RULE I
ORGANIZATION

Under authority of Chapter 16, Title 50, Laws of the State of Idaho, as amended, and the Ordinance #1779 of the City of Idaho Falls, as amended, the Civil Service Commission of Idaho Falls, Idaho, hereby prescribes the following rules and regulations governing competitive examinations, qualifications, appointments, promotions, demotions and discharge of all employees under Classified Civil Service in the fire and police departments, except the Chiefs of said departments and any other positions not specifically listed in City Ordinance or Rule.

1. The Civil Service Commission shall have sole charge of the selection of personnel for the eligibility list from which original appointments, grade and rank, promotions shall be made to all sworn positions in the Classified Civil Service departments of Idaho Falls except for the Chiefs of said departments and any other positions not specifically listed in Rule IX or X.

2. The Commission consists of three (3) members, one (1) of whom shall be elected Chair Person by the other members and who shall serve in the position of Chair Person for a term of two(2) years.

3. All meetings of the Commission shall be upon call of the Chair Person or upon call by two (2) members of the Commission after giving two (2) days notice to all members.

4. Two (2) members shall constitute a quorum for the transaction of business but no official action can be taken by the Commission except by concurrence of at least two (2) members.

5. The Secretary of the Commission shall be appointed by the Commission and approved by the Mayor and Council. In the absence of a Secretary, those duties shall be assumed by the Idaho Falls Division of Human Resources.

6. It shall be the duty of the Secretary to keep a record of all meetings of the Commission and to have custody of all rules and to keep a record of all applicants, their examinations and standing.

7. The Secretary shall record all appointments, promotion transactions, dismissals, resignations and other changes in departments governed by Civil Service Act and shall perform any other duties the Commission shall prescribe.

8. The Secretary is also charged with the responsibility of publishing all rules and regulations and of bringing before the Commission any and all cases of infractions of those regulations.

9. The eligibility list for each department shall be kept in the custody of the Secretary.

RULE II
GENERAL PROVISIONS

1. No appointment in any of said departments under Civil Service shall be made except under the laws of Idaho, the Ordinances of the City of Idaho Falls, and the rules and regulations as promulgated by the Civil Service Commission of Idaho Falls.

2. No person shall be eligible for appointment in the fire or police department who is not eligible to work in the United States, or who is not eligible to obtain the required certifications and licenses as determined by the Chief to perform the essential functions in the police or fire department.

3. No person shall be eligible for appointment in a Classified Civil Service Department who has not passed their 18th birthday or who is not eligible to obtain the required certifications and licenses as determined by the Chief to perform the essential functions in the police or fire department.

4. No person in Classified Civil Service of Idaho Falls shall be required to contribute to any political fund or render any political service whatsoever. No person in the Classified Civil Service shall use their official authority to influence or coerce the political or religious conduct of any person or persons and no question in any examination, application form or other proceedings by or under the Commission shall be framed so as to elicit information concerning the religious or political beliefs or affiliations of any applicant or any member for a position in either the police or fire departments, nor shall any discrimination be made against any member of these departments because of that person's race, national origin, sex, religion, age, or other protected class.

5. All members of the Classified Civil Service departments are required to give their undivided attention to their designated work and are prohibited from engaging in any other business that will interfere or conflict with their duties while members of these departments.

6. No member of either department will be permitted to accept gratuities or rewards of any kind.

7. Police and fire personnel are expected to observe the same laws that they are sworn to enforce and no extra privileges or immunities are granted to either.

8. Violation of any of these general provisions, any City Ordinance, or department rules by any member of the police or fire department under Civil Service shall be considered cause for disciplinary action, including termination.

9. Whenever in the best interests of the City, the Civil Service Commission may suspend or waive the application of the provisions of any of these rules upon an express finding that strict

application of the rules is impossible or highly impractical or that the strict application of the rules will immediately jeopardize the public health or safety.

RULE III
APPLICATIONS

1. All applicants for the positions under the Classified Civil Service must be able to speak, read and write the English language, and must have a high school diploma or G.E.D. Certificate or its equivalent. In cases where special technical, professional or scientific knowledge and experience are required, the Commission may demand certificates or competence or other proof of training and ability. All applications for examination for positions in the Classified Civil Service shall be presented to the Commission on a prescribed form, giving such evidence, in the form of their knowledge, skills, abilities and other required qualifications.

