



Civil Service Commission Meeting Agenda

Monday, November 18, 2024 - 4:30 PM

Newton City Hall - Council Chambers
101 W 4th St S
Newton, IA 50208

- I. Roll Call
- II. Review of Minutes of Previous Meeting:
- III. Discussion on suspending the hiring list
- IV. Discussion on testing requirements
- V. Approve the Fire Department Testing Process
- VI. Adjourn

Chair: David Zellinger; **Members:** Gary Johnson, Teresa Ray

Civil Service Commission Meeting Minutes
August 19, 2024, 4:30 PM
Newton City Hall - Council Chambers
101 W 4th St S
Newton, IA 50208

Meeting Items

- I. Roll Call
The Civil Service Commission of Newton, Iowa met at 4:30 P.M. on the above date in the Council Chambers at 101 West 4th Street South. Zellinger called the meeting to order. Present members: Zellinger, Johnson, Ray. Absent: None. Also present: Rob Burdess, Police Chief.
- II. Review of Minutes of the July 15, 2024 Meeting:
Moved by Johnson, seconded by Ray. AYES: Three. NAYS: None. Motion carried.
- III. Certify Police Officer Hiring List
Moved by Ray, seconded by Johnson. There were 14 applicants, 12 were invited to complete the physical and written tests, four came to test, three qualified. One is a certified police officer with three years of experience, transferring from another agency. The other two are also good young candidates and will need to complete training at the Academy; one is local. A conditional offer of employment will be offered to one candidate to begin October 1, 2024. With this hire, the department will be brought back up to full staff. There are no retirements planned until January and March 2026, then in about 2.5 to 3 years, there will be multiple retirements. AYES: Three. NAYS: None. Motion carried to certify the police officer candidate list with three individuals.
- IV. Adjourn
Moved by Johnson, seconded by Ray to adjourn the meeting at 4:34 P.M. Motion unanimously carried by voice vote.

Respectfully Submitted by:
Jolene Brady
Deputy City Clerk

RE: CLIENT ALERT – CIVIL SERVICE LEGISLATIVE UPDATES –

IOWA CODE CHAPTER 400

Iowa Code Chapter 400 establishes hiring and other employment procedures for certain Iowa cities. This Chapter is referred to as the “Civil Service” law. It is not applicable to all cities but only those that met certain citizen population sizes under the census of 1980. For those cities that had a population of eight thousand (8,000) or more under the census of 1980, all full-time police officers and firefighters are covered by Chapter 400. For those cities that had a population of fifteen thousand (15,000) or more under the census of 1980, other permanent full-time employees are also covered, with some exceptions for department heads and other administrative employees.

For cities that must comply with Chapter 400, a three-person Civil Service Commission must be appointed by the mayor and City Council. The Civil Service Commission should establish its own rules and procedures to comply with Chapter 400.

The Civil Service Law establishes a system for 1) original testing of applicants for qualifications for positions as well as testing for current employees for promotional opportunities, 2) creating a hiring list based on the applicant test scores, 3) ongoing physical and mental testing for current police officers and firefighters and 4) procedures for termination, demotion or suspension of employees covered by the Civil Service system.

In the most recent legislative 2024 session, amendments were made to Chapter 400 that altered requirements to comply with this Civil Service law. Specifically, the legislature made changes to the testing requirements and creation of a hiring list.

Testing:

Iowa Code section 400.8 requires cities covered by the Civil Service Law to conduct original entrance exams to fairly assess qualifications for applicants. For police officers and firefighters, in addition to the initial entrance exam to assess skills and qualifications, applicants must also pass a physical and mental testing requirement after a conditional offer of employment is made. The physical and mental testing requirements must follow guidance established by the Municipal Fire & Police Retirement System of Iowa.

The mental health evaluation required is called the Minnesota Multiphasic Personality Inventory (MMPI). Specifically, starting in July of 2024 Iowa requires the MMPI-3 Firefighter Candidate

Interpretive Report as the pre-employment mental health evaluation for firefighters and the MMPI-2 as the pre-employment mental health evaluation for police officers.

Recent legislative changes have also limited the initial qualification testing requirement in section 400.8 as follows:

For police officers, if an applicant has:

1. already been certified by the Iowa Law Enforcement Academy (ILEA); and
2. has previously taken a civil service examination by another city; and
3. has not had a break of law enforcement service of more than 180 days,

then the applicant need not take the basic civil service applicant test except for completing the physical and mental test requirements after a conditional offer of employment is made.

It is important for cities to understand that this legislative change has not eliminated testing requirements altogether but has only limited the initial skills testing for this select group of applicants. These applicants will still need to complete the required physical and mental examinations after a conditional offer is made.

Furthermore, we interpret this legislative change to mean that within this subset of employees, the following also apply:

- 1. the applicant's ILEA certification is current and in good standing**
- 2. the applicant has not had any continuous break in service in law enforcement for more than 180 days and if there has been a continuous break in service in law enforcement for more than 180 days, the applicant must take the initial civil service exam**
- 3. the applicant has taken and passed a previous civil service exam**
- 4. the City can implement other interview or testing procedures for employees before determining whether they are qualified for employment**
- 5. the legislative change only eliminates the initial testing requirement for this subset of applicants for entry level positions and does not eliminate testing requirements for promotional positions**

Hiring Lists:

Iowa Code section 400.11 provides requirements for cities to follow after the testing is held. It requires the city to establish lists ranking those applicants who have passed the testing for civil service positions. The lists then remain in effect for a certain period of time. While the lists are

in effect, the city must hire from the list until the next testing period. Recent legislative changes have altered the requirements for creating and maintaining these hiring lists.

The legislature created a new code section, Iowa Code section 400.12A. This section gives cities the option to stop creating and using hiring lists for entry level positions. Under this new code section, a city council, by majority vote, can decide to no longer create and use hiring lists. A council majority vote to stop using hiring lists will only last one year but the council can then conduct another vote to continue the practice of not using hiring lists. A city council can vote to suspend use of hiring lists even if the civil service commission opposes suspending the hiring list.

In addition, if a city council votes to stop using hiring lists, those applicants deemed qualified no longer need to be ranked and anyone who has passed the required testing, interview and examinations can be selected without regard to testing, interview or exam scores. It is unclear whether a city council must vote to suspend use of all hiring lists or can do so position by position. However, we recommend it would be best practice for a city to suspend all hiring lists rather than to do so on a position-by-position basis to avoid potential claims of discrimination. Again, the suspension of hiring lists only applies to entry level positions and does not apply to promotional positions.

This legislative change gives cities the opportunity to test and hire applicants on an ongoing basis, without being limited to selecting applicants from an established hiring list. This ability to suspend use of a hiring list applies not only to hiring police and firefighter positions, but all positions covered by the Civil Service Law.

Under this new law, cities can vote to immediately suspend hiring from even established lists and need not wait until current lists expire.

Again, it is important to note that cities still must conduct applicable civil service testing, but cities are no longer limited to selection of applicants from a civil service list, if the city council votes to suspend use of civil service applicant lists.