

CITY OF OTTUMWA CIVIL SERVICE COMMISSION LOCAL RULES & REGULATIONS

The Civil Service Commission of the City of Ottumwa is created under the authority of the Code of Iowa, Chapter, 400 Civil Service, and the Municipal Code of the City of Ottumwa. The purpose of the Civil Service Commission is to provide an efficient and equitable public service, which protects the interests of the citizens of Ottumwa, the City of Ottumwa, and its employees. In fulfilling the Commission's empowered duties, it is the Commission's ultimate goal to bring the citizens, employees, and the City government of Ottumwa the advantages of effective public service based on merit.

To assist in the administering of Civil Service Commission duties, a member of the City of Ottumwa 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 and the Ottumwa Civil Service Commission. The City of Ottumwa does 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.

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SECTION 1: Arrangement of the Civil Service Commission

1.1. Membership of the Commission: The Commission shall consist of three residents of the City, appointed by the Mayor with the consent of the City Council, who shall serve for four years, the term of one member expiring every two years. At the first meeting of the calendar year, the Commission shall elect a chairperson from among its members to serve annual terms. Commission members shall be removed from their positions once they are no longer residents of Ottumwa. The Mayor shall appoint new Commissioners to vacant seats.

1.2. Meetings: Regular business meetings are held the fourth Wednesday of the month at 3pm. Special meetings shall be held at the call of the Chairperson or any two members. Notice of the date, time, place, and purpose of the meetings shall be given to each member by the Clerk of the Commission at least 24 hours prior to the meeting. Two members of the Commission must be present at any meeting for which notice has been given shall constitute a quorum for the transaction of business.

Meetings shall be conducted in accordance with Iowa Code Chapter 400 and Iowa Code Chapter 21. Teleconference, remote, virtual, or hybrid meetings may be held as long as it is conducted in accordance with Iowa Code Chapter §21.8.

As used in these Rules and Regulations, the term “meeting” means any gathering in person or by electronic means, formal or informal, of a majority of the members of the Commission where there is deliberation or action within the scope of the Commission’s policy making duties. Ministerial functions are therefore not open to the public.

1.3 Open Meetings: All meetings of the Commission shall be conducted in accordance with Iowa Code Chapter 21. 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.

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

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

1.6. Chairperson: The Commission shall elect a Chairperson from among its members annually. 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.

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1.7. Minutes: The Commission shall keep a record of all its meetings. The Commission may designate a member of the Human Resources staff to record and maintain their meeting minutes. The minutes of all open meetings shall become part of the public record and open for public examination.

1.8. Records: The Human Resources Department shall keep a complete, individual record of all Civil Service employees. All Civil Service records, except minutes of open meetings and hearings, shall be confidential in accordance with Iowa Code Chapter 22. Requests for review of public records must comply with the Iowa Code.

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

1.10. Legal Counsel: The City Attorney shall be the attorney for the Commission or when requested by the Commission shall present matters concerning Civil Service employees to the Commission. However, the Commission may hire a counselor or an attorney on a per diem basis to represent it, when in the opinion of the Commission, there is a conflict of interest between the Commission and the City Administration. The counselor or attorney hired by the Commission shall not be a member of the City's legal staff. The City shall pay the costs incurred by the Commission in employing an attorney under this section. Retention of outside legal counsel to represent the Commission and payment of such services rendered shall be in accordance with the regulations as adopted by the City of Ottumwa.

SECTION 2: Employees under Civil Service

2.1. Qualifications: All appointive officers and employees of The City of Ottumwa shall be selected for employment by reference to their qualifications and fitness for public service. Civil Service employees and appointive officers shall always be selected on the basis of merit and without regard their political faith or party allegiance.

