

RULES AND REGULATIONS

OF THE

POLK COUNTY  
CIVIL SERVICE  
COMMISSION

Adopted 1974

Amended 8/22/2000

Amended February 2011

COMMISSIONERS:

~~Rick Carson~~ Russ Underwood, Chairperson

Florence Buhr

Helen Youngs

## **FORWARD**

The following Rules and Regulations were initially adopted by the Polk County Civil Service Commission in 1974 and subsequently amended by the Commission on August 22, 2000.

The Commission exists and operates pursuant to the Code of Iowa, Chapter 341A. It will be the purpose of this Commission to act within the guidelines of said legislation to bring the citizens, employees, and the Polk County Sheriff's Office the advantages of public service based upon merit.

## CHAPTER I

### ORGANIZATION OF COMMISSION

**Section A. Adoption of Rules:** None of the rules adopted by this Commission are intended to conflict with Iowa law. In the event there should be any conflict between said rules and Iowa law, the Iowa law shall control.

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

**Section B. Appointment of Personnel Director:** The Commission shall appoint a personnel director who shall act as a secretary and such other personnel as may be necessary. The personnel director shall keep and preserve all records of the Commission, including all reports submitted to it and examinations held under its direction, advise the Commission on all matters pertaining to the civil service system, and perform such other duties as the Commission may prescribe.

**Records** of the Commission shall be stored at the River Place office of the Polk County Sheriff's Office. The records will be locked and the personnel director will be the custodian of the records.

**Section C. Meetings:** Regular business or special meetings of the Commission shall be held at the call of the chairperson or any two members. Notice of date, time, place, and purpose of the meetings shall be given to each member by the personnel director or chairperson at least twenty-four 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 the business; provided, however, that any new rule or proposed amendment to these rules shall not be effective until the absent member of the Commission has had an opportunity to vote for or against such rule or amendment.

**Section D. Open Meetings:** Except as hereinafter provided, all meetings of the Commission shall be open to the public. The Commission may hold a closed meeting by affirmative vote of two-thirds of its members present, **when permitted by §21.5 of the Iowa Code or some other federal or state statute authorizing a closed session.** ~~when necessary to prevent irreparable and needless injury to the reputation of an individual whose employment or discharge is under consideration or for some other exceptional reason so compelling as to override the general public policy in favor of open meetings.~~ Any final action on any matter shall be taken in open meeting. No regular or general practice or pattern of holding closed meetings shall be permitted.

**Section E. Oral Interviews:** Oral interviews **for entry level or promotional examinations** conducted by the Commission are not considered an official meeting but an integral part of the examination process and therefore will not be open to the public. **Polk County Sheriff's Office employees or other law enforcement experts may be present at the oral interviews to give advice to the Commission members about law enforcement.**

**Section F. Chairperson:** The chairperson shall be elected by the members of the Commission and the term shall be for a period of two years.

## CHAPTER II

### EMPLOYEES UNDER CIVIL SERVICE

**Section A. Minimum Standards:** The following requirements are minimum requirements and are not intended to restrict this Commission from establishing more restrictive requirements:

1. Is ~~Is~~ **Are** a citizen of the United States and a resident of Iowa or intend to become a resident upon being employed.
2. Has reached his or her twenty-first birthday and has not reached his or her sixtieth birthday at the time of his or her appointment.
3. Has a current, active, Iowa driver's license.
4. Is able to read and write the English language.
5. ~~Is not a drug addict or a drunkard.~~
6. ~~Is of good moral character as determined by a thorough background investigation, including a fingerprint search conducted of local, state and national fingerprint files and has not been convicted of a felony, nor of a crime involving moral turpitude.~~
7. ~~Is not by reason of conscience or belief opposed to the use of force when appropriate or necessary to fulfill his or her duties.~~
8. ~~Is a high school graduate with a diploma or possesses an equivalency certificate which meets the minimum score required by the State of Iowa as determined by the State Department of Public Instruction.~~
9. ~~Complies with the moderate obesity standards of 26% body fat for males and 32% body fat for females for all age categories. Information on applicants who exceed body fat percentage standards will be forwarded to the Commission doctor for consideration during the medical examination. Applicants are not disqualified based on this test alone.~~
10. ~~Has an uncorrected vision of not less than 20/100 in either eye; correctable to 20/20 and normal vision color.~~
11. ~~Has normal hearing in each ear as determined by an examining physician.~~
12. ~~Has participated in normal interview held by the hiring authority, or representative, or representatives to determine such things as appearance, background and ability to communicate.~~
13. ~~Has been examined by a physician to determine if free from physical, emotional or mental conditions which might adversely affect the performance of his or her duties.~~

