotional Eligibility Lists:** A list for promotional appointment shall be exhausted without further action from the Commission when:

- All applicants whose names appear thereon have been appointed
- When there is a vacancy and all applicants whose names appear thereon either refuse appointments or fail to respond to notification of the vacancy.
- Promotional Eligible lists shall automatically expire at the beginning of a new examination or two (2) years following date of certification, except for promotional eligible lists of fire fighters as defined in Iowa Code Chapter 411 which will expire three (3) years following date of certification.

**Section 5. Certification of Eligible List:** All eligible lists must receive a majority vote of the Commissioners during a special or regular meeting of the Commission to become certified. The certified list shall be entered into the record of business of the Commission.

**Section 6. 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 request to interview.
- c. The person refuses a conditional offer of employment or waives employment consideration for the classification.
- d. The person leaves City employment for any reason.

In addition, 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.

## **CHAPTER VI APPOINTMENTS**

**Section 1. Types of Appointments:** Appointments to, or within, Civil Service classifications shall be by permanent appointment, transfer, voluntary demotion, emergency, or re-employment. In the absence of an eligible list for appointments in the foregoing categories, temporary appointments may be permitted in accordance with Iowa Code Chapter 400 and appropriate sections of these rules.

**Section 2. Permanent Appointments:** The appointing officer shall indicate whether it is desired to fill the vacancy by lateral transfer or voluntary demotion, or whether appointment from a certified list.

**Section 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.

**Section 4. Temporary Appointments:** The person or body having the authority to appoint individuals to fill a newly created office or other vacancy may do so when there is no preferred list or certified eligible list for the vacant classification. All temporary appointments are limited to 90 days for any one person in the same vacancy, but such limitation shall not apply to persons temporarily acting in positions regularly held by another civil servant. 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. The Human Resource Director shall determine the qualifications for the vacancy and determine if the person applying for the temporary appointment meets the minimum qualifications, before the appointment can become effective. The Human Resource Director shall request the Commission schedule a competitive examination for the vacancy and any person temporarily filling the vacancy shall participate in said examination to become part of a certified eligible list. 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 position on such a list.

**Section 5. Military Preference:** In accordance with Iowa Code 400, in all Civil Service entrance examinations, other than appointments of Chief of Police Department and Chief of Fire Department, honorably discharged veterans qualified under Iowa law shall have five (5) points added to their score attained in qualifying examinations and five (5) additional points added if the veteran has a service-connected disability or other qualifying disability factor as provided under Iowa law. The points available under this section shall only be given upon passing the examination process and shall not be the determining factor in passing the Civil Service examination.

## **CHAPTER VII PROBATIONARY PERIOD**

**Section 1. Regular Appointment Following Probationary Period:** All new hire appointments to such positions shall be conditional upon a probationary period not to exceed six months. In the case of fire fighters a probation period not to exceed twelve 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 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 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 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. During any of the probationary periods listed above, the appointee may be removed or discharged from such position by the appointing person or body without the right of appeal to the Commission. 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 by the Human Resources Director. If the person successfully completes the probationary period such completion shall constitute a permanent appointment.

## **CHAPTER VIII CHANGES IN EMPLOYMENT STATUS**

**Section 1. Transfer:** An employee other than a Police Officer or Fire Fighter may be transferred with his or her consent, without coercion, 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 circumvent a promotion, demotion, advancement, or reduction process, and any transfer must be accomplished only as provided in these rules. No employee shall be transferred to a position for which he or she ~~has not been examined~~ and does not possess the minimum qualifications.

**Section 2. Promotional Appointment:** All vacancies within Civil Service promotional classifications shall be filled from the certified eligible list for Promotional Appointment. Vacancies in Civil Service promotional grades shall be filled by lateral transfer, voluntary demotion, or promotion of City employees who qualify for the position. Promotional grades are normally those position

classifications above the lowest in each job family. The Human Resources Department shall maintain a current list of classified positions which require a promotional examination. 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 level examination may be used to fill the vacancy.

**Section 3. Certified Promotional List:** The Commission shall as necessary, direct the Human Resource Department to hold competitive promotional examinations for the purpose of determining the qualifications of applicants for promotion to a higher grade under Civil Service. A fair examination shall explore the competence of the applicant in the particular field of examination, and all applicants who pass the promotional examination shall be placed on a certified list. Whenever a promotional vacancy occurs and if an existing certified promotional list exists, the Human Resources Department shall post notification that a selection process is underway to fill the vacancy from the most current certified promotional list for a minimum of five (5) working days before the closing date of the end of the selection process.

