



CIVIL SERVICE COMMISSION

November 30, 2022

8:00 AM

Human Resource Conference Room, Third Floor
City Hall, 209 Pearl Street

AGENDA

1. CALL TO ORDER

- A. OTHER BUSINESS: Reschedule Van Maanen Appeal Hearing
- B. OTHER BUSINESS: Van Maanen Appeal - Motion for a deadline to exchange witness and exhibit lists

2. APPROVE AGENDA

3. APPROVE MINUTES FROM PRIOR MEETING(S)

- A. November 14, 2022

4. APPROVE TESTING PROCEDURES

- A. Utility Worker II

5. CERTIFY ELIGIBILITY LIST

- A. Police Officer (Non-Certified)
- B. Plant Operator

6. OTHER BUSINESS

- A. Approve Updated Civil Service Commission Rules

Disclaimer:

If you require special assistance, please contact the City Clerk's Office at 712-890-5261 at least 24 hours prior to the meeting.

7. ADJOURNMENT

BEFORE THE CITY OF COUNCIL BLUFFS CIVIL SERVICE COMMISSION

<p>SARA VAN MAANEN, Appellant, v. THE CITY OF COUNCIL BLUFFS, IOWA, Appellee.</p>	<p>APPELLEE’S UNRESISTED MOTION FOR A DEADLINE TO EXCHANGE WITNESS AND EXHIBIT LISTS</p>
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Appellee, City of Council Bluffs, Iowa, (“City”), states the following in support of its Motion for a Deadline to Exchange Witness and Exhibit Lists:

1. The City of Council Bluffs Civil Service Commission has scheduled the appeal hearing regarding Sara Van Maanen for February 16, 2023 and February 17, 2023.
2. This Motion is not resisted by Appellant.
3. The Parties agree that a deadline to exchange witnesses and exhibit lists before the hearing will assist in organization for the hearing and prevent duplicate exhibits.
4. The Parties are amenable to exchanging exhibits by close of business on Friday, February 10, 2023.

FOR THE REASONS SET FORTH ABOVE, the City respectfully requests the Commission grant its Motion for a Deadline to Exchange Witness and Exhibit Lists.

/s/ Holly A. Corkery
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of
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ATTORNEYS FOR APPELLEE

CERTIFICATE OF SERVICE

I certify that on the 23rd day of November, 2022, I sent a copy of this document to the following parties of record by e-mail service to the email address below:

Jodi Quakenbush
jquakenbush@councilbluffs-ia.gov

Richard Wade
rwade@councilbluffs-ia.gov

Matt Saathoff
matt@saathofflaw.com

/s/ Victoria E. Bauer



CIVIL SERVICE COMMISSION

November 14, 2022

8:00 AM

Human Resource Conference Room, Third Floor
City Hall, 209 Pearl Street

MINUTES

CALL TO ORDER

Graham Jura called the meeting to order at 8:00 am on Monday November 14, 2022.

Commissioners present: Kate Cutler and Jeffrey Nelson.

Commissioners absent: Carol Wood.

Staff present: Cori Shaw, Jodi Quakenbush, Graham Jura, Jim Springman and Stacie Jensen.

Others present: Jacob Acer and Sara Van Maanen. Holly Corkery present via telephone.

APPROVE AGENDA

Kate Cutler and Jeff Nelson moved and seconded approval of November 14, 2022 meeting agenda. Unanimous, 2-0 vote. (Absent: Wood)

APPROVE MINUTES FROM PRIOR MEETING(S)

October 26, 2022

Kate Cutler and Jeff Nelson moved and seconded approval of October 26, 2022 meeting minutes. Unanimous, 2-0 vote. (Absent: Wood)

APPROVE TESTING PROCEDURES

Police Officer (Certified)

Jeff Nelson and Kate Cutler moved and seconded approval of testing procedures for Police Officer (Certified). Unanimous, 2-0 vote. (Absent: Wood)

Police Officer (Non-Certified)

Kate Cutler and Jeff Nelson moved and seconded approval of testing procedures for Police Officer (Non-Certified). Unanimous, 2-0 vote. (Absent: Wood)

Equipment Mechanic

Jeff Nelson and Kate Cutler moved and seconded approval of testing procedures for Equipment Mechanic. Unanimous, 2-0 vote. (Absent: Wood)

Recycling Aide

Kate Cutler and Jeff Nelson moved and seconded approval of testing procedures for Recycling Aide. Unanimous, 2-0 vote. (Absent: Wood)

CERTIFY ELIGIBILITY LIST

Permit Technician

Jeff Nelson and Kate Cutler moved and seconded approval of certifying the eligibility list for Permit Technician. Unanimous, 2-0 vote. (Absent: Wood)

OTHER BUSINESS

Schedule Appeal Hearing regarding Sara Van Maanen

Commission discussed possible dates for the Van Maanen appeal hearing. Commission scheduled the appeal hearing for Thursday February 16, 2023 and Friday February 17, 2023.