2. "Job Interest Forms" will be filed with the Division of Human Resources in a manner to be determined by that office. At such time that a beginning examination is to be given, all persons having submitted an "Interest Form" will be notified of application procedures and testing dates.

3. An application that has been accepted by the Division of Human Resources shall not be returned to the applicant for any reason.

4. An incomplete or defective application shall not be accepted and shall disqualify the applicant for consideration.

5. Proof at any time produced to the Commission of behavior that would negatively impact an ability to perform the essential functions of the job by an applicant or person on the eligible list or of any false statements made by him or her in the application or in the examination or of any criminal act committed by the applicant or of dismissal for cause from public service may be deemed cause to exclude an applicant from examination and/or removal from the eligible list.

6. The Commission may secure and consider any other information as it may deem desirable for the purpose of determining whether any applicant is eligible under these rules and regulations, the Ordinances of Idaho Falls and the laws of Idaho to occupy the position applied for.

RULE IV
MEDICAL PHYSICAL STANDARDS

1. Applicants for original appointment in the fire and police departments must meet all bona fide medical and physical requirements of the appointing department, as a condition for his or her appointment under the Civil Service.

2. All offers of employment by the appointing officer shall be made conditional upon the issuance of a certificate by a qualified medical examiner, certifying that the appointee meets all bona fide medical and physical requirements of the appointing department. All medical examinations shall be made by a medical examiner designated by the Commission or experts working on behalf of the Commission. The results of each medical examination and each certificate shall be filed with the Division of Human Resources in compliance with HIPAA and other relevant regulations.

RULE V
EXAMINATIONS

1. Examinations shall be practical in their character and shall be designed to test fairly the intelligence, competency, suitability and character of the applicants to discharge the duties of the service for which they seek to be appointed.

2. Merit and fitness for appointment and promotions shall be determined by and upon competitive examinations. The passing grade for beginners shall be seventy percent (70%).

3. The Commission shall list preliminary requirements for examinations.

4. Actual conduct of every examination shall be under the direction of the Commission or experts acting on authority of the Commission. The Commission shall in the examinations give such relative importance to the different subjects or matters of examination, whether written or physical or to experience, occupation or training as it deems fit. At or before the commencement of every examination the weight to be given every section included in the examination shall be determined. The time to be allowed for each examination also will be announced.

5. Oral examinations or special practical tests of fitness for the particular positions in the Classified Civil Service may be ordered by the Commission.

6. Entry level examinations for the police department shall be given as the service may require. Likewise, entry level examinations for the fire department shall be given as the service may require. The Commission will notify entry level applicants, whose applications have been filed to appear for any examination by giving the applicant at least ten (10) days notice. Entry level examination notices shall also be posted to the Division of Human Resources web page and published once in a newspaper of general circulation at least (10) days prior to the date of the examination.

7. Applicants for appointment are subject to written and oral examinations. Applicants with eligible written exam scores will be notified and advised to participate in a non-discriminatory assessment. In addition to physical agility assessments, eligible applicants will appear for oral interviews or other exams.

8. Physical examinations may be made by a physician or health care provider designated by the Commission only after a conditional offer of employment has been made to the applicant. Such examination shall demonstrate the applicant is of sound health and physically able to perform the essential functions of the position to which he or she seeks appointment.

9. Instructions and rules governing examinations will be explained to candidates prior to the start of test by the chief examiner or test proctor. Candidates who fail to follow examination rules

and instructions given at the time of the exam will not be allowed to complete the testing process. In addition to any verbal instructions given at the time of the exam, the following rules will govern all examinations.

a. Applicants will carefully read any printed rules distributed at the time of the exam and/or listen closely to any verbal instructions. Applicants will be bound by any written and verbal rules or instructions given prior to the date of the exam or immediately preceding the commencement of the exam.

b. Applicants will examine the question and answer sheets when received and verify that they are in proper order; applicants will be held responsible for all errors and omissions therein.

