387.36 RULES; PERSONNEL.

(a) The commission shall adopt rules to promote efficiency in the sheriff's department and to carry out the purposes of sections 387.31 to 387.45.

(b) The rules must provide among other things for:

(1) the classification of all positions and employees in the sheriff's department;

(2) public competitive examinations to test the relative fitness of applicants;

(3) public advertisements of all examinations at least ten days in advance in a newspaper of general circulation in the county and posting the advertisement for ten days in the county courthouse;

(4) the creation and maintenance of lists of eligible candidates after successful examination in order of their standing in the examination and without reference to the time of examination, which must be included in an eligible register;

(5) the removal of any name from the eligible register after it has been on the register for two years;

(6) the rejection of candidates or eligibles who, after the entry of their names, fail to comply with the reasonable rules and requirements of the commission in respect to age, residence, physical condition, or otherwise, or who have been guilty of criminal, infamous, or disgraceful conduct, or of any willful misrepresentation, deception, or fraud in connection with their application for employment;

(7) the certification of the three names standing highest on the appropriate list to fill any vacancy, or any position within the sheriff's department, to which the sheriff may choose one of the three in procedure according to law;

(8) temporary employment without examination, with the consent in each case of the commission, in cases of emergency but no such temporary employment may continue more than 30 days nor may successive temporary employments be permitted for the same position; provided, that whenever there are no names upon the eligible register, for particular positions, temporary appointment may be made for employment to continue until the position is filled by a candidate from the eligible register under provisions of the rules, provided that persons on the eligible list at the time of induction or enlistment during state of war or emergency into the armed forces of the United States must retain their position on the eligible register;

(9) promotion based on competitive examination and upon records of efficiency, character, conduct and seniority, with appropriate credit given to members of the sheriff's department who are candidates in promotional examinations or examinations for a higher position;

(10) suspension for cause with or without pay for not longer than 60 days and for leave of absence, with or without pay; and

(11) other rules not inconsistent with the provisions of this chapter as may, from time to time, be found necessary to secure the purposes of sections 387.31 to 387.45.

(c) When a disparity exists between the make-up of the sheriff's department and its approved affirmative action goals, the commission may certify up to two eligible candidates from each protected group for which a disparity exists. This certification is in addition to the three candidates certified under paragraph (b), clause (7). This expanded certification must not include a member of a protected group if a member of that group is one of the three candidates certified under paragraph (b), clause (7). A certification under this paragraph must be made from the list of eligible candidates who have successfully completed the examination, in order

of their standing in the examination. This expanded certification applies only to positions to be filled from the public and does not apply to promotional appointments.

(d) Copies of the rules must be kept posted in a conspicuous place in the sheriff's main office.

History: *1957 c 325 s 10; 1986 c 444; 1993 c 15 s 1*