ADJOURNMENT

Jeff Nelson and Kate Cutler moved and seconded approval of Motion to Adjourn. Unanimous, 2-0 vote. (Absent: Wood)

Disclaimer:

If you require special assistance, please contact the City Clerk's Office at 712-890-5261 at least 24 hours prior to the meeting.

CITY OF COUNCIL BLUFFS, IOWA

INTER-OFFICE MEMO

November 30, 2022

TO: Civil Service Commission
FROM: Cori Shaw, Recruiter – Human Resources
SUBJECT: Utility Worker II

Background

The Director of Public Works is requesting that the Commission approve procedures for establishing a Utility Worker II eligibility list.

Recommendation

It is the recommendation of staff that the Commission set procedures as outlined below:

1. **Application**

To be eligible, candidates must complete and submit an application to include an application supplement to the Human Resources Department during the application period. The application supplement will help candidates illustrate their qualifications for this position. We will only accept the first 100 applications.

2. **Driving Exam and Oral Interview**

Management staff, identified by the Human Resources Department, will review the candidates' applications to select candidates qualified for the driving exam (Cut off score: 70%) and oral interview (Cut off score: 70%). The candidates' qualifications will be outlined on their application to include their application supplement. The driving exam and oral interview will take place on the same date. Management staff, identified by the Human Resources Department, will administer the driving exam which includes a pre-inspection walk around. A panel of no less than three but no more than five appointed by the Human Resources Department will administer the oral interviews.

The final ranking of candidates will be based on their qualifications, driving exam score, and oral interview score.



City of Council Bluffs

Job Description

Utility Worker II

Department: Public Works
Supervisor: Street & Sewer Supervisor
Location: Operations Building
FLSA Status: Non-Exempt
Prepared By: Cori Shaw, Recruiter
Prepared Date: August 2022
Union: AFSCME
Pay Grade: 15

Summary:

Performs a variety of manual tasks in connection with street and sewer repair/rehab, operates one or more types of automotive equipment, and performs a variety of general labor and maintenance tasks.

Essential Duties and Responsibilities:

Streets:

- Caulks joints with cement, cork-tight and rubber gaskets, etc.
- Assists in constructing concrete forms for concrete manholes and spillways, streets, and sidewalk repair
- Tamp fills with a variety of materials
- Breaks bituminous asphalt material to provide an even thickness
- Tamps and finishes bituminous materials
- Paves holes in streets with hot asphalt
- Applies proper heat and pressure to obtain a smooth, resistant surface
- Runs a small roller over asphalt patches
- Spreads and tamps gravel
- Breaks and removes concrete using a pneumatic jack hammer
- Pours and finishes concrete repairs
- Spreads gravel, sand, and other materials used on road tasks
- Assists skilled workers in a variety of construction tasks

Sewers:

- Cleans sewers, using slabs, nozzles, rotating cutters, and other devices
- Flushes sewers with high-pressure hoses

- Digs ditches and trenches
- Lays pipe and new sanitary and storm sewer lines
- Backfills holes around pipe, manholes, and inlets
- Repairs breaks in sewer lines
- Cleans catch basins, gutters, culverts, and other drainage structures

Tools:

- Operates air hammers, pumps, compressors, and similar equipment
- Operates simple pneumatic tools

Automotive or Other Types of Equipment:

- Performs minor servicing and maintenance on assigned equipment
- Occasionally operates light truck carrying tools and equipment and performs related work as required
- Drives a truck engaged in hauling materials, supplies, and debris
- Participates in training and learns to operate a dump truck, including sanding and salting streets, during winter months

General Maintenance:

- Removes snow/ice from streets and sidewalks
- Cuts brush cleared from right-of-way
- Builds, repairs, and maintains fences
- Regular and predictable attendance is required
- Other duties as assigned

Supervisory Responsibilities:

This job has no supervisory responsibilities.