c. Prior to leaving his or her desk, all applicants shall turn in any examination papers to the exam administrator, and the applicant shall forfeit the right to modify or complete any portion of the examination after submission unless the applicant can demonstrate a bona fide medical or other emergency involving extreme risk to life or limb. Reasonable accommodation shall be made for any disability, provided such disability is made known to the examiner prior to the commencement of the examination.

d. All answers must be written on paper furnished for that purpose by the examiner or by other means as instructed by the examiner.

e. No pencil work will be allowed on the examination books unless instructed to do so. Pencil and scratch paper may be used if supplied by the examiner; used scratch paper must be turned in with the examination paper.

f. No help will be allowed except such as appears on the question sheets or in the instructions given to applicants.

g. Any applicant who may be detected cheating by consulting any printed or written matter during the examination will be dismissed from the room and receive a failing score. All conversation between competitors during any examination is strictly prohibited. Any applicant speaking to a competitor on any pretense or answering if spoken to will be dismissed from the room and receive a failing score.

h. It is absolutely forbidden to copy or attempt to read the sheet of another or to make any sign or in any manner seek to impart or receive any information during an examination, under penalty of dismissal from the room and receipt of a failing score.

i. All necessary explanations will be made, when practicable, to the whole number of competitors.

j. All examination papers must be handed in together with the answers when the examination is completed and must not be taken from the room.

k. Smoking shall not be permitted during the examination.

10. The Commission may after delivery of notice to the applicants in the manner set forth in paragraph 6 of this Rule, require an oral examination by subject matter experts of eligible applicants who successfully pass the written examination. The score of the oral examination will be determined by the chief examiner or Commission based upon the statements made by the applicants regarding their knowledge, skills and abilities for the position or other job related questions that may be given to the applicants. The opinion of the former employers, associates and others may be sought and their statements investigated.

11. Participants in the physical agility exam and oral exam will be limited to the number of candidates agreed upon by the Commission and Chief of each department. The number of candidates may be limited to thirty (30) candidates based on the rank of the written examination scores, absent exigent circumstances.

12. The general average will be determined upon the score obtained in the written, oral examinations, and physical agility examinations. As described in paragraph 4 of this Rule, the actual weight to be assigned to each examination will be determined by the Commission or experts retained by the Commission.

RULE VI
ELIGIBILITY LIST

1. The Commission shall keep records of all applicants who are placed on the eligible list, which records shall show the results of the examination of each applicant and show such other data as shall indicate the relative qualifications of all applicants upon such list. All persons who have been on the eligible list for two (2) years without appointment or promotion in grade, who shall refuse a tendered appointment, or who have requested removal from such list shall be removed from the eligible list and can only be returned thereto after reapplication and re-examination. An applicant may sit for one or more written examinations; however, the applicants' eligibility for appointment shall be determined by reference to the most recent score.

2. The names of all eligible candidates shall be placed on the eligible list in the order of their standing in the examination. The Commission reserves the right to announce additional testing dates if needed to generate a viable list of eligible candidates for consideration. Against each name shall be noted the date of the examination, the date on which the name was entered on the list and the average rating.

3. When two (2) or more entry level eligible candidates have received the same average rating, they shall hold the same ranking on the eligible list.

4. The entry level eligible list shall show the persons eligible for positions in each classification.

5. Applicants may be enrolled on the eligible list for more than one position.

6. Applicants, whose names are placed on the eligible list, shall notify the commission of any change of address while their names remain on such list.

7. Applicants whose names are on the eligible list may accept temporary appointment under another classification without losing their position upon the eligible list.

8. Where an examination for any grade is held before the eligible list for that grade is exhausted, a new list shall be prepared after such examination. The persons upon the former eligible list who have not been examined for the new eligible list shall respectively be placed upon the new eligible list in the position to which the percentage of their aggregate marking upon their former examinations would entitle them if such marking had instead been given them upon the new examination and shall continue thereon until the end of their term of eligibility. The Commission shall have the discretion whenever in its judgment the interest of the public service requires, to order a reexamination of applicants for any position and shall have power to correct any error and amend or revoke any schedule, list or other paper or record where it appears that any error or injustice has been done; or where any person whose name appears on an eligible list has for any reason become ineligible or no longer possesses the necessary qualifications for appointment to the public service, to strike such name from such list.

