

# City of Oskaloosa Boards and Commissions Orientation Packet



Civil Service Commission

Created April of 2015  
Updated October 2019

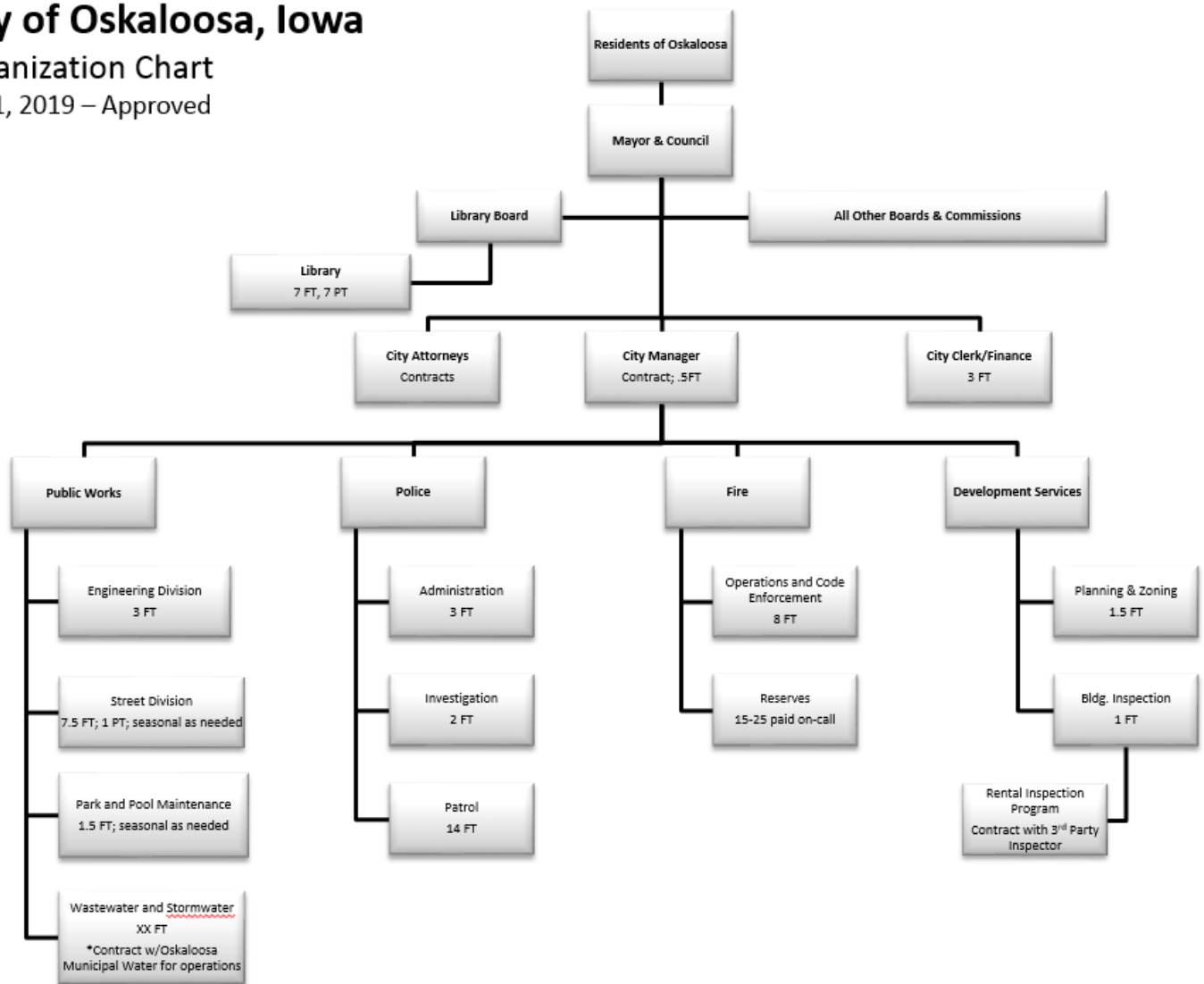
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## City of Oskaloosa, Iowa

### Organization Chart

July 1, 2019 – Approved



## Oskaloosa, Iowa

Oskaloosa is a diverse, micropolitan community offering big-city amenities. It is a “hot spot” for entrepreneurs thanks to public and private leaders who work to build strong infrastructure, communication, and transportation systems and have a vision of sustainable growth. It is a place businesses and workers want to call home. Our historic downtown district is a hub for live music, shopping, and dining. A high-speed fiber optic system delivers world-class communication solutions and can grow with technological changes and demands. With a current population of approximately 11,500 people, Oskaloosa continues to grow and change. The community is approximately 65 minutes from the state capital of Des Moines and just over an hour and a half away from Iowa City, home to the University of Iowa.