Qualifications:

To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Education and/or Experience:

- High School Diploma or General Education Degree (GED)
- One (1) to three (3) months of related experience and/or training
- Any equivalent combination of education and experience which provides the required knowledge, skills, and abilities necessary to perform the work.

Certificates, Licenses, Registrations:

- Upon appointment, must be able to obtain Commercial Learner's Permit (CLP) within 60 days of employment
- Upon appointment, must be able to obtain Class A Commercial Driver's License (CDL) with Tanker Endorsement within twelve (12) months of employment

Physical Demands:

- While performing the duties of this job, the employee is frequently required to stand; walk; sit; use hands to finger, handle, or feel; reach with hands and arms; climb or balance; stoop, kneel, crouch, or crawl; and see, talk, and hear.
- The employee must be able to occasionally lift and work with up to ninety (90) pounds.
- The employee must be able to frequently lift and work with up to twenty (20) pounds.
- The employee must be able to continuously lift and work with up to ten (10) pounds.
- The employee must be able to work both in and out of doors, in all weather conditions, in high places, in confined spaces, in dusty environments, in high noise levels, and in heavy traffic.

Other Skills and Abilities:

- Ability to read, write, and follow oral and written instructions
- Ability to wear a respirator and/or SCBA (Self Controlled Breathing Apparatus)
- Ability to work in confined spaces and at considerable heights
- Knowledge of road maintenance work
- Ability to perform heavy lifting and manual work for extended periods while being exposed to dirt and inclement weather
- Aptitude for mechanical work
- Ability to operate pneumatic power tools, mowers, root-cutting machines, and other equipment of comparable difficulty
- Ability to use hand tools such as picks, shovels, saws, hammers, axes, and chisels
- Skill in the operation of tractors, trucks, and other automotive equipment under all types of weather conditions
- Ability to make minor repairs and adjustments to equipment
- Knowledge of traffic rules

CITY OF COUNCIL BLUFFS, IOWA

INTER-OFFICE MEMO

November 30, 2022

TO: Civil Service Commission

FROM: Cori Shaw, Recruiter – Human Resources

SUBJECT: Police Officer

Background

The application process for Police Officer, in which the candidates are not currently certified law enforcement officers, has been conducted and an eligibility list prepared for the Commission's consideration. There were 54 candidates.

Recommendation

It is the recommendation of staff that the Commission certify the eligibility list as presented below:

1. Karlye Fultz
2. Joel Villanueva
3. Stanley Lysholm

Expires: November 30, 2024

CITY OF COUNCIL BLUFFS, IOWA

INTER-OFFICE MEMO

November 30, 2022

TO: Civil Service Commission

FROM: Cori Shaw, Recruiter – Human Resources

SUBJECT: Plant Operator

Background

The application process for Plant Operator has been conducted and an eligibility list prepared for the Commission's consideration. There were 3 candidates.

Recommendation

It is the recommendation of staff that the Commission certify the eligibility list as presented below:

1. Dennis Dofner Jr.

Expires: November 30, 2024

Civil Service Commission Communication

Department: City Clerk
Case/Project No.:
Submitted by:

Approve Updated Civil Service
Commission Rules

Commission Action: 11/30/2022

Description

Background/Discussion

The Civil Service Commission rules have been updated to match Chapter 400 of the Iowa code. The redline version is attached for your review.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Redline Version of CSC Rules	Other	11/9/2022

Rules and Regulations Governing the Appeal Process

Before

The Council Bluffs Civil Service Commission

Iowa Code Ch. 400.18 – 400.27

Section 1 – Removal, Discharge, Demotion, Suspension

1. A person holding civil service rights as provided in ~~this chapter~~ Iowa Code Ch. 400 shall not be removed, discharged, demoted, or suspended arbitrarily, ~~except as otherwise provided in this chapter~~, but may be removed, discharged, demoted, or suspended due to any act or failure to act by the employee that is in contravention of law, city policies, or standard operating procedures, or that in the judgment of the person having the appointing power as provided in this chapter, or the chief of police or chief of the fire department, is sufficient to show that the employee is unsuitable or unfit for employment after a hearing by a majority vote of the civil service commission, for neglect of duty, disobedience, misconduct, or failure to properly perform the person's duties.
2. An employee who is removed, discharged, demoted, or suspended may request a hearing before the civil service commission to review the appointing authority's, police chief's, or fire chief's decision to remove, discharge, demote, or suspend the employee The party alleging neglect of duty, disobedience, misconduct, or failure to properly perform a duty shall have the burden of proof by a preponderance of the evidence.
3. The city shall have the burden to prove that the act or failure to act by the employee was in contravention of law, city policies, or standard operating procedures, or is sufficient to show that the employee is unsuitable or unfit for employment. ~~A person subject to a hearing has the right to be represented by counsel at the person's expense or by the person's authorized collective bargaining representative.~~
4. ~~A person subject to a hearing has the right to be represented by counsel at the person's expense or by the person's authorized collective bargaining representative.~~
- 3.5. A collective bargaining agreement to which a bargaining unit that has at least thirty percent of members who are public safety employees as defined in section 20.3 is a party shall provide additional procedures not inconsistent with this section for the implementation of this section.