2.2 Applicability: The provisions of these rules and regulations shall apply to all appointive permanent (regular) full-time employees except:

- A. Persons appointed to fill vacancies in elective offices and member 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 assistant city administrators
- D. The head and principal assistant of each department and the head of each division. However, sections 400.13 and 400.14 of the Code of Iowa apply to Police and Fire Chiefs.
- 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

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- F. Employees of board of trustees or commissions established pursuant to state law or city ordinances
- G. Employees whose positions are funded by state or federal grants or other temporary revenues. However the city may use state or federal 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.

2.3 Preference by Service: An employee regularly serving in or holding a position when the position becomes subject to Iowa Code Chapter 400 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 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 the probationary period of the position, and passes a qualifying noncompetitive examination

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 noncompetitive examination for the position shall receive full civil service rights in the position upon the completion of the probationary period.

SECTION 3: Classification

3.1. Classification Plan: The Commission shall use the job classifications approved by the City Council; known as the Compensation Handbook.. The various job classes promote efficient administration and establishes minimum employment standards for original appointments and promotional appointments based upon the qualifications necessary for job success.

3.2. New Position Classifications: Whenever a new position classification is created, the Human Resources Department 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 from Human Resources concerning Entrance or Promotional status.

3.3 Changes in Positions: If the duties of a particular position change significantly so as to necessitate reclassification, upon recommendation from Human Resources, 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.

3.4. Reclassification of Incumbents: An employee regularly serving in or holding a position when the position is reclassified by the City shall retain the position and have full civil service rights in the position under any of the conditions listed in Iowa Code and these rules. Whenever the title of a class is changed without a significant change in duties and responsibilities the incumbents shall have the same status in the retitled class as they had in the former class.

3.5. Abolishment/Reduction in Positions: When the public interest requires a diminution of employees in a classification or grade under civil service, the City Council may either abolish the

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position or reduce the number of employees in any classification by suspending the necessary number. The abolishment of a position, or the reduction of the number of employees in a classification or grade, shall be in accordance with Iowa Code §400.28 and the most current Collective Bargaining Agreement at the time of abolishment or reduction.

SECTION 4: Examinations

4.1. 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 establish guidelines and oversee the selection process of employees for vacant and anticipated vacant positions consistent with state law.

Examinations may be online, written, oral, and/or physical, consisting of one or more parts, and may include, but are not limited to one or more of the following methods of testing:

- experience and character background checks
- knowledge and ability tests
- manual skills test
- physical ability tests
- psychological tests
- drug-screenings, and medical examinations
- Professionally Developed tests

4.2 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.

- Online assessments will be assigned a minimum passing score based upon the position. If there is not score recommendation for a position, the most favorable score to the candidate will be used.
- Candidates will be required to maintain an average score through the interview and hands-on portions. “Average” will be determined based upon the number of points available for each assessment.

When necessary, a post-offer condition of employment test may require passing a 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. Unless otherwise provided for in rules adopted for a specific examination, these rules shall govern the examination process.

The Commission recognizes the Human Resources Department staff as persons with expertise for purposes of preparing and administering examinations on behalf of the Commission in accordance with Iowa Code, Chapter 400. The Commission may also hire persons with expertise to consult in the preparation of such examinations if the persons so hired are employed to aid the personnel of the Commission or purchase examinations from a testing administrator/testing company in assuring that a fair examination is conducted.

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The City has the exclusive rights to the results of the examinations and such results shall not be released to other potential employers.

4.3. Types of Examinations:

Entrance Level Examination: An entrance level examination is open to all City employees and members of the general public. A promotional classification may be given an entrance level examination when no employee meets the requirements of Iowa Code §400.9. The Commission shall guide the Human Resources Department in the preparation, administration, and guidelines for all entrance level examinations in compliance with Iowa Code §400.8.

Promotional Level 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). The Commission shall guide the Human Resources Department in the preparation, administration, and guidelines of all promotional examinations in compliance with Iowa Code §400.9.