### Mission

Serve and protect the citizens of Oskaloosa to provide a positive environment which encourages desirable growth and enhances the quality of life in the community.

### Vision Statement

Make Oskaloosa an irresistible place to grow business so the quality of life is enhanced for the whole community.

## City Departments

- City Clerk's Office: City Hall, 220 South Market Street
  - Appointed by the City Council, the City Clerk attends all council meetings and is responsible for duties defined by the Code of Iowa and designated by the City Council. The City Clerk is the Finance Director and City Treasurer by Oskaloosa City Code. The staff from the City Clerk's Office is responsible for maintaining all public records, which consists of storage, retention and scanning of official records.
- City Manager's Office: City Hall, 220 South Market Street
  - Appointed by the City Council, the City Manager oversees all administrative tasks necessary for city operations, supervises city departments, maintains the city budget and represents the municipality in a variety of settings. The City Manager implements policy adopted by the City Council.
- Development Services: City Hall, 220 South Market Street
  - The Development Services Department has a variety of responsibilities all related to the development, improvement, and maintenance of real property in Oskaloosa. Development Services staff oversee: building permits and inspections, long and short-range planning, zoning administration and enforcement, historic preservation, site plan review, rental housing inspections, housing development.
- Fire Department: 220 South Market Street
  - The Fire Department provides emergency response services to residents within and around the city limits of Oskaloosa, three cities, and eight townships. The department also assists the building official with fire prevention inspections. The Fire Department oversees Code Enforcement to keep our community safe and attractive for residents and visitors alike.
- Oskaloosa Public Library: 220 South Market Street
  - The Oskaloosa Public Library exists to serve as a primary source of information, education, recreation, and personal fulfillment for all of the City of Oskaloosa and Mahaska County.
- Police Department: Mahaska Law Enforcement Center, 214 High Avenue
  - The City of Oskaloosa Police Department provides public safety services to the residents of Oskaloosa. The Department uses bicycle, foot and vehicle patrol to provide public safety services to the city's residents, across 7.98 square miles.
- Public Works: City Hall, 220 South Market Street
  - Engineering
    - The Engineering/GIS Department is responsible for the design and oversight of city infrastructure construction, the maintenance of city maps and plats, and providing general engineering assistance to a variety of city departments.
  - Parks and Recreation: 804 South D Street
    - The Oskaloosa Parks Department oversees Edmundson Park, the Downtown Park, Jaycee's Parks, and Vanderwilt Park. The Parks Department monitors and maintains the health of the city's urban forestry program. The Parks Department assists with downtown activities and oversees seven shelters.

- Streets
  - The Streets Department fills potholes, replaces damaged concrete panels, chip seals or seal coats certain streets, and performs crack sealing.
- Wastewater: 2632 Kent Avenue
  - The Wastewater Department oversees two treatment plants and seven lift stations and are responsible for the sanitary sewer and stormwater system. The plants that Wastewater monitors treat just under 2 million gallons of wastewater per day.
- Oskaloosa Municipal Water Department: 1208 South 7th Street
  - The Oskaloosa Municipal Water Department (OMWD) is responsible for providing clean drinkable water for the City of Oskaloosa. OMWD treatment plant is located north of Oskaloosa and relies on a series of wells to pull from the Skunk River watershed.

## City of Oskaloosa's Form of Government

The City of Oskaloosa has a Mayor-Council form of government with the City Council appointing a City Manager to serve at the discretion of the City Council. The City Council consists of seven Council Members, four elected by ward and three elected at large for overlapping terms of four years. The Mayor is elected for a two-year term. The Mayor is not a member of the City Council and does not vote. The City Council, Mayor, and city officers have such powers and shall perform such duties as are authorized by State law and by the ordinances, resolutions, rules, and regulations of the city.

### Appointment Process

A civil service commission consisting of three members shall be appointed by the mayor with the approval of the council. Following appointment of the initial commission according to law one member shall be appointed after each regular municipal election to hold office for a term of six years commencing the first Monday in April following such municipal election.

### Civil Service Commission

The Civil Service Commission conducts examinations, makes appointments and is responsible for the removal, demotion or suspension of persons covered by civil service provisions in the police and fire departments. The Civil Service Commission also sets the standards for new hires, promotional opportunities and certifies qualified applicants for police and fire vacancies. The duties of the Civil Service Commission are included in Chapter 2.60 of the Municipal Code.

The Civil Service Commission consists of three members is appointed by the Mayor with the approval of the council. One member shall be appointed after each regular municipal election to hold office for a term of six years commencing the first Monday in April following such municipal election. The Commission meets as needed with dates and times that can vary. Meetings are conducted under Robert's Rules of Order. The staff contact for the Civil Service Commission is the City Clerk.