~~14. A copy of the examining physician's report must be on file with the civil Service Commission prior to employment and the cost of the examining physician for his report will be born by the Commission.~~

~~15. Has attained a satisfactory grade in pre-employment written examination.~~

5. Meets the minimum requirements of the Iowa Law Enforcement Academy for a law enforcement officer.

6. Has passed a physical agility test, a physical examination, a polygraph and criminal background review, and has attained a satisfactory grade in a pre-employment written examination.

~~Section B. Persons Holding Positions on the Effective Date of this Act: All persons holding a position on the effective date of this Act and who have been certified and in all other respects have complied with the provisions of this Act are not subject to the minimum requirements as hereinbefore set forth.~~

**Section B. Classification:** ~~The Sheriff's Office shall be classified for all positions except sheriff, chief deputy, and four second deputies.~~ All sworn peace officers of the Polk County Sheriff's Office shall be classified for, except for the positions of sheriff, chief deputy, and four second deputies. The duties and responsibilities of each classification shall be as determined by the sheriff. This Commission reserves the right to review the duties and responsibilities as determined by the sheriff.

**Section C. Abolishing a Position:** Whenever the public interests may require a reduction of the numbers of employees in any classification under civil service for the purposes of economy or efficiency, the sheriff after notifying the Commission of such action may either abolish the position and remove the employee from his classification or reduce the number of employees in any classification by suspending the necessary number.

If it becomes necessary to remove or suspend any employee, the person is so removed or suspended shall be those having seniority of the shortest duration in the classifications affected. Any such employee so removed from a classification shall revert to seniority in the next lower classification; if such seniority is equal between employees then the one less efficient and competent as determined by the person having the appointing power shall be the one affected.

## CHAPTER III

### EXAMINATIONS

~~Section A. Nature of Examinations: Examinations may consist of written, oral, performance tests, evaluation of experience and training or any other testing method appropriate for the position involved including psychological examination. The examination may consist of one or more parts. 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. The written examination shall be prepared and submitted to the Commission by the Iowa Law Enforcement Academy. This shall apply to promotional examinations as well.~~

**Section A. Selection process for entrance and promotion:** Selection of candidates for both entry level positions and promotions may consist of written, oral, performance tests, psychological testing, an evaluation of experience and training, veteran's status, criminal background check, polygraph, or any other testing method appropriate for the position. The selection process may consist of one or more parts. 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. The weight to be given each aspect of the selection process shall be determined by the Commission. Any written law enforcement examination shall be prepared and submitted to the Commission by the Iowa Law Enforcement Academy.

Initial appointments and promotions shall be based on merit, efficiency, and fitness, as ascertained by open competitive examinations and impartial investigations. Iowa Code §341A.8.

~~Section B. Announcement of Examinations: Entrance examinations will be scheduled as the needs of the Sheriff's Office may require. Promotional examinations shall be given at least once every year or more often as the Commission may determine.~~

~~The date and time of all examinations will be preceded by advertisement in a newspaper of general circulation at least thirty days prior to the giving of such examinations.~~

**Section B. Entrance Examinations:** Entrance examinations will be scheduled as the needs of the Polk County Sheriff's Office may require. The date and time of all entrance examinations will be preceded by an advertisement in a newspaper of general circulation at least thirty days prior to the giving of such examinations.

**Section C. Entrance 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 ~~may~~ require the applicant to submit a resume', certificates of health, fingerprints, and other pertinent information which may be desirable. **The applicant must be medically fit to participate in the physical agility test.** 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 for cause.

**Section D. 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 the applicant does not possess the minimum qualifications. An applicant may also be rejected because of any of the following:

1. Does not pass **one or more of** the examinations for the position **including** ~~which can be~~ a written examination, oral interview, **psychological test, physical agility test, background/criminal history, polygraph,** performance test or other selection procedure, ~~including psychological examination either singly or in combination.~~ Either singly or in combination.
2. 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 examinations.
3. Is guilty of making false statements of fact or of practicing fraud or deception in the application or the examination.

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 sheriff with the approval of the Board.