RULE VII
CERTIFICATION AND APPOINTMENTS

1. Whenever a position or place of employment or vacancy in the classified Civil Service is to be filled, the appointing authority shall request and the Commission shall certify to the appointing authority as soon as possible after such request, from the eligible list the names and records of three times the number of persons necessary to fill such position based on their ranked scores. If two or more candidates have identical rankings, then all candidates ranked within the top three scores will be certified to the appointing authority. In all cases the names of those having the highest standing on the eligible list shall be certified to the appointing authority, provided, however, that if an insufficient number of names appear on said eligible list at such time, the Commission shall certify all names thereon. The appointing authority shall make appointments only from the lists so certified and preference shall be given, from among those certified, to persons who are then employed in the class or grade next below the position filled, if applicable.

2. The requisition shall state the title, character and duties of the position, the compensation to be paid and whether the position is permanent or temporary.

3. Upon receipt of the requisition the Commission shall certify to the appointing officer names of candidates having the three highest ratings on the eligible list most nearly appropriate to such position, provided that no name shall be certified more than three (3) times to the same appointing officer for the same or a similar position except at the officer's request. The certificate shall state the relative standing of each person certified and their contact information.

4. The appointing officer shall make selection from the names certified; the appointing officer may request replacement names in the order of ranking on the eligible list if he or she can show evidence that any certified names do not meet the eligibility criteria of the department.

5. Whenever the appointing officer, who shall have made a requisition to fill a certain number of vacancies, shall appoint a number smaller than the vacancies named he shall not make selection from the whole number certified but only from the number of names standing highest upon the list that would have been certified had the requisition stated the number of vacancies which were actually filled.

6. The appointing officer shall make a selection from the list of certified names as soon as is practicable for the department.

7. Upon appointment and employment, the appointing officer shall report to the Commission the name of such appointee, the title and duties of the position, the date of the commencement of service and the salary thereof and such other information as required.

8. The person selected for appointment or promotion shall be duly notified by the appointing officer and upon accepting and reporting for duty, shall receive from such officer an

appointment for a probationary period of twelve months, provided the applicant meets ability and other requirements determined by the department essential to the position held.

9. Should the work for which a probationer has been certified prove temporary, and he/she is laid off without fault or delinquency on his/her part before his/her time of probation is completed his/her name shall be restored to its position on the eligible list and the term he/she served shall be credited on his/her probationary period.

10. The name of any person certified as eligible for probationary appointment who shall decline an appointment shall be stricken from the list from which such certification is made, unless such declination be for temporary inability, physical or otherwise, the evidence of which must be acceptable to and approved by the Commission.

11. The failure of an eligible to accept employment within five (5) days after an offer of appointment shall be considered a declination.

12. On notification from an appointing authority that a person named in a certification has declined appointment, such certificate shall be completed by the addition of the name of the eligible next in order.

13. If a person who is not entitled to certification is appointed, his/her appointment upon due notification from the commission to the appointing authority shall be revoked.

14. Whenever the Commission has been unable to establish an appropriate and adequate eligible list or after such notice as it may deem desirable is of the opinion that an eligible list cannot be created through giving competitive examination, it may permit a permanent appointment to be made by the appointing authority subject to such of these rules and regulations as the Commission may then deem desirable, and the person so appointed shall occupy the position to which he was appointed with like effect as if he had otherwise qualified hereunder for the Classified Service.

15. All persons appointed to or promoted in the Classified Service shall be assigned to and perform the duties of the position to which they are appointed or promoted.

16. Applicants who have had two (2) years comparable experience as a public safety officer in a comparable city may enter the service in the grade of Senior Patrol Officer and Senior Firefighter, provided they meet requirements of the Civil Service Commission and standards of the Idaho Falls Police and Fire Departments. A comparable city shall be considered a city with a Police or Fire Department with the standards comparable to Idaho Falls public safety departments. The decision of which cities or agencies are comparable with the Idaho Falls departments will be made by the Chief of the Department when hiring applicants with two (2) or more years of experience.

17. Any applicant who, while employed as a Police Officer or Firefighter in good standing, voluntarily terminated his or her employment with the City of Idaho Falls may upon written

request to and approval from the appointing Chief and in accordance with the Rules of the Commission, be rehired without taking an examination provided:

a. The applicant is otherwise qualified for the position; and

b. The request does not displace another public safety officer in Classified Civil Service.