## Powers Designated by Code

By code or by charter, the Civil Service Commission is granted specific powers and is assigned certain duties. The board has the authority to:

- conduct examinations and make appointments as provided by law
- Remove, demote or suspend persons covered by civil service provisions shall be as provided by law
- exercise and perform all the powers and duties as are provided by Chapter 400, 1979 Code of Iowa or amendments thereto

### Oskaloosa Municipal Code: Chapter 2.60 Civil Service Commission

The enabling legislature for the Civil Service Commission is found in the Oskaloosa Municipal Code, Chapter 2.60. That information is provided below. Any changes to the below listed code may be found in the online version at <https://www.municode.com/library/ia/oskaloosa>.

#### 2.60.010 - Purpose.

The purpose of this chapter is to provide for the appointment, powers and duties of a civil service commission in accordance with the requirements of state law.

(Prior code §1-1.0501)

#### 2.60.020 - Appointment and term.

A civil service commission consisting of three members shall be appointed by the mayor with the approval of the council. Following appointment of the initial commission according to law one member shall be appointed after each regular municipal election to hold office for a term of six years commencing the first Monday in April following such municipal election.

(Prior code §1-1.0502)

#### 2.60.030 - Qualifications.

Commissioners must be citizens of Iowa, eligible electors and residents of the city for more than five years next preceding their appointment. No person while on said commission, shall hold or be a candidate for any office of public trust.

(Prior code § 1-1.0503)

#### 2.60.040 - Human rights commission.

Notwithstanding the provisions of Section 2.60.030, when a human rights commission has been established, the director thereof shall ex-officio be a member, without vote, of the civil service commission.

(Prior code § 1-1.0504)

#### 2.60.050 - Compensation.

Civil service commissioners shall serve without compensation.

(Prior code § 1-1.0505)

#### 2.60.060 - Conflict of interest.

Commissioners shall not buy from, sell to, or in any manner become parties, directly, to any contract to furnish supplies, material, or labor to the city.

(Prior code § 1-1.0506)

2.60.070 - Chairman.

The chairman of the commission for each biennial period shall be the member whose term first expires.

(Prior code § 1-1.0507)

2.60.080 - Clerk.

The city clerk shall be clerk of the commission.

(Prior code § 1-1.0508)

2.60.090 - Records.

The civil service commission shall keep a record of all its meetings and also a complete individual service record of each civil service employee which record shall be permanent and kept up-to-date.

(Prior code § 1-1.0509)

2.60.100 - Rooms and supplies.

The council shall provide suitable rooms in which the commission may hold its meetings and supply the commission with all necessary equipment and a qualified shorthand reporter to enable it properly to perform its duties.

(Prior code § 1-1.0510)

2.60.110 - Applicability—Exceptions.

The provisions of this chapter shall apply only to members of the police and fire departments, except the following persons connected with such departments:

- A. Chief of police;
- B. Janitors, clerks, stenographers, secretaries;
- C. Casual employees.

(Prior code § 1-1.0511)

2.60.120 - Examinations—Appointments.

The commission shall conduct examinations and make appointments as provided by law.

(Prior code § 1-1.0512)

2.60.130 - Removal, demotion or suspension.

The removal, demotion or suspension of persons covered by civil service provisions shall be as provided by law.

(Prior code § 1-1.0513)

2.60.140 - Other powers and duties.

The commission shall have, exercise and perform all the powers and duties as are provided by Chapter 400, 1979 Code of Iowa or amendments thereto.

(Prior code § 1-1.0514)

Rules and Regulations  
Oskaloosa Civil Service Commission

DATED: December 6, 1990

AMENDED: March 8, 1993

AMENDED: May 12, 2003

City Of Oskaloosa - Civil Service Rules and Regulations

FOREWORD

The Civil Service Commission of the City of Oskaloosa is a special tribunal created under the authority of the Code of Iowa, Chapter 400, Civil Service. The purpose of this Commission shall be to provide a harmonious, efficient and courteous public service which will protect the interests of the City of Oskaloosa and its employees.

CHAPTER I - ORGANIZATION OF COMMISSION

SECTION 1. Meetings. Notice of the date, time, place and purpose of the meetings shall be given to each member by the City Clerk at least 48 hours prior to the meeting. Two members of the Commission present at any meeting for which notice has been given shall constitute a quorum for the transaction of business; provided, however, that any new rule or any proposed amendment to these rules shall not be effective until the absent member has had an opportunity to cast his vote for or against such rule or amendment.