4.4. Announcement of Examinations: Entrance examinations will be scheduled as the needs of the service may require. The Commission, through the Human Resources Department, will 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 and through the Human Resources Information System (HRIS). 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:

- The official notice inviting the filing of applications
- The titles and rates of pay of the positions to be filled
- A summary of the types of duties typically performed
- The minimum qualifications required
- The method of obtaining application forms and final dates for filing the same
- The time, date, and place of examinations
- Any additional information desirable at the discretion of the Commission.

4.5. 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.

4.6. Veteran's Preference: In all examinations and appointments, other than promotions and appointments of chief of the police department and chief of the fire department, Veterans who are citizens and residents of the United States shall be awarded five percentage points to their grade or score. Veterans with a service connected disability, as defined below, may be awarded an additional five percentage points to their grade or score.

Veteran's preference percentage points will be given only upon passing the examination. Veteran's preference percentage points shall be applied once to the final scores used to rank applicants. The "five percentage points" for an exam with a raw score shall be computed on the

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basis of the total possible points. For example, if an exam has a total of 800 possible points, five percent would equal 40 points.

An honorably discharged veteran who has been awarded the Purple Heart incurred in action shall be considered to have a service-connected disability. Veterans that are receiving compensation, disability benefits or pension under laws administered by the veteran's administration are considered to have a service-connected disability.

Documentation: In order to receive veteran's preference, applicants must furnish a copy of their DD 214 or other official Department of Defense document that verifies the dates of their induction and separation and their honorable discharge from military service. Veterans who believe they qualify for the additional five percentage points due to a service-connected disability must submit a disability statement issued by the Veteran's Administration and dated within the 12 months preceding the examination announcement closing date. Qualified veterans claiming a Purple Heart award as the basis for these additional five percentage points must submit a copy of an official document from the Veterans Administration or Defense Department verifying such award. Documents verifying eligibility for veteran's preference percentage points and additional disability percentage points must be submitted to the Human Resources Department prior to the day set for examination.

For the purposes of these Rules and Regulations, the term "veteran" means as defined in Iowa Code Section 35.1, except that the requirement that the person be a resident of this state shall not apply.

4.7. Applications: All applications shall be filed online through the City's applicant tracking system and shall require information covering the applicant's education, training, experience, and references. The Human Resource Department has the right to ask for additional job related information. The application shall be submitted within the time period established for receipt of applications. Applications with all required supporting documentation shall be submitted by attaching it to the online application or in accordance with instruction and by the application deadline provided in the job announcement.

The Human Resource 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.

4.8. Disqualification of Applicants: The Human Resources Department shall reject an application if the applicant does not possess the minimum qualifications as outlined in the job description. An applicant will also be rejected after acceptance if it is later found that the applicant does not possess the minimum qualifications. An applicant may also be rejected because of any of the following:

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- A. Does not pass the examination for the position, which can be an online, written, oral, and/or physical 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 or without reasonable accommodation. A medical examination may be required after a conditional offer of employment has been made. Police and Fire 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. Made false statements of fact or practiced fraud or deception in the application or the examination.
- D. Does not meet the qualifications established by Iowa Code §400.17.
- E. Failure to meet the position requirements or qualifications as specified in the job classification; or
- F. Has been discharged by the City pursuant to Iowa Code §400.18 or §400.19.

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

4.9. Conduct of Examinations: 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.

Online assessments – Online assessments are provided through e-mail with a link for the applicant to take at their convenience. If an applicant fails to complete an online assessment prior to the due date provided, the applicant will be considered withdrawn from consideration.

In-Person segments - 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. 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 Commission who may approve the request after consultation with the Human Resources department.

All applicants must notify the Human Resources Director at least two (2) working days prior to the due date of any request for special accommodation.

The Human Resources Director 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.

4.10. 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

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examinations must be permanent employees of the City of Ottumwa who have successfully completed their probationary period and in some cases in the classified service, and must possess the minimum qualifications as set forth in the specifications of the class to which promotion is sought.