RULE VIII
SUBJECTS FOR DISCIPLINARY ACTION OR DISMISSAL

1. All appointments to positions of employment under the Classified Civil Service shall be upon a probationary basis for a period of twelve (12) consecutive months of full-time employment within the department in the same or higher grade. During said probationary period such employee may be discharged with or without cause, without recourse under these Civil Service Rules. After such period of probation, all employees with the Classified Civil Service shall hold an office or place of employment, only during good behavior and continued acceptable performance standards, and any such employee may be removed or discharged, suspended without pay, demoted, reduced in rank or deprived of special privileges or assessed special duty for the following reasons.

    a. Incompetency, inefficiency, inattention to or dereliction of duty.

    b. Dishonesty, intemperance, immoral conduct, insubordination, discourteous treatment of the public or of a fellow employee or any other act of omission or commission tending to inure the public service; or any other willful failure on the part of the employee to properly conduct him/her self, or any willful violation of the provisions of this act or the rules and regulations to be adopted hereunder.

    c. An inability to perform the essential functions of the job with or without accommodation or loss of any other bona fide occupational qualification required for such place of employment.

    d. Drunkeness or use of intoxicating liquors, narcotics, or any other habit-forming drug, liquid or preparation to such extent that the use thereof interferes with the performance or mental or physical fitness of the employee or of the work of such employee or which precludes the employee from properly performing the essential functions and duties of such position.

    e. Conviction of a felony or conviction of a misdemeanor involving moral turpitude.

    f. Any other act of failure to act which in the judgment of the appointing authority is sufficient to show the offender to be an unsuitable and unfit person to be employed in the public service.

    g. Violations of any of the rules and regulations formulated by the Chief of the department or rules promulgated by the City of Idaho Falls, that relate to conduct required of all city personnel.

RULE IX
JOB CLASSIFICATIONS OF THE POLICE DEPARTMENT

The following constitutes the classifications of jobs in the Idaho Falls Police Department, as well as the line of promotion, together with the length of service required in each classification before a member shall be permitted to participate in a promotional examination for other positions. Job descriptions that describe the essential functions of each classification will be maintained by the Division of Human Resources.

1. Persons passing the Civil Service examinations for positions in the police department shall enter the service as probationary officers. At the end of twelve (12) months probation period the employee will automatically move up to Police Officer 2nd Class, provided all the requirements of the probationary period ore met satisfactorily. After six (6) months in 2nd Class with satisfactory service said officer may receive the rating of Police Officer 1st Class and after six (6) months in 1st class with satisfactory service may receive the rating of Senior Police Officer. A person qualifying for appointment as a Senior Patrol Officer as described in paragraph 16 of Rule VII must still satisfactorily complete a twelve (12) month probationary period.

2. Investigator shall be selected by competitive examination but no member of the police department will be eligible for this examination unless such officer has served as a Senior Police Officer on the force for at least three (3) years.

3. Sergeant shall be selected by competitive examinations but no member of the police department will be eligible for this examination unless such officer has served as a Senior Police Officer on the force for at least three (3) years.

4. Lieutenant shall be selected by competitive examinations but no member of the police department will be eligible for this examination unless such officer has served as a Sergeant on the force for at least three (3) years.

5. The position of Captain is recognized as an executive administrative position and not in the Classified Civil Service. Therefore this position will be selected by the Chief of Police and confirmed by the Mayor. If the person appointed to such position is a member of the Idaho Falls Police Department, he or she will retain his or her last promoted Civil Service Rank while serving in such appointed position. If, for any reason other than misconduct, such person loses his or her appointed position, then he or she will immediately assume the last promoted Civil Service Rank he or she held at the time of such appointment.

RULE X
JOB CLASSIFICATIONS OF THE FIRE DEPARTMENT

The following constitutes the classification of jobs in the Idaho Falls Fire Department, as well as the line of promotion, together with the length of service required in each classification before a member shall be permitted to participate in the promotional examination of other positions. Job descriptions that describe the essential functions of each classification will be maintained by the Division of Human Resources.