**Section 4. No Certified Promotional List:** If there is no certified list of qualified candidates the Human Resources Director may request the Commission to establish a promotional list. The Commission shall authorize the Human Resources Department to post an examination announcement to create a certified list of qualified candidates. The announcement shall direct the employees who are interested in the vacancy to apply for the position through the Human Resources Department. The Human Resource Department shall hold competitive promotional examinations of applicants for the purpose of determining the qualifications of applicants for promotion to a higher grade under Civil Service. A fair examination shall explore the competence of the applicant in the particular field of examination, and all applicants who pass the promotional examination shall be placed on a certified list. Any employee who has held, or is currently holding a position in the promotional classification shall notify the Human Resources Department if they wish to be considered for the vacant position and they will be added to the list of eligible candidates. In all such promotional situations the Human Resources Department shall follow the provisions of Iowa Code Chapter 400.

**Section 5. Lateral Transfers and Voluntary Demotions:** Vacancies in Civil Service promotional grades shall be filled by lateral transfer or voluntary demotion to the extent that the City employee is qualified for the position through a previous examination. Employees who are interested in a lateral transfer or a voluntary demotion to fill the vacancy shall apply through the Human Resources

**Department.** In order to be eligible for a lateral transfer or voluntary demotion an employee must have previously held, or is currently holding, a position in the same classification as the vacant position.

**Section 6. Demotion:** Any demotions shall be in compliance with Iowa Code Chapter 400.

**Section 7. Leaves of Absence:** Leaves of absence are granted in accordance with the personnel policy of the City of Mason City and applicable collective bargaining agreements. Members of the Police and Fire Departments who return to duty after leave of absence to serve in the military may be required to submit to an examination by the Medical Board of the Pension Board prior to reinstatement.

## **CHAPTER IX SEPARATION FROM SERVICE**

**Section 1. Disciplinary Procedure:** All disciplinary action including suspension, demotions and terminations shall be in accordance with Iowa Code Chapter 400, and are subject to appeal to the Commission.

**Section 2. Layoffs:** Any diminution of City employees shall be conducted in compliance with Iowa Code Chapter 400.

## **CHAPTER X APPEALS AND HEARINGS**

**Section 1. Appeal Rights:** An employee who has Civil Service rights as defined under Iowa Code 400 may appeal their removal, discharge, demotion or suspension to the Commission within fourteen (14) calendar days after the removal, discharge, demotion or suspension in accordance with Iowa Code Chapter 400.

**Section 2. Appeal Process:** The appeal process shall comply with all provisions and requirements under Iowa Code Chapter 400, including notice of appeal, charges, time and place of hearing, oaths, contempt and due process standards.

**Section 3. Public Trial:** The trial of all appeals shall be public, and the parties may be represented by counsel.

**Section 4. Legal Counsel:** The City Attorney shall be the attorney for the Commission, unless the Commission decides to hire its own attorney on a per diem basis as provided in Iowa Code Chapter 400.

**Section 5. Final Decision:** 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. Such findings shall be cosigned and placed in a permanent record in the Human Resources Department. The Commission shall cause to be delivered a certified copy of its findings to the parties involved in appeal. Such judgment shall become effective forthwith. 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.

**Section 6. District Court Appeal:** The District Court of Cerro Gordo County shall have full jurisdiction over all appeals of Commission actions and determinations are provided under Iowa Code Chapter 400.

## **CHAPTER XI GENERAL PROVISIONS**

**Section 1. Change of Address:** Every employee, former employee awaiting action by the Commission, and person whose name is on a certified eligible list, is requested to notify the Human Resources Department of any change in contact information.

**Section 2. Seniority:** Seniority will comply with the provisions of Iowa Code Chapter 400. 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 Civil Service position for which they were certified as eligible, 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 seniority rights shall date in the respective classifications or grades from and after the time he/she was appointed to or began employment in each classification or grade. In the event that an employee has been promoted from one classification to another, the Civil Service seniority rights shall be continuous in any department classification that he formerly held.