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

4.11. Notification of Results: The Human Resources Department shall notify all applicants of the results obtained in the examination. The names of successful applicants shall be placed on certified lists as set forth in Iowa Code §400.11 and these rules.

4.12. Review of Written Tests: It is the general policy of the Commission to permit applicants to review the test questions and their own answer sheets under the 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 re-administration. Requests for test reviews must be received within two weeks following notification of examination results, and the applicant shall make arrangements with the Human Resources department to view the test and test results. The Human Resources Department shall permit a reasonable time limit to view the test or view the answer key. Errors in scoring 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.

All test scores directly associated with individual applicants not placed on the certified list shall be kept confidential pursuant to Iowa Code §22.7(19). The Clerk of the Commission may disclose test scores or range of scores not associated with individual applicants. Requests that may easily identify individual applicants should be directed to the Commission for review. The Commission will balance the private interests in protecting against invasion of privacy with the public interest served by disclosure. The Commission also will consider whether the disclosure of test scores or range of scores will compromise the integrity of the test or interfere with the accomplishment of the test objectives.

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

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

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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.

4.14. 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 Eligibility List, the individual shall be promoted to fill the vacancy. If there is a critical need for an employee in this classification prior to the release from active duty of the newly promoted employee, a temporary appointment may be made pending the return of the employee.

If an employee is serving on active duty and a vacancy occurs in a classification for which the employee is one of two or more persons on the Eligibility List, the employee could be promoted by the appointing authority. If, however, the employee is not selected to fill the vacancy, the employee will remain on the certified list or will be transferred to a subsequent list if a new one is developed during their 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 Eligibility List as the result of a promotional examination, and a Civil Service examination is offered which is of interest to the employee, they shall have to await their release from active duty and subsequently participate in the next promotional examination when administered.

4.15. 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 the 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.

4.16. 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 5: Certification

5.1. Certification: The Commission shall certify to the City Council all Eligibility Lists in compliance with the qualifications established, these Rules and Iowa Code §400.11. These rules may be amended as necessary to comply with any action of the City Council as provided for in Iowa Code § 400.12A

Whenever possible, all background and employee reference checks shall be completed prior to the certification of lists. Medical examinations are completed as part of the conditional offer of employment which takes place after the certification of lists.

Entry Level Lists: An entry level list shall be established within one hundred eighty days after the beginning of each competitive examination when an entry level position needs to be filled or when no City employee applied for or passed a promotional test pursuant to Iowa Code §400.9 and these Rules.

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Promotional Lists: A promotional list shall be certified within ninety days after the beginning of each competitive examination for promotions.

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.

The appointing authority retains the right to contest the placement of an individual(s) on the list and present sufficient evidence to the Commission that the individual/employee lacks the qualifications or adequate performance to warrant placement on the list. The Commission shall make the final decision as to the placement of individuals on the promotional list.

The Commission may certify a list of names eligible for appointment / 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 §400.8. If said information provides appropriate cause to decertify and/or remove any person(s) from the certified Eligibility List, the Human Resources Department 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, pursuant to Section 5.3.

5.2 Duration of Eligibility Lists: A list for 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;
- An entry level list shall automatically expires after at least one year has passed, unless certified for a longer period of time;
- A promotional list shall be considered valid for two years following the date of certification, except for certified eligible firefighter promotional positions which shall hold preference for three years upon approval of the Commission as set forth in Iowa Code §400.11.
- 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.

5.3. 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:

1. The person requests in writing that their name be removed.
2. The person fails to respond to a request for consideration.
3. The person refuses a conditional offer of employment or waives employment consideration for the classification.

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4. 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.

Upon request by the City, the Commission may remove a person from a certified list for cause, including, but not limited to, a violation of Section 4.7 of these Rules, as well as due to a failure to pass the medical examination, background check, or reference check. The person affected shall have an opportunity to be heard. The City shall notify the individual in writing by mail or email of the intent to decertify at least seven days prior to the Civil Service hearing. The Commission shall take into consideration any relevant evidence that occurred or became known after the initial certification of the list and shall determine in each case whether or not there is sufficient cause to remove the name of the person affected from the eligibility list.