1. All new firefighters shall serve a probationary period of twelve (12) months. If after six (6) months, proper attitude and aptitude for the work is shown, the officer will then advance to Firefighter 2nd Class. After six (6) months in the position of Firefighter 2nd Class the officer will have served the probation period and will advance to the rank of Firefighter 1st Class. After one (1) year in the rank of Firefighter 1st Class, the officer automatically advances to the rank of Senior Firefighter. A person qualifying for appointment as a Senior Firefighter as described in paragraph 16 of Rule VII must still satisfactorily complete a twelve (12) month probationary period.

2. An officer must have served two (2) years as a Senior Firefighter to be eligible to take the competitive examination for the position of Driver-Pump Operator.

3. An officer must have served two (2) years as a Driver or four (4) years as a Senior Firefighter to be eligible to take the competitive examination for the position of Captain.

4. The position of Inspector is open by administrative appointment without examination to any member of the Fire Department holding the rank of Senior Firefighter or higher. If no member of the Department holding such rank desires appointment as an Inspector, then the position may be filled by administrative appointment without examination by any of the following persons:

    a. Any member of the Fire Department, or

    b. Any person who has held the rank of Senior Firefighter or higher within the past four (4) years, but who has left the Classified Civil Service because of voluntary termination, retirement, or reason other than those specified in Rule VIII; or

    c. Any person who has held the rank of Senior Firefighter or higher or any other rank equivalent thereto, within the past four (4) years at any other fire department, fire district, or governmental agency.

    If no member of the Fire Department desires appointment as an Inspector and no person can be found who otherwise meets the qualifications as set forth above, then the position shall be filled in accordance with the procedure for filling firefighter probationary positions by use of the eligible list. Any person so hired shall serve a probationary period of twelve (12) months. If the person is subsequently reassigned as a firefighter, the employee's rank and probationary status

shall be determined as if the person had been originally hired as a probationary firefighter, except such determination shall be made by length of service only. The employee shall be required in such cases to submit to additional training and instruction needed to adequately provide training and instruction which would have been otherwise provided had the person been hired originally as a probationary firefighter.

5. The position of Fire Marshall is recognized as an executive administrative position and not in the Classified Civil Service. Therefore, persons filling such positions shall be selected by the Fire Chief and confirmed by the Mayor. Any persons so appointed shall retain his or her civil service rank at the time of appointment. If, for any reason other than misconduct, such person loses his or her appointed position, he or she will immediately assume the Civil Service rank held at the time of appointment.

6. The position of Division Chief is recognized as an executive administrative position and not in the Classified Civil Service. Therefore, persons filling such positions shall be selected by the Fire Chief and confirmed by the Mayor. Any persons so appointed shall retain his or her civil service rank at the time of appointment. If, for any reason other than misconduct, such person loses his or her appointed position, he or she will immediately assume the Civil Service rank held at the time of appointment.

RULE XI
MERIT SYSTEM

1. Chiefs of the classified departments shall maintain a uniform system of evaluating employees' performance. These evaluations will have an impact on promotions of employees during promotional examination processes.

2. The Civil Service Commission must be advised of the merit system used, and an outline of it made available to the Commission upon request.

RULE XII
PROMOTIONS

1. Promotions in the police and fire department shall be upon ascertained job performance and competitive examinations. All candidates for the promotional position must meet the eligibility requirements for the position on or before the written exam date. A written examination may be given as often as needed as determined by the Chief in order to establish a viable eligible list in the selection process. A minimum written test score appropriate for each examination will be determined and announced at least ten (10) days prior to the examination date. Notice of the availability of openings for promotions shall be posted on the Division of Human Resources web page at least ten (10) days prior to the date upon which the written examination shall be conducted. The head of any department operating under the Classified Civil Service shall have the authority to assign any employee of the department to the different classes within the department, and he/she may change any such assignment whenever, in the opinion, the good of the service shall so require.

2. Grades for promotional placement will be based upon written examinations, an assessment process as designed by the Chief of the Department, and staff evaluations. The weight to be given the grades in each area will be determined by the Chief of the department and announced at least ten (10) days prior to the date upon which the examination is given.