SECTION 2. Open Meetings. Except as hereinafter provided, all meetings of the Commission shall be open to the public. Notice of the time, date and place of each meeting, and its tentative agenda shall be given by advising the Oskaloosa Herald and The Ottumwa Courier and KBOE/KOSK radio, and by posting a notice on the City Hall bulletin board. Notice shall be given at least 24 hours prior to the commencement of any meeting unless for good cause such notice is impossible or impractical in which case as much notice as is reasonably possible shall be given and the good cause justifying the lack of full notice shall be stated in the minutes.

The Commission may hold a closed meeting by affirmative public vote of 2/3 of its members present only to the extent necessary and as allowed by Iowa law.



The vote of each member on the question of holding the closed meeting and the reasons for the closed meeting by reference to a specific exemption under Chapter 28A.5 shall be announced publicly at the open session and entered in the minutes, but the statement of such reason need not state the name of any individual or the details of the matter discussed in the closed meeting. However, the closed session shall be tape recorded and separate, detailed minutes of all discussions, person present and action occurring shall be taken. These tapes and minutes shall be sealed and shall not be open to public inspection. They shall be kept for at least one year from the date of the meeting. Any final action on any matter shall be taken in open meeting. All hearing shall be public in accordance with Section 400.26 of the Code of Iowa.

SECTION 3. Oral Interviews. Oral interviews conducted by the Commission are an integral part of the examination process and ministerial in nature. Therefore, they are not open to the public.

SECTION 4. Chairperson. The Commission shall elect a Chairperson from among its members for each biennial period.

SECTION 5. Records. The Commission shall keep minutes of all its meetings and also a complete individual record of all Civil Service employees, which records shall be permanent and kept up to date. The Commission may delegate this record keeping to the Police, Fire Chief or City Clerk.

SECTION 6. Legal Counsel. The City Attorney shall be the attorney for the Commission and when requested by the Commission shall present matters concerning Civil Service employees to the Commission. However, the Commission may hire any attorney on a per diem basis to represent it when in the opinion of the City Attorney or Commission there is a conflict of interest between the Commission and the City Council. 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. Except as otherwise provided, no person shall be appointed or employed in any capacity in any department which is governed by the Civil Service, until such person has passed a Civil Service examination as provided for in these rules, and has been certified to the City Council as being eligible for such appointment. In no case shall any person be appointed or employed in any capacity in any department which is governed by Civil Service unless such person:

- a. Is of good moral character.
- b. Is able to read and write the English language.
- c. Is not a liquor or drug addict.

Employees shall be required to be a resident of Oskaloosa, but they shall become a resident of Iowa at the time such appointment or employment begins, and shall remain a resident of the State during employment. The City may set reasonable maximum distances outside of its corporate limits in which Police Offices or Firefighters may live.

SECTION 2. Applicability - Exceptions. The provisions of these rules and regulations shall apply to police and fire employees only.

SECTION 3. Preference by Service. An employee regularly serving in or holding a position when the position becomes subject to this chapter or when the position is reclassified by the city shall retain the position and have full Civil Service rights in the position under any of the following conditions:

- a. The employee meets the minimum qualifications established for the position and has completed the required probationary period for the position.
- b. The employee has served satisfactorily in the position for a period equal to 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 requirements of a or b above, shall receive full Civil Service rights in the position upon completion of the probationary period.

### CHAPTER III - EXAMINATIONS

SECTION 1. Nature of Examinations. The Commission may prepare and administer examinations or may hire persons with expertise to do so if the Commission approves the examinations. It may also hire persons with expertise to consult in the preparation of such examinations if the persons so hired are employed to aid the Commission in assuring that a fair examination is conducted. The Commission may also consider the Police and Fire Chiefs' expertise in developing and conducting examinations. Examinations may be assembled or unassembled, and may consist of written, oral performance tests or evaluation of experience and training or any other testing method appropriate for the position classifications involved. The Commission shall determine the qualifying grade for each part of an examination as well as the combined grade for all parts of the examination based on sound testing principles. Failure to pass any part or parts of the examination may be deemed sufficient reason to disqualify the applicant for further consideration on the particular examination involved.

SECTION 2. Announcement of Examinations. Entrance examinations will be scheduled as the needs of the service may require. The Commission, through the City Clerk, shall give notice of all Civil Service examinations. Such announcement shall be given as much general circulation as possible to all areas that might provide possible applicants. All such

announcements shall be posted at City Hall. Announcements shall be posted at least ten (10) days prior to the application deadline. 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. Some typical duties to be performed.
- d. The minimum qualifications required.
- e. The method of obtaining application forms and final dates for filing the same.
- f. A statement that applications may be used to initially screen applicants and that all applicants may not be invited to take the examination.
- g. Any additional information desirable at the discretion of the Commission.