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Section 2 – Removal, ~~or~~ Discharge, Demotion, Suspension of Subordinates

1. The person having the appointing power as provided in this chapter, or the chief of police or chief of the fire department, may, upon presentation of grounds for such action to the subordinate in writing, peremptorily remove, discharge, demote, or suspend a subordinate then under the person's or chief's direction due to any act or failure to act by the employee

that is in contravention of law, city policies, or standard operating procedures, or that in the judgment of the person or chief is sufficient to show that the employee is unsuitable or unfit for employment. The person having the appointing power as provided in Iowa Code Ch. 400, or the chief of police or chief of the fire department, 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 3 – Appeal

1. The removal, discharge, demotion, or suspension of a person holding civil service rights may be appealed to the civil service commission within fourteen calendar days after the removal, discharge, demotion, or suspension. The suspension, demotion, or discharge of a person holding civil service rights as provided in Iowa Code Ch. 400 may be appealed to the civil service commission within fourteen calendar days after the suspension, demotion, or discharge.

Section 4 – Notice of Appeal

1. If the appeal be taken by the person removed, discharged, demoted, or suspended, notice of the appeal, signed by the appellant and specifying the ruling appealed from, shall be filed with the clerk of the commission. If the appeal is taken by the person making such removal, discharge, demotion, or suspension, such notice shall also be served upon the person removed, discharged, demoted, or suspended.
- ~~1. If the appeal be taken by the person suspended, demoted, or discharged, notice thereof, signed by the appellant and specifying the ruling appealed from, shall be filed with the clerk of commission.~~
2. If the appeal be taken by the person making such suspension, demotion, or discharge, such notice shall also be served, by the clerk of the commission, upon the person suspended, demoted, or discharged by mailing a filed copy to the person's last known address on file with the City of Council Bluffs by certified mail.

Section 5 – Charges

- ~~1. Within fourteen calendar days from the service of the notice of appeal, the person or body making the ruling appealed from shall file with the body to which the appeal is taken a written specification of the charges and grounds upon which the ruling was based. If the charges are not filed, the person removed, discharged, demoted, or suspended may present the matter to the body to whom the appeal is to be taken by affidavit, setting forth the facts, and the body to whom the appeal is to be taken shall immediately enter an order reinstating the person removed, discharged, demoted, or suspended for want of prosecution. Within fourteen calendar days from the service of the notice of appeal, the person or body making the ruling appealed from shall file with the body to which the appeal is taken a written specification of the charges and grounds upon which the ruling was based.~~

~~2.1. If the charges are not filed, the person suspended or discharged may present the matter to the body to whom the appeal is to be taken by affidavit, setting forth the facts, and the body to whom the appeal is to be taken shall immediately enter an order reinstating the person suspended or discharged for want of prosecution.~~

Section 6 – Time and Place of Hearing

~~1. Within ten days after such specifications are filed, the commission shall fix the time, which shall be not less than five nor more than twenty days thereafter, and place for hearing the appeal and shall notify the parties in writing of the time and place so fixed, and the notice shall contain a copy of the specifications so filed. Within ten days after such specifications are filed, the commission shall fix the time, which shall be not less than five nor more than twenty days thereafter, and place for hearing the appeal and shall notify the parties in writing of the time and place so fixed, and the notice shall contain a copy of the specifications so filed.~~

~~3.1. Such notice of the time and place of the hearing, as well as such copy of specifications so filed herein, shall be served, by the clerk of the commission, upon the person suspended, demoted, or discharged by certified mail to the person's last known address on file with the City of Council Bluffs.~~

Section 7 – Oaths /Books and Papers

1. The presiding officer of the commission or the ~~council designated hearing officer~~, as the case may be, shall have power to administer oaths in the same manner and with like effect and under the same penalties as in the case of magistrates exercising criminal or civil jurisdiction. The council or commission shall cause subpoenas to be issued for such witnesses and the production of such books and papers as either party may designate. The subpoenas shall be signed by the chairperson of the commission or mayor, as the case may be.