A list of all Civil Service employees shall be prepared and posted in City Hall in the human resource department on or before July 1 of each year, indicating the Civil Service standing of each employee as to the employee's seniority.

**Section 3. 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.

**Section 4. Amendment and Revision of Rules:** These rules may be amended upon the recommendation of the members of the Commission.

**Section 5. Violation of Rules:** Violation of any of these rules of the Commission shall warrant dismissal, suspension, or rejection, depending on the status of the person judged in violation, after appropriate hearings as described herein.

## CIVIL SERVICE RULES AND REGULATIONS

### Glossary of Terms

The following terms wherever used or referred to in these rules and regulations, shall have the following meanings, unless a different meaning is clearly indicated by the context:

**Appointment or Appointive:** means the designation of a qualified person to a classified Civil Service position under the rules set forth herein for permanent, temporary and emergency employment.

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

**Class:** means a group of like Civil Service positions, requiring similar qualifications and recognized as similar in job knowledge, experience, duties and responsibilities. Class also means a concise written specification designated by a shared descriptive title and salary range.

**Classification:** means position classifications with a specified set of duties which a Civil service covered employee is assigned to perform.

**Classification Plan:** means an organized arrangement of positions into separate classes with similar qualifications, duties and responsibilities which establishes minimum standards of qualifications as set forth by the City Administrator.

**Commission:** means the Mason City Civil Service Commission.

**Demotion:** means the reappointment of a Civil Service covered employee to a lower position classification and a lower pay range. Demotion also means an involuntary or voluntary change of employment status for a Civil Service covered employee.

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

**Entrance Examination:** means a competitive written or other analysis which is designed by the Commission to fairly test the mental and physical ability of applicants for positions under Civil Service to discharge the duties of a civil servant. Entrance examinations are open to the all City employees and members of



the general public.

**Eligible Lists:** means a list of 40 certified persons with the highest standing as a result of competitive Civil Service examination or the number of persons who have qualified if less than 40, in order of their standing. Eligible lists also means a list of names of the 10 persons who qualify with the highest standing as an outcome of each competitive promotional examination, arranged in descending order from the results of competitive examinations for position classifications for which they are qualified for appointment.

**Examinations:** means any test, written or otherwise, that determines the qualification and fitness of applicants for positions covered under civil service. Examinations also means any tests which fairly measure the knowledge, skills and abilities of the applicants including their mental and physical capabilities.

**Test:** means, but is not restricted to, measures of general intelligence, specific intellectual abilities; mechanical, clerical and other aptitudes; dexterity and coordination; knowledge and proficiency, and attitude, personality or temperament examinations. The term "test" includes all formal, scored, quantified or standardized, techniques of assessing job suitability including, in addition to the above, specific qualifying or disqualifying personal history or background requirements, specific educational or work history requirements, scored interviews, and scored application forms.

**Grievance:** means an allegation by a civil servant that an action or directive from a supervisor or person in authority imposes an illegal obligation or burden on the civil servant or denies that individual some equitable or legal right. Grievances include, but are not limited to, issues of appointment, removal, demotion, promotion, suspension and termination.

**Lateral Transfer:** means the voluntary or involuntary movement of a covered employee to the same position classification in a different City department or division.

**Layoff:** means the involuntary separation of a civil servant from a classified position due to budgetary reductions, insufficient appropriations, reduced work load or directives of the City Council acting in good faith.

**Original Appointment:** means the beginning designation of a qualified applicant for employment to an entrance level classification covered under Civil Service.

**Permanent Appointment:** means the continuance of regular employment after the

expiration of a successfully completed probationary period in a Civil Service classification.

**Person:** means any individual citizen or natural person under Iowa law.

**Probationary Period:** means 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:** means the advancement of a civil servant in classification, pay grade, or position above the civil servant's regular status.

**Promotional Examination:** means an examination for classification advancement open only to covered qualified civil service employees.

**Preferred List:** means a list of names of civil servants separated from covered positions classifications due to layoff which are eligible for re-employment to the position classification layoff from within a specified time period from date of separation.

**Reclassification:** means a significant change in the scope of duties amid responsibilities of a covered position classification resulting in a newly created position classification or being re-casted as another existing covered position classification.

**Temporary Appointment:** means 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.

**Suspension:** means 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.

**Vacancy:** means a newly created position classification or position classification that is not occupied and has funding allocated for it.