SECTION 3. Veterans Preference. In all examinations and appointments under this chapter, other than promotions and appointments of chief of the police department and chief of the fire department, veterans as defined in section 35.1, who are citizens and residents of this state, shall have five points added to the veteran's grade or score attained in qualifying examinations for appointment to positions and five additional points added to the grade or score if the veteran has a service-connected disability or is receiving compensation, disability benefits or pension under laws administered by the veterans administration. An honorably discharged veteran who has been awarded the Purple Heart for disabilities incurred in action shall be considered to have a service-connected disability. However, the points shall be given only upon passing the exam and shall not be the determining factor in passing.

In order to receive veterans preference, applicants must furnish a copy of their DD 214 or other official Department of Defense document which verifies the dates of their induction and separation and their honorable discharge from military service. Qualified veterans wishing to claim an additional five points due to a service-connected disability must submit a disability statement issued by the Veterans Administration and dated within the last 12 months. Qualified veterans claiming a Purple Heart award as the basis for these additional five points must submit a copy of an official document from the Veterans Administration or Defense Department verifying such award. Documents verifying eligibility for veterans preference and additional disability points must be submitted to the Civil Service office prior to the conclusion of the examination process.

SECTION 4. Applications. All Applications shall be filed on forms provided by the Commission and shall call for information covering the applicant's education, training, experience, references and personal status. The Commission has the right to ask for certificates of health, fingerprints and other pertinent information which may be desirable. The application shall be signed by the applicant. The Commission shall accept applications, if completed in

accordance with these rules, from any qualified person who has not been rejected by the Commission or cause.

SECTION 5. Disqualification of Applicants. The Commission shall reject an application if the applicant does not possess the minimum qualifications. An applicant will also be rejected after acceptance if it is later found that he 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 interview, performance test or other section 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 is generally given at a time later than the other examination.
- c. Is guilty of making false statements of fact or of practicing fraud or deception in the application or the examination.
- d. Does not meet one of the other requirements stated in Chapter II, Section 1 of these rules.

The Commission shall send notice to any applicant whose application has been rejected. If an application is rejected for lack of information, it shall be returned to the applicant, who may resubmit with the additional information and it shall be accepted if received before the expiration date stated in the original announcement. Rejection of applicants due to physical fitness, physical stature or unsound health will be based on standards established by the respective pension board or by the Personnel or Health Department.

SECTION 6. Conduct of Examinations. Examinations will be conducted in quiet, well-lighted, heated and ventilated rooms which offer applicants the best available testing conditions. Any supplies which the applicant will be expected to furnish for the examination will be listed on the announcement. Applicants must report on the date and at the time scheduled as examination make-ups will not be permitted. However, where an applicant fails to appear for an oral examination due to an emergency situation or a promotional oral due to scheduled vacation leave, make-ups may be permitted. Requests for such make-ups shall be in writing and directed to the City Clerk.

SECTION 7. Notification of Results. The Commission shall notify all applicants of their examination results. The names of successful applicants shall be placed on certified lists as set forth in Chapter IV, Section 1 or these rules.

SECTION 8. Review of Written Tests. It is the general policy of the Commission to permit applicants to review their test booklets and their own answer sheets under supervision. A review may not be permitted, however, when prohibited by the test publisher or when the

examination is scheduled for immediate readministration. Requests for test reviews must be received within two weeks following notification of examination results. Errors in grading brought to the attention of the Commission within a two week review period shall be corrected, but such errors shall not invalidate any appointments previously made.

SECTION 9. Fraud in Examinations. Any person who, at the examination or on any document signed or furnished by him/her in connection with any examination or application therefore, by him/her or in cooperation with one or more persons, makes any false representation regarding him/her, or any of the applicants, or by impersonating any one else or by permitting any one else to impersonate him/her or who shall use any memoranda, printed or written, whereby an advantage would be obtained over competitors at such examination, shall be subjected to action by the Commission, and having had a chance to be heard in his/her own defense, may be excluded from the examination, and his/her name stricken from any eligible list on which it may appear.

SECTION 10. 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 appointments, and may consist of examinations of prior service, ascertained merit, accomplishments in special training courses, seniority in service, written or oral examination. All applicants for promotional examinations must be permanent employees in the classified service, and must possess the minimum qualifications as set forth in the specifications of the class to which promotion is sought.

SECTION 11. Examination Scoring. The final score on examinations held by the Civil Service Commission shall be rounded off to the nearest whole number (.5 or more rounded to next highest number). When a final examination score consists of two or more sub-test scores, the score on each sub-test shall be rounded off to the nearest tenth and the final score rounded off to the nearest whole number. When a sub-test is pass/fail, the nearest tenth is further rounded to the nearest whole number.