**Section E. Promotional Examinations: Selection for Promotion:** Whenever possible, vacancies shall be filled by promotion. Promotion shall be made from among deputy sheriffs qualified by competitive examination, training and experience to fill the vacancies and whose length of service entitles them to consideration. The Commission shall, for the purpose of certifying to the sheriff the list of deputy sheriffs eligible for promotion rate the qualified deputy sheriffs on the basis of their service records, experience in the work, seniority and military service ratings. Seniority shall be controlling only when other factors are equal. **Generally,** the names of not more than the ten highest on the list of ratings shall be certified. The sheriff shall appoint one of the ten certified persons. The written examinations for promotions shall be as prepared and submitted by the Iowa Law Enforcement Academy. **Iowa Code §341A.8.**

Only deputy sheriffs who have been under civil service for a period of four years are eligible to take the examination for detective.

Only deputy sheriffs who have served four years under civil service including time as detective are eligible to take the sergeants promotional examination.

Only sergeants who have served in that rank for a period of two years will be eligible to take the lieutenant promotional examination.

Only lieutenants who have served in that rank for a period of two years will be eligible to take the captain promotional examination.

## CHAPTER IV

### CERTIFICATION

**Section A. Eligible Lists:** The Commission shall, within one hundred twenty days after the beginning of each competitive examination for original appointment or for promotion, certify to the sheriff a list of the 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.

~~The Commission shall hold in reserve a second list of eligible persons next highest in standing, in order of their grade and thereafter, add the names of eligible persons to the certification list when appointment reduces the number of persons on the certification list. It is the goal and intent of the commission to at all times maintain certification lists of up to ten candidates. All persons certified for either appointment or promotion remain so for 365 days.~~

**Section B. Duration of list.** The certified eligible promotional list shall hold preference for promotion until the beginning of a new examination or for two years, whichever comes first. After that time, the list shall be canceled.

## CHAPTER V

### APPOINTMENTS

~~Section A. Types of Appointments: All vacancies in civil service shall be filled by transfer, demotion, or from eligibles certified by the Commission from an appropriate preferred reemployment list. Said list shall be in the order of seniority (to the end that they shall be the first to be reemployed), employment or promotion lists, if available. In the absence of persons eligible for appointment in the foregoing ways, appropriate sections of these rules will apply.~~

~~Section B. Permanent Appointments: The sheriff 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 the order of greater seniority as hereinbefore set forth. Names remain on a preferred list for three years after layoff.~~

~~Section C. Emergency Appointments: To meet the immediate requirements of an emergency condition which threatens public safety or property, the sheriff may employ such persons as may be needed without regard to the civil service restrictions affecting appointments. As soon as possible such appointments shall be reported to the Commission. Emergency appointments shall not be effective for more than ninety days.~~

## CHAPTER V

### PROBATIONARY PERIOD

**Section A. New Employees:** ~~The tenure of Every deputy sheriff holding their office or position of employment under the provisions of Iowa Code Chapter 341A shall be conditional upon a on probation~~ **probationary for a** period of not more than twelve months **unless the deputy sheriff has successfully completed** ~~and where such deputy sheriff attends the Iowa Law Enforcement Academy or a regional training facility certified by the director of the Iowa Law Enforcement Academy~~ **in which case** ~~a~~ probationary period of ~~shall not be~~ more than nine months. During ~~which time~~ **the probationary period** the appointee may be removed or discharged, suspended without pay, demoted, reduced in rank, deprived of vacation privileges, or other privileges for any of the following reasons:

1. Incompetency, inefficiency, or inattention to or dereliction of duty.
2. Dishonesty, intemperance, immoral conduct, insubordination, discourteous treatment of the public or a fellow employee, or any other act of omission or commission tending to injure the public or any other willful failure to properly conduct himself or any willful violation of the provisions of chapter 341A or the rules and regulations adopted there under.
3. Mental or physical unfitness for the position held.
4. Dishonest, disgraceful, or prejudicial conduct.
5. Drunkenness or habitual use of intoxicating liquor, or use of narcotics, or any other habit-forming drug, liquid preparation or controlled substance.
6. Conviction of a felony or a misdemeanor involving moral turpitude.
7. Any other act or failure to act or to follow reasonable regulations prescribed by the sheriff, which in the judgment of the Commission, is sufficient to show the offender to be unsuitable or unfit for employment.