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

5.4. Certified List Size: Pursuant to Iowa Code §400.11, the Civil Service Commission may designate the number of individuals who shall be certified to the City Council as qualified for a position for original appointment. The Commission hereby determines that no more than 40 individuals shall be placed on a list for original appointment for any one position. If the list is exhausted prior to the two-year expiration date, or the three-year expiration date in the case of a firefighter certified list, a reserve list may be certified up to 40 individuals. All other provision of Iowa Code §400.11 remain applicable.

SECTION 6: Appointments and Changes in Employment Status

6.1. Types of Appointments: All vacancies in Civil Service classification shall be filled by transfer, demotion, or from eligible applicants 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 Iowa Code §400.11.

6.2. 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 transfer or voluntary demotions when filling promotional positions. Persons appointed from entrance lists must satisfactorily serve a probationary period as provided for in Iowa Code §400.8.

6.3. Temporary Appointments: In the absence of an eligible applicant 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 Department shall determine and certify that such person meets the minimum qualifications before appointment may be effective. Any person whose name is on a certified list for a position in Civil Service may accept a temporary appointment in that, or a different competitive position, if they are properly qualified, without losing their place upon such a list.

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6.4 Emergency Appointments: In case 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.

SECTION 7: Probationary Period

7.1. 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, Public Safety Dispatchers and Firefighters who must complete a one year probationary period.

7.2. 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.

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

A person removed or discharged during a probationary period shall, at the time of discharge, be given notice in writing stating the reason or reasons for dismissal. A copy of such notice shall be promptly filed with the Commission. Continuance in the position after the expiration of such probationary period shall constitute a permanent appointment.

SECTION 8: Changes in Employment Status

8.1. Transfer: An employee, other than a Police Officer or a Firefighter, may be transferred from one department to the same Civil Service classification in another department, and such employees shall retain the same Civil Service status. Transfers shall not be used to effectuate a promotion, demotion, advancement, or reduction, each of which must be accomplished only as provided in these rules and Iowa law. No employee shall be transferred to a position for which they do not possess the minimum qualifications.

An employee requesting a lateral transfer within the same job classification shall not be required to take the examination. It is not a lateral transfer for an employee to request a different job assignment in the same job classification in the same department. An employee who qualifies for a lateral transfer shall notify the Human Resources Department of their interest in the vacant position. The employee shall have their name added to the list of candidates to be interviewed and considered for the vacancy.

8.2. 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.

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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. In determining if a job is a promotion, the basic consideration shall be how well the knowledge, skills, and abilities required of incumbents in the lower classification prepares them for success in the higher classification within the same job family. The Human Resources Department shall maintain a list indicating which positions require a promotional examination. *See Appendix A.*

An employee seeking promotion to a higher classification shall have completed their probationary period.

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 apply for the position using the City's applicant tracking system. 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).

8.3. Demotion: An appointing authority may demote an employee whose performance of the required duties falls below standard, or for disciplinary purposes. An employee shall not be demoted into another position unless the employee possesses the minimum qualifications for that position. Written notice of the demotion and pay rate shall be given to the employee within three days following the effective date of the demotion and a copy shall be provided to the Commission. The employee shall have a right to request a hearing before the Commission as prescribed by these rules and Iowa law.

A voluntary demotion occurs when an employee voluntarily requests in writing to move to a vacant position in a lower classification which the employee previously had been employed. An employee requesting a voluntary demotion shall not be required to take the necessary examination. An employee who qualifies for a voluntary demotion shall have their name added to the certified list for consideration, subject to Section 8.2. Subsequent to any voluntary demotion, an employee must re-apply and be re-certified to be considered for a promotional position, their employment history notwithstanding.

SECTION 9: Separation from Service

9.1. 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.