3. Where two (2) or more applicants for promotional certification receive identical grades, their ranking on the eligible list shall be determined by seniority.

4. The total number of persons allowed to participate in the department assessment process shall be determined in advance by the chief of each department. If there are more applicants than the number of positions available for testing in the assessment process, the candidates receiving the highest written exam scores shall be selected for participation in the assessment.

5. All regulations in rules V, VI, and VII of the Commission Rules governing Examinations, Certifications, and Eligibility apply to promotional examinations except where they may be in conflict with the rules of this particular section.

RULE XIII
HEARINGS, APPEALS, INVESTIGATIONS

1. It shall be the duty of the heads of all departments to see that employees familiarize themselves with the rules and regulations of the Civil Service Commission, the Ordinances, and the Personnel Policy of the City and the Laws of the State of Idaho.

2. Under the provisions of Rule VIII, department heads shall have the power to discharge or take other disciplinary action against any subordinate officer or employee in their department for cause as stated in said Rule. After completion of the twelve (12) month probationary period, any officer or employee subjected to disciplinary action for cause under said Rule shall first be informed in writing of the cause and be personally given opportunity to be heard before the department head or acting department head as to the pertinent facts and circumstances. An officer or employee under civil service subjected to discharge or other penalty as provided under Rule VIII shall have, upon application, a right of redress at an investigation hearing before the Commission under Section 50-1609, Idaho Code, if such application is made in writing within ten (10) days after notice, discharge or other disciplinary order. An employee subject to verbal or written censure by a superior officer but not involving removal, discharge or other punishment or penalty as provided under Rule VIII shall not have a right to be heard by the Commission or a right of appeal to the court under these Rules.

3. All investigation hearings before the Commission may be open to the public after a reasonable notice to the relevant parties of the time and place of such hearing. The accused shall be afforded the opportunity of appealing with or without counsel.

4. In conducting said investigation, the Commission shall be confined to the determination of the question as to whether such removal, suspension, demotion, or discharge was made in good faith and for cause. Thereafter the Commission shall forthwith issue and cause to be served upon the accused and the department head its judgment or order, in writing either upholding by a majority of the Commission or over-ruling and remanding the matter to the department head for consideration with or without recommendation.

5. Any employee in the departments of Civil Service shall have the right to appeal from a ruling of the Civil Service Commission to a court of original and unlimited jurisdiction in civil suits in Bonneville County. The court thereupon proceeds to hear and determine the appeal in summary manner but the hearing, under State law, shall be designed to determine whether the judgment or order made by the Commission was made in good faith and for cause.

6. An appeal from a ruling of the Commission must be filed with the appropriate District Court within thirty (30) days after notice and service of the Commission's decision. The Notice of Appeal shall contain the following information:

    a. The name, address and telephone number of the appellant;

b. A copy of any written communication received by appellant relating to discharge or other disciplinary action;

c. Whether appellant was given opportunity to state to the department head the facts and circumstances that relate to the matter of discharge;

d. The date and place of hearing before the Civil Service Commission;

e. Whether proceedings before the Commission were reported or recorded together with the name of the person in whose possession such reporting or recording is located.

f. A statement of appellant's preference as to whether the matter is to be submitted to the court upon presentation of a transcript of recording of the proceedings before the commission or otherwise, and in which case the manner of presentation shall be subject to approval by the court.

g. The date, not later than thirty (30) days after service Notice of Appeal, that appellant intends to file a brief. The department head of such discharged employee shall have a like period within which to file a reply brief, but the time for filing briefs may, with the approval of the Court be extended. Oral argument of supplemental briefs shall be permitted only as and if permitted by the court.

7. The cost of any transcript referred to the Court on appeal shall initially be advanced by the appellant, with such costs to be borne by the parties as the court may direct, except as otherwise directed by the Rules. Procedure on appeal from a ruling of the Commission shall where applicable be controlled by Rule 83 of the Idaho Rules of Civil Procedure.

8. Any citizen may make a complaint in writing to the Commission of any violation of duty by any member of the fire or police departments under Classified Civil Service and the Commission, after investigating such complaint, may require the complaining citizen to appear in person at the hearing to be conducted by the Commission.

Adopted June 3, 2011

Brian J. Sagendorf, Liaison to the Commission