## CHAPTER VI

### APPEAL

**Section A. Complaints: Qualifying adverse employee actions:** Employees in the civil service and the Sheriff shall have the right to appeal to the Commission relative to any situation affecting employment status or conditions of employment except where the right of appeal is denied by the Code of Iowa.

**Section B. Procedure:** No person in the classified civil service who has been permanently appointed or inducted into civil service shall be removed, suspended, or demoted except for cause and only upon written accusation of the sheriff which shall be served upon the accused and a duplicate filed with the Commission.

**Section C. Notice of Appeal:** Any person so removed, suspended, or reduced in rank or grade may within ten days after the presentation to him of the order of removal, suspension, or reduction, appeal to the Commission from such order.

**Section D. Hearing:** The Commission shall within two weeks from the filing of such appeal hold a hearing thereon and fully hear and determine the matter and either affirm, modify, or revoke such order. The appellant shall be entitled to appeal personally and both parties may be entitled to produce evidence and to have counsel present. The finding and decision of the Commission shall be certified to the sheriff and shall be enforced and followed by him but under no conditions shall the employee who has appealed to the Commission be permanently removed, suspended, or reduced in rank until such finding and decision of the Commission is certified to the sheriff pursuant to the rules of civil procedure.

**Section E. Appeal from Commission's Ruling:** If the order of removal, suspension, or demotion is concurred in by a majority of the Commission, the accused may appeal that decision to the district court of the county where the accused resides. Such appeal shall be taken by serving upon the Commission within thirty days after the entry of its order, a written notice of appeal, stating the grounds thereof and demanding that a certified transcript of the record and of all papers on file in the office of the Commission affecting or relating to its order be filed by the Commission with the court. The Commission, shall within ten days after the filing of the notice make, certify, and file such transcript with the court. The court shall proceed to hear and determine the appeal in a summary manner. Such hearing shall be confined to the determination of whether the order of removal, suspension, or demotion made by the Commission was made in good faith and for cause and no appeal shall be taken except upon such grounds. The decision of the district court may be appealed to the Supreme Court.

## CHAPTER VII

### RESTRICTIONS

**Section A. Discrimination:** A person shall not be appointed or promoted to or demoted or discharged from any position subject to civil service or in any way favored or discriminated against with respect to employment in the Polk County Sheriff's Office because of his or her political or religious opinions or affiliations, race, national origin or sex or age.

**Section B. Political Activities:** A person holding a position subject to civil service shall not, during his scheduled working hours or when performing his duties or when using county equipment or at any time on county property, take part in any way in soliciting any contribution for any political party or any person seeking political office nor shall such employee engage in any political activity that will impair efficiency during working hours or cause the employee to be tardy or absent from his work. The provisions of this section do not preclude any employee from holding any office for which no pay is received or any office for which only token pay is received.

A person shall not seek or attempt to use any political endorsement in connection with any appointment to a position subject to civil service.

**Section C. Illegal Use of Office:** A person shall not use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in the appointment to position subject to civil service or an increase in pay or other advantage in employment in any such position for the purpose of influencing the vote or political action or any person or for any consideration.

An employee shall not use his official authority or influence for the purpose of interfering with an election or affecting the results thereof.

Any officer or employee subject to civil service who violates any of the provisions of this section shall be subject to suspension, dismissal, or demotion, subject to the right of appeal herein.

**Section D. Right to Vote and Hold Office:** All employees shall retain the right to vote as they please and to express their opinions on all subjects.

## CHAPTER VIII

### LEAVE OF ABSENCE

**Section A. Provision:** Leave of absence, without pay, may be granted by the sheriff to any person under civil service; however, the sheriff shall give notice of leave to the Commission.

## CHAPTER IX

### RETIREMENT

**Section A. Retirement from Service:** All civil service employees who are subject to the provisions of these rules shall be retired upon reaching the age of sixty-five years.

**Section B. Political Activity:** Nothing in this section shall prohibit any individual or group of employees from expressing honest opinions and convictions, or making statements and comments concerning their wages or other conditions of their employment. However, any vehicle owned by an employee used in the performance of his or her duty shall not have political signs or bumper stickers of any description or nature nor shall any employee distribute or make available any political literature or campaign material during work hours.

**Section C. 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.

## CHAPTER IX

### CLASSIFICATIONS

**Section A.** The Sheriff's Office shall be classified into the following classifications:

Deputy Sheriff  
Detective  
Sergeant  
Lieutenant  
Captain