

CITY OF MARSHALLTOWN
CIVIL SERVICE COMMISSION
PROCEDURES AND POLICIES
DRAFT - February 11, 2009



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The Civil Service Commission of the City of Marshalltown is a statutory City Commission created under the Code of Iowa, Chapter 400, Civil Service, which at times serves as a quasi-judicial body.

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The purpose of the Commission shall be to hold examinations and hear appeals in accordance with Chapter 400 of the Code.

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1. ORGANIZATION OF COMMISSION

1.1. Commission Members

1.1.1. Qualifications

The Civil Service Commission shall be appointed as provided in Section 400.1 of the Code of Iowa. The Commissioners must be citizens of Iowa, eligible electors, and residents of Marshalltown preceding their appointment, and during their term. The Commissioners shall serve without compensation.

1.1.2. Appointment of Commission

The Commission shall elect a chair from among its members.

1.1.3. Ex-Officio Members

The Director of the Human Rights Commission, if any, shall be ex-officio a member, without vote, of the Civil Service Commission.

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The Commissioners must be citizens of Iowa, eligible electors, and residents of Marshalltown preceding their appointment, and during their term, and shall serve without compensation.

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1.2. Meetings

1.2.1. Regular Meetings

Regular business meetings shall be held on the third Tuesday of each calendar month or as otherwise provided by the Commission. Notice of the date, time, place, and purpose of the meeting shall be given to each member at least twenty-four hours prior to the meeting or as provided in Section 1.2.2 when such notice is impossible or impractical. The Commission may also hold additional meetings. Such additional meetings shall be called by the Commission Chair or any two members. Two members of the Commission present at any meeting for which notice has been given, shall constitute a quorum.

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1.2.2. Open Meetings

Meetings shall be open to the public. Notice of the time, place and date of each meeting, and its tentative agenda shall be given by advising those news media who have filed a request for such notice, and by posting a notice on the public bulletin board designated by the Clerk of the Commission. Notices shall be given at least twenty-four 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 reasonably possible shall be given as provided for by Section 21.4 of the Code of Iowa.

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1.2.3. Closed Meetings

The Commission may hold a closed session by affirmative vote of two-thirds of members present only to the extent necessary for any of the following reasons:

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- 1.2.3.1. To discuss strategy with counsel in such matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the Commission in that litigation.
- 1.2.3.2. To evaluate the professional competency of an individual whose appointment, hiring, performance, or discharge is being considered, and that person has requested a closed session.
- 1.2.3.3. For any other reasons authorized by the law.
- 1.2.3.4. Oral interview(s) conducted by the Commission are an integral part of the examination process and ministerial in nature, therefore, oral interviews are not meetings and are not open to the public.
- 1.2.3.5. Each Commissioner shall vote on the question of going into closed session. A specific reference to the legal reason for going into closed session shall be announced at the open meeting and entered in the minutes of the meeting. Only business relating to that issue may be discussed during the closed meeting, (see chapter 7.3)

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1.3. Records

The City Clerk, or a designee of the City Clerk, shall serve as Clerk of the Commission and shall keep a record of all Civil Service Commission meetings. If an employee is appointed or designated as Clerk of the Commission who is employed in Civil Service status at the time of appointment as Clerk of the Commission, the employee shall retain the Civil Service rights held before the appointment.

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2. EMPLOYEES GOVERNED BY CIVIL SERVICE

The Civil Service Commission recognizes that the Marshalltown City Council has adopted and has in place a "Policy Manual for Regular Employees" that addresses such areas as: Civil Service; Categories of Employment; Job Vacancies, Promotions and Transfers; Nepotism; and other issues that relate to city employees including employees covered under the auspices of the Civil Service Commission. Therefore the Commission acknowledges those policies and procedures which are lawful and not in conflict with the application of Chapter 400 of the Iowa Code to Civil Service employees.

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Deleted: Therefore, this chapter will be governed by, but not limited to, the documents listed in the Preamble of this "Procedures and Policies", unless specifically addressed within this chapter.

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3. CERTIFICATION AND APPOINTMENT

It is the intent of the Commission to adhere to the provisions of the Code of Iowa, Chapter 400 and City of Marshalltown policies and labor contracts that may reference certification of candidates to positions covered by the Commission not in conflict with Chapter 400 or other law.