#### CHAPTER IV - CERTIFICATION

SECTION 1. Eligible Lists. The Commission shall, within ninety days after the beginning of each competitive examination for original appointment or for promotion, certify to the City council a list of names of the ten persons who qualify with the highest standing as a result of each examination, or such number as may have qualified, if less than ten, in the order of their standing. All newly created offices or other vacancies in positions under Civil Service which shall occur before the beginning of the next examination for such positions shall be filled from said lists, or from the preferred list existing as provided for in the case of diminution of employees, within thirty days. If a tie occurs in the examination scores which would qualify persons for the tenth 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

tenth position. Preference for temporary service in Civil Service positions shall be given those on such lists.

The Commission may choose to hold in reserve a second list of ten persons next highest in standing, in order of their grade, or such number as may qualify and, thereafter, if the list of ten persons provided in the above paragraph be exhausted within one year, may certify a second list of ten persons to the Council as eligible for appointment to fill such vacancies as may exist. A list shall be exhausted when all applicants whose names appear thereon have been appointed or when there is a vacancy and all applicants whose names appear thereon either refuse appointment or fail to respond, within reasonable time limits, to written notification of the vacancy mailed to their last known address.

Unless there is a preferred list, persons on the certified promotional eligible list shall hold preference for promotion to a vacancy in the classification for which certified for two years following the date of certification, except for certified eligible lists of fire fighters as defined in Section 411.1 subsection 3, which list shall hold preference for three years. Entrance lists shall be cancelled, no appointments from such lists shall be made, upon the beginning of a new examination provided at least one year has passed since date of certification.

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

SECTION 2. Certification Based Upon Sex of Applicant. The race, sex, color, national origin, age or disability of an applicant will be disregarded during the certification process.

SECTION 3. Removal of Persons From Lists. A person appearing on a certified list shall be removed by the Commission whenever he/she has requested in writing that his/her name be removed, or if the Commission finds the applicant fails to meet the minimum requirements needed to fill the subject position. A person may be removed from a certified list for cause at any time. Any person so affected shall be notified of the removal of his name by a notice mailed to his last known address. Persons on promotional employment lists who resign from the classified service shall automatically be dropped from such lists.

SECTION 4. Objection of Appointing Authority. If the appointing authority has information regarding any person certified tending to show unfitness for the position to be filled on the part of said person, he/she shall communicate said information, in writing, to the Commission. Such information may relate either to matters which were disqualifying at the time of the examination or to anything disqualifying which may have arisen subsequent to the examination. In such case, the Commission shall enter its findings in its minutes. The

Commission shall determine in each case whether or not there is sufficient cause to remove the name of the person affected from the eligible list.

SECTION 5. Waiver of Employment Rights. Department Directors may request that an applicant on a certified Civil Service list waive his/her rights to employment or promotion for good and sufficient reasons. In order to insure that waivers are requested under conditions which will protect the rights of the applicant, they shall be obtained through procedures established by the Civil Service Department.

#### CHAPTER V - APPOINTMENTS

SECTION 1. Types of Appointments. All vacancies in Civil Service classifications shall be filled by transfer, demotion or from eligibles certified by the Commission from an appropriate preferred (reemployment), employment or promotion list, if available. In the absence of persons eligible for appointment in the foregoing ways, temporary appointment may be permitted in accordance with appropriate sections of these rules.

SECTION 2. Permanent Appointments. The appointment officer shall indicate whether it is desired to fill the vacancy by transfer or demotion, or whether appointment from a certified list is preferred. If a preferred (reemployment) list is in effect for that classification in which there is a vacancy, appointment must be made from the preferred list in order of greater seniority in accordance with Chapter 400.28 of the Code of Iowa. Names remain on a preferred list for three years after layoff.

SECTION 3. Temporary Appointments. In the absence of eligibles from whom permanent appointments may be made, a person otherwise meeting the qualifications for the vacant appointment may be temporarily appointed by the appointing officer pending the establishment of the certified list in the manner prescribed by these rules. The Commission shall determine and certify that such person meets the minimum qualifications before appointment may be effective. Any person whose name is on a certified list for a position in the Civil Service may accept a temporary appointment in that, or a different competitive position, if he/she is properly qualified, without losing his/her place upon such a list.

SECTION 4. Emergency Appointments. In cases of emergency in which the peace and order of the City is threatened by reason of fire, flood, storm or mob violence, 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. As soon as possible, such appointments shall be reported to the Commission.

#### CHAPTER VI - PROBATIONARY PERIOD

SECTION 1. Regular Appointment Following Probationary Period. All appointments to such positions shall be conditional upon a probation period of not to exceed six months, and in the case of police dispatchers and 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 Iowa law enforcement academy before initial employment 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.