9.2. Layoff: Any diminution of City employees shall be conducted in compliance with Iowa Code Chapter 400.28

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9.3. Resignation: An employee wishing to terminate employment in good standing shall file with the department director, at least two weeks before leaving 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 Clerk of the Commission with a statement by the appointing officer as to the resigned employee's service, performance, and other pertinent information concerning the cause for resignation.

9.4. Retirement from Service: Eligible employees may retire under varying retirement options available to City employees.

SECTION 10: Appeals and Hearings

10.1. Appeals: 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.

The trial of all appeals shall be public and the parties may be represented by Counsel, the parties' authorized collective bargaining representative, or themselves. 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 merit. 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.

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

10.3. Notice of Appeal: An appeal signed by the appellant and specifying the ruling appealed from must be timely filed with the Human Resources Department. It shall be the duty of the Commission to inform the appointing authority and other parties involved of the filing of an appeal.

10.4. Charges: Within fourteen days from the service of the notice of appeal, a written specification of charges and grounds upon which the ruling was based shall be filed with the Clerk of the Civil Service Commission. If the charges are not filed, the employee requesting the appeal 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.

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10.5. Time and Place of Hearing: Within ten days after the specification of charges are filed, the Human Resources Department on behalf of the Commission, shall fix the time and place of the hearing. The hearing shall be set for a date not less than five nor more than twenty days after the filing of the specification of charges. Both parties shall be notified in writing of the time and place of the hearing, and the notice shall contain a copy of the specification of charges. Hearings beyond one day in duration are discouraged. The parties are encouraged to stipulate facts and focus upon points of contention.

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

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

10.7. 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 with the Clerk of the Commission at least three working days before the hearing and shall include the following:

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

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

Should a subpoenaed witness refuse to attend, testify or produce required documents, the Commission shall make a written report of the refusal to the District Court. 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.

10.8. 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:

1. The City Manager or their 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.

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2. 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.
3. The City Manager or their 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.
4. 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.
5. 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.

10.9. Record: The hearing shall be recorded by the Commission by the use of a certified court reporter. If any party wishes to separately transcribe the proceedings by using a certified court reporter, they may do so at their expense.

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

10.10. 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. The Chairperson of the Commission 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 central issues 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 Commissioner's hearing all the evidence will vote in matters heard.

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The appointing authority shall have the burden of proof and shall first present evidence in support of the change. The employee or employee's counsel shall then present such evidence as they 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 employee 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 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 City Clerk's Office. 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 to the District Court shall be perfected by filing a notice of appeal with the Clerk of the District Court within thirty days from the filing of the formal decision of the Commission and by serving notice thereof on the Clerk of the Civil Service Commission. The party appealing to the District Court shall bear the cost of the preparation of the transcript. See Iowa Code §400.27.

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

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and shall be entitled to compensation from the original date of such action. The Clerk of the Commission shall communicate each case of appeal to the Commission.

10.11. Rules of Evidence: In all hearings:

1. Irrelevant immaterial or unduly repetitious evidence shall be excluded. Parties may be permitted to make an off the record offer of proof.
2. Objections to evidentiary offers may be made and shall be noted in the record.
3. Documentary evidence may be received in the form of copies or excerpts, if the original is not readily available. Upon request, parties shall be given an opportunity to compare the copy with the original if available. Parties must provide six copies of the document submitted as evidence at the hearing.
4. Either party may request that witnesses be sequestered. The appellant and the appointing authority (or his or her designated representatives) shall be present during the entire proceedings.
5. Discovery procedures are not applicable in matters before the Commission.
6. If a drug test indicating the presence of alcohol or a controlled substance is submitted as evidence and the test sample was analyzed by a laboratory or testing facility approved by the department of public health pursuant to applicable state law, then no further foundation is necessary for the introduction of the drug testing results as evidence. If an appellant intends to challenge the foundation or testing procedures, the City shall be notified in writing five working days prior to the meeting.