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4. GENERAL PROVISIONS

4.1. Council Approval

The Commission shall submit entry level certified lists to the City Council within 180 days after the beginning of the examination(s), or within ninety days in the case of promotional examinations.

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4.2. Amendment(s) and Revision(s) of Rules

These rules may be amended upon recommendation of the members of the Commission or the Human Resources Director provided that the proposed amendment(s), revision(s), or addition(s) pass by a two-thirds vote of the Commission and are not in violation of the Code of Iowa, Chapter 400 or other applicable law.

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5. HEARINGS

5.1. In General

The Commission's rules with respect to hearings are intended to implement the provisions of Chapter 400, Code of Iowa; and, the rules shall be interpreted in a manner consistent with the provisions of the Code of Iowa.

5.2. Open Meeting Law

The hearings of the Commission shall be held and conducted in accordance with the provisions of the Iowa "Open Meetings" law, Chapter 21, Code of Iowa. The Clerk of the Commission or delegate of the Commission shall attend to the notices, minutes, and room arrangements in a manner reasonably calculated to meet the requirements of that law.

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5.3. Closed Meetings

The Civil Service Commission shall not close a hearing except for a reason authorized by the Code of Iowa. The vote of each Commissioner on the question of closing the hearing, and the reason for closing the hearing by reference to a specific authorized reason shall be announced publicly in open session and entered in the minutes before the hearing is closed. Final action on any matter shall be taken in open session. The Clerk of the Commission shall tape record and keep detailed minutes of all discussions and testimony, persons present, and action occurring in a closed session as provided by law.

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5.4. Dates of Hearings

The dates of hearings shall be set by the Chair of the Commission, in consultation with the Clerk of the Commission, in accordance with the requirements of Chapter 400. A request by an appellant that a scheduled appeal hearing be postponed may be granted by the Chair, if the request is submitted in writing signed by the appellant or the appellant's attorney.

5.5. Subpoenas

The Chair of the Commission is hereby empowered to cause to be issued such subpoenas of the Commission as are requested in writing by either party to a matter to be heard by the Commission as provided in Section 400.24 of the Code of Iowa. The subpoenas shall be prepared by the requesting party for the signature of the Chairperson. The Clerk of the Commission is not required to provide forms for or prepare subpoenas. Requests for subpoenas shall be in writing not less than three days before the date of the hearing.

5.6. Records

The Clerk of the Commission or delegate of the Commission shall keep minutes of the hearing, to include identification and retention of documents and things received as evidence of the hearing. The Clerk of the Commission or delegate of the Commission shall also make a tape recording of the hearing which may be copied in accordance with the provisions of the Iowa Public Records Law, Chapter 22, Code of Iowa. The decision of the Commission shall be succinctly stated on a written document prepared by the Clerk of the Commission or delegate of the Commission which shall be signed and dated by the Chair of the Commission and filed with the Clerk of the Commission as soon as practicable after the Commission renders its decision.

5.7. Recess

The Commission may recess a hearing and reconvene at a later time or a later date. The Commission may recess at the conclusion of testimony and evidence and reconvene at a later time or date for deliberation and decision. The Commission shall reach its decision by vote in open session.

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5.8. Sequestering Witness

If either party to a hearing requests that witnesses be sequestered, the Commission shall direct that all persons to give testimony in the hearing be absent from the hearing room until the time that each is called to testify. However, the Commission shall not purport to control where the witnesses go or who they see or speak to while not in the hearing room.

5.9. Pre-hearing Motions

Any and all pre-hearing motions may be heard by the Commission at the date and time scheduled for the hearing, or earlier if the Commission and parties agree.

5.10. Filing of the Formal Decision

The written document stating the Commission's decision signed and dated by the Chair of the Commission and filed with the Clerk of the Commission, shall be the "...filing of the formal decision of the Commission..." for purposes of computing the time for appeal to the District Court per the 4th paragraph of Section 400.27, Code of Iowa.

5.11. Decorum

All persons present at a hearing of the Commission shall conduct themselves in a civil and decorous manner; and the Commission may cause the removal from the hearing room of any person who disrupts or obstructs a hearing.

5.12. Conflict of Interest

The Commission shall not purport to disqualify or remove one of its members from consideration of any matter before the Commission by reason of an alleged conflict of interest or appearance of a conflict of interest.