SECTION 2. Objective of Probationary Period. The probationary period is regarded by the Commission as an intrinsic part of the examination process to be utilized by the appointing authority for close observation of the employee's work, for securing the most effective adjustment of the new employee in his/her position and for eliminating any probationary employee whose performance does not meet the required work standards. At least two performance evaluation reports shall be prepared on each employee during his/her probationary period and copies of these reports shall be given to the employee. Every effort shall be made by the appointing authority to insure that the new employee receives proper training and assistance.

SECTION 3. Rejection of the Probationer. If at any time during the probation period the probationer shall be found incompetent or not qualified for the performance of the duties of the position he/she is filling, he/she may be rejected by the appointment authority without recourse to appeal.

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

## CHAPTER VII - SEPARATION FROM SERVICE

SECTION 1. Disciplinary Procedure. The City Manager or the Chief of the Police or Fire Departments, may peremptorily suspend, demote or discharge a subordinate then under the person's or Chief's direction for neglect of duty, disobedience of orders, misconduct or failure to properly perform the subordinate's duties.

SECTION 2. Layoff. If it becomes necessary to remove or suspend any employees for the purposes of economy of efficiency, persons so removed or suspended shall be those having seniority of the shortest duration in the classifications affected. Any employee so removed from a classification shall revert to his/her seniority in the next lower classification. If such



seniority is equal between employees, thence the one less efficient and competent as determined by the person having the appointing power shall be the one affected.

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

SECTION 3. Resignation. An employee wishing to terminate his/her employment and leave the Oskaloosa Civil Service in good standing shall file with the City Clerk, at least two weeks before leaving the service, a written resignation stating the effective date and reasons for leaving. Failure by the employee to comply with his rule shall be entered on the service record of the employee and may be cause for denying future employment by the City. All resignations shall be forwarded immediately to the Commission with a statement by the appointing officer as to the employee's service, performance, and other pertinent information concerning the cause for resignation.

SECTION 4. Retirement from Service. All police and fire personnel who reach the age of 65 shall be retired forthwith, provided that upon the request of the administrative head of either department, the respective retirement system board of trustees may permit such member to remain in service for periods not to exceed one year from the date of such request.

#### CHAPTER VIII - APPEALS AND HEARINGS

SECTION 1. Appeals. Civil Service employees may appeal to the Civil Service Commission all matters involving their Civil Service rights under Chapter 400 of the Code of Iowa. The trial of all appeals shall be public and the parties may be represented by counsel. The Commission may affirm, modify or reverse any case on its merits. No pre-hearing discovery shall be allowed as it is the intent to expedite these appeals.

All Civil Service appeals shall be filed in accordance with the provisions of Chapter 400, Code of Iowa, which governs such matters.

SECTION 2. Time Limits for Appealing. The suspension, demotion or discharge of a Civil Service employee may be appealed to the Civil Service Commission within fourteen calendar days after the suspension, demotion or discharge. Appeals of matters other than suspension, demotion or discharge shall be filed with the City Clerk within fourteen calendar days after the employee has knowledge of the occurrence which precipitated the appeal.

SECTION 3. Notice of Appeal. The notice of appeal signed by the appellant and specifying the ruling appealed from shall be filed with the City Clerk. It shall be the duty of the

Commission to inform the appointing authority or other persons involved of the filing of an appeal.

SECTION 4. Charges. If the appeal involves suspension, demotion or discharge, then within fourteen days from the service of the notice of appeal the person or body making the ruling appealed from shall file with the City Clerk written specification of the charges and grounds upon which the ruling was based. If the charges are not filed, the person suspended or discharged may present the matter to the Civil Service Commission setting forth the facts by affidavit and the Commission shall immediately enter an order reinstating the appellant for want of prosecution.

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

SECTION 5. Time and Place of Hearing. If the appeal involves suspension, demotion or discharge, within ten days after the specifications are filed, the Commission shall fix the time and place of the hearing. The hearing shall be held not less than five nor more than twenty days thereafter. Both parties shall be notified in writing of the time and place of the hearing, and the notice shall contain a copy of the specifications.

SECTION 6. Request for Continuance. The Commission shall consider requests for continuances and shall grant or deny these requests based upon the facts presented, the ability of the Commission to schedule an alternate hearing date within a reasonable time period and any resistance of the other party. A party's request for continuance shall be in writing, shall include the reasons for the request and shall be filed with the City Clerk 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.

SECTION 7. Subpoena Power. The Commission shall issue subpoenas to require the attendance of witnesses or the production of pertinent documents designated by either of the parties. Requests for subpoenas shall be filed in writing at least three working days before the hearing with the City Clerk. The request shall include the names of those persons to be subpoenaed. The subpoena shall be signed by the Commission Chairperson. Should a subpoenaed witness refuse to attend, testify or produce required documents, the Commission shall make a written report of such refusal to the district court. The district court shall then proceed against the person or witness as if the refusal had occurred in the proceeding legally pending before the court. The service of subpoenas and the expense involved, if any, shall be the responsibility of the requesting party.