SECTION 11: General Provisions

11.1. Change of Address: Every employee, former employee awaiting action by the Commission, person whose name is on an eligibility 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 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.

11.2. 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 they were 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 they formerly held.

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A list of all Civil Service employees shall be prepared and posted in City Hall by 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.

11.3. 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.

11.4. 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 contribution for any political party or candidate or engage in any political activity during working hours that impairs the efficiency of the position or presence during the working hours. A person shall not seek or attempt to use any political endorsement in connection with any appointment to a Civil Service position.

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

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

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

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

11.6 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.

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.
Assessments	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.
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 (i.e. position classification)	A specified set of duties which a covered employee is assigned to perform
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 Administrator.
Commission	The City of Ottumwa 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 Assessments	An examination open to all City employee and members of the general public
Grievance	A disagreement between an employee and the City of Ottumwa 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 Appointment	Continuance after the expiration of a successfully completed probationary 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. <ul style="list-style-type: none"> • Police dispatchers and firefighters – not to exceed twelve months • Police patrol officers with completion of training at the Iowa Law Enforcement Academy – up to nine months
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).
Reclassification	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
Suspension	An involuntary leave of absence for disciplinary or investigative purposes; or when a covered position classification has to be 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

Examination Types by Positions

Class Title	Civil Service	Entrance	Promotional
Accounting Specialist	Y	X	
Accountant	N		
Director of Finance	N		
Administrative Clerk	Y	X	
Administrative Specialist	N		
Airport Facilities Technician	N		
Equipment Operator	Y	X	
Aviation Services Supervisor	N		
Director of Airport Operations	N		
Firefighter	Y	X	
Master Firefighter	Y		X
Fire Captain	Y		X
Assistant Fire Chief	Y		X
Deputy Fire Chief	Y		X
Fire Chief	Y		X
Janitor	Y	X	
Custodian	Y	X	
Maintenance Worker	Y	X	
Maintenance Manager	N		
HR Generalist	N		
Director of Human Resources	N		
Library Assistant	N		
Librarian	N		
Reference Librarian	N		
Youth Services Librarian	N		
Library Manager	N		
Library Director	N		
City Clerk	N		
City Administrator	N		
Customer Service Representative	N		
Lifeguard	N		
Program Instructor	N		
Program Supervisor	N		
Aquatic Facility Supervisor	N		
Director of Parks & Recreation	N		
Grounds Worker	N		
Gatekeeper	N		
Equipment Operator	Y	X	
Landfill Supervisor	N		
Demanufacturing Technician	Y	X	
Recycling Coordinator	N		

Class Title	Civil Service	Entrance	Promotional
Code Compliance Officer	Y	X	
Building Inspector	Y		X
Planning and Zoning Coordinator	N		
Director of Community Development	N		
911 Communication Specialist	Y	X	
911 Dispatch Supervisor	N		
Police Officer	Y	X	
Sergeant	Y		X
Lieutenant	Y		X
Police Chief	Y		X
Equipment Operator	Y	X	
Sewer Maintenance Supervisor	N		
Street Maintenance Supervisor	N		
Maintenance Electrician	Y	X	
Senior Electrician	Y		X
Traffic Maintenance Supervisor	N		
Mechanic	Y	X	
Garage Supervisor	N		
Public Works Superintendent	N		
Engineering Technician I	Y	X	
Engineering Technician II	Y		X
Engineering Technician III	Y		X
Engineering Supervisor	N		
City Engineer	N		
Laboratory Technician	Y	X	
Laboratory Chemist	N		
Plant Operator	Y	X	
Maintenance Technician	Y	X	
Pre-Treatment Coordinator	Y		X
Operations Supervisor	N		
Maintenance Supervisor	N		
WPCF Superintendent	N		
Director of Public Works	N		
IT Technician	Y	X	
IT Manager	N		
GIS Administrator	N		
Public Information Officer	Y	X	