Section 8 – Contempt

1. In case a witness is duly subpoenaed and refuses to attend, or in case a witness appears and refuses to testify or to produce required books or papers, the official body hearing the appeal shall, in writing, report such refusal to the district court of the county, and said court shall proceed with said person or witness as though said refusal had occurred in a proceeding legally pending before said court.

Section 9 – Public TrialHearing

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

~~2. If the commission is scheduled, under Iowa Code 400.23, to proceed with only two commissioners present, the appellant may request the commission for a continuance of the hearing until such time as all three commissioners can be present.~~

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Section 10 – Jurisdiction/Attorney/Appeal

1. The civil service commission has jurisdiction to hear and determine matters involving the rights of civil service employees under ~~this chapter~~Iowa Code Chapter 400, and may affirm, modify, or reverse any case on its merits.
2. The city attorney or ~~solicitor~~designated hearing officer shall be the attorney for the commission or when requested by the commission shall present matters concerning civil service employees to the commission, except the commission may hire a counselor or an attorney on a per diem basis to represent it when in the opinion of the commission there is a conflict of interest between the commission and the city council. The counselor or attorney hired by the commission shall not be the city attorney or solicitor. The city shall pay the costs incurred by the commission in employing an attorney under this section.
3. The city or any civil service employee shall have a right to appeal to the district court from the final ruling or 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 the county in which the city is located shall have full jurisdiction of the appeal. The scope of review for the appeal shall be limited to de novo appellate review without a trial or additional evidence, and the said appeal shall be a trial de novo as an equitable action in the district court.
4. 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 prescribed in this section by serving notice of appeal on the clerk of the civil service commission, from whose ruling or decision the appeal is taken.
5. In the event the ruling or decision appealed from is reversed by the district court, the appellant, if it be an employee, shall then be reinstated as of the date of the said suspension, demotion, or discharge and shall be entitled to compensation from the date of such suspension, demotion, or discharge.

Section 11 – Order of Business

1. The commission shall hear the evidence upon the charges and specifications as filed. The proceedings shall be informal and are not bound by the Iowa Rules of Civil Procedure or strict rules of evidence, but shall be administered in such manner as is compatible with the requirements of justice. The commission, in its discretion, shall rule on the admissibility and relevance of any evidence, limit the number of witnesses and/or the length of testimony, require supplemental filing of written briefs and take any other action as is compatible with the requirements of justice.
2. The respondent to the appeal before the commission shall begin with opening statements, if any.
3. The appellant filing the appeal before the commission shall respond with opening statements, if any.

4. The respondent shall commence with presenting any such evidence as he or she may wish to offer in response to the appeal. In the event that such evidence is presented by witness testimony, such evidence and witness testimony shall be subject to cross-examination.
5. At the close of respondent's case in chief, the appellant shall commence with presenting any such evidence as he or she may wish to offer in support of the appeal. In the event that such evidence is presented by witness testimony, such evidence and witness testimony shall be subject to cross-examination.
6. At the close of appellant's case in chief, the respondent shall be allowed opportunity to present any rebuttal testimony, if any.
7. At the close of respondent's rebuttal evidence, the appellant shall be allowed opportunity to present any rebuttal testimony, if any.
8. At the close of both parties rebuttal evidence, if any, the respondent shall commence with closing argument.
9. At the conclusion of respondent's closing argument, the appellant shall commence with closing argument.
10. Upon completion of the hearing, the commission shall commence deliberation of the evidence in order to reach a conclusion **in open session, unless:**
 - a. Prior to the commencement of the appeal, Appellant requests, in writing, that deliberations be closed to the public pursuant to Iowa Code Ch. 21.5(1)(i).
11. At the conclusion of deliberation, the commission shall orally notify the parties of its findings, or may request additional time to deliberate and/or review any additional information from the parties as the commission deems compatible with the requirements of justice.
12. Once a final decision has been reached, the commission shall cause such findings to be prepared in writing and shall certify the same with the clerk of the commission.

Section 12 – Conclusion

1. The clerk of the commission shall deliver a copy of such findings to the city attorney's office on behalf of the appointing authority, and shall deliver, by certified mail, a copy of such findings to the person holding civil service rights at the person's last known address on file with the City of Council Bluffs.