SECTION 8. Record. A verbatim record of all hearing proceedings shall be made, but transcribed only upon request of one of the parties or by order of the Commission. The cost of

the transcript shall be born by the requesting party. A copy of any transcription of hearing proceedings shall be placed on permanent file with the Commission by the requesting party.

SECTION 9. Appeal Proceedings. The Commission shall hear the evidence upon the charge and specifications as filed by the appointing authority. 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 chair shall have full authority at all times to maintain orderly procedure and to limit the hearing to matters which are material and relevant to the issue to be decided. Hearsay evidence shall be permitted when relevant to the central issues, but shall not be relied upon when direct evidence is readily available. The burden of proof required shall be that of substantial evidence.

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

The appointment authority shall first present evidence of the charge. The appellant or his/her counsel shall then present such evidence as he/she may wish to offer in support of the appeal. The parties in interest may then offer rebuttal evidence. Commission members may question witnesses upon the conclusion of direct or cross examination. After hearing all of the evidence, the Commission, in its discretion, may hear arguments or request that briefs be submitted.

If the appellant fails to appear or be represented by counsel at the time fixed for hearing his/her appeal, the Commission shall hear such evidence as may be produced, or it shall deem proper or necessary and make a finding according to the evidence. The Commission, after due consideration, shall notify the appointing authority and the employee of its judgment.

Counsel for both parties are entitled to be firm and direct in their cross examination, but not abusive. Conduct toward a witness which is unfair, oppressive, threatening and unnecessarily hostile will not be tolerated. Continued conduct of this nature may lead to suspension of the offending counsel from representing an appellant or the appointing authority before the Commission.

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

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

Upon the conclusion of any hearing, the Commission shall cause its findings and decisions to be prepared in writing and signed by each Commissioner. If the decision is not unanimous, the dissenting member may submit a supplemental or minority report. The findings and decision, together with the minority report, if any, shall be filed in the permanent files of the Commission. 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, of 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. The appeal shall be taken within thirty days from the filing of the formal decision of the Commission. The district court of Mahaska County shall have full jurisdiction over the appeal and the said appeal shall be a trial de novo as an equitable action in the district court.

The appeal to the district court shall be perfected by filing a notice of appeal with the Clerk of the District court within the time herein prescribed and by serving notice thereof on the City Clerk. The party appealing to the district court shall bear the cost of the preparation of the transcript.

In the event the ruling or decision appealed from is reversed by the district court, the appellant, if he/she be an employee, shall then be reinstated as of the date of said suspension, demotion or discharge and shall be entitled to compensation from the original date of such action.

SECTION 10. Discrimination Complaints. Any applicant or Civil Service employee who believes that he/she has encountered discrimination because of race, color, sex, national origin, age or disability may file a complaint in writing with the Civil Service Commission. The complain must be filed within 20 calendar days after the act complained about occurred.

The Civil Service Commission shall act upon the complaint within sixty days following receipt thereof.

## CHAPTER IX - GENERAL PROVISIONS

SECTION 1. Change of Address. Every employee, former employee awaiting action by the Commission, person whose name is on the eligible list and every applicant is required to notify the Commission of any change of address or change of name. In sending notices affecting such person, the Commission assumes no responsibility beyond the address last recorded in the Commission office. Failure to respond to notices sent by the Commission to the last recorded address may result in denial of admission to examination or in removal from eligible lists.

SECTION 2. Organization Membership. Membership in any organization except as noted below will operate neither to injure or benefit any employee in the Commission's actions relating to rights and interests under these rules or the Code of Iowa.

SECTION 3. Seniority. For the purpose of determining the seniority rights of Civil Service employees, seniority shall be computed beginning with the date of appointment to, or employment in, any position for which they are certified or otherwise qualified, but shall not include any period of time exceeding sixty days in any one year during which they were absent from the service except for disability.

In the event that a Civil Service employee has more than one classification or grade, the length of his/her seniority rights shall date in the respective classification or grades from and after the time he/she was appointed to or began his/her employment in each classification or grade. In the event that an employee has been promoted from one classification to another, his/her Civil Service seniority rights shall be continuous in any department classification that he/she formerly held.

SECTION 4. Political Activity. Political activity shall be limited as set forth in Iowa Code Section 400.29.

SECTION 5. Amendment and Revision of Rules. These rules may be amended upon recommendation of the members of the Commission, provided that the proposed amendment, revision or addition, shall pass by two thirds vote of the Commission.

SECTION 6. Violation of Rules. Violation of any of the rules contained herein may warrant disciplinary action or employment rejection, depending upon the status of the person judged in violation, after appropriate hearing as described herein.