

CHAPTER 227

DEPUTY SHERIFFS CIVIL SERVICE

H. F. 439

AN ACT relating to the establishment of civil service for deputy county sheriffs and providing penalties for violations.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. NEW SECTION. As used in this Act, unless the con-
2 text otherwise requires:

3 1. "Commission" means the civil service commission or a combined
4 county civil service commission created pursuant to the provisions of
5 this Act.

6 2. "Commissioner" means a member of the commission defined in
7 subsection one (1) of this section.

8 3. "County" means a single county or several counties combined
9 for the purposes enumerated in section three (3) of this Act.

1 SEC. 2. NEW SECTION. Subject to the alternate plan enumerated
2 in section three (3) of this Act, there is created in each county a civil
3 service commission composed of three members. One member shall
4 be appointed by the county board of supervisors, one member shall
5 be appointed by the presiding district court judge of each county, and
6 one member shall be appointed by the county attorney of each county.
7 Commission members shall be appointed within sixty days after the
8 effective date of this Act. Appointees to the commission shall be
9 residents of the county for at least two years immediately preceding
10 appointment, and shall be electors. Terms of office shall be six
11 years, however, the initial members of the commission shall be ap-
12 pointed as follows:

13 The member appointed by the board of supervisors shall serve for
14 a period of two years, the member appointed by the county attor-
15 ney shall serve for a period of four years, and the member appointed
16 by the district court judge shall serve for a period of six years.

17 Any member of the commission may be removed by the appoint-
18 ing authority for incompetence, dereliction of duty, malfeasance in
19 office, or for other good cause, however, no member of the com-
20 mission shall be removed until apprised in writing of the nature of
21 the charges against him and a hearing on such charges has been held
22 before the board of supervisors. In the event a vacancy occurs in
23 the commission for any reason other than expiration of the term, an
24 appointment to fill the vacancy for the unexpired term shall be made
25 in the same manner as the original appointment.

26 A majority vote of the membership of the commission shall be
27 sufficient to transact the business of the commission. Not more than
28 two commissioners shall be members of the same political party.
29 Commissioners shall hold no elective or other appointive public office
30 during their terms of appointment to the commission. Commission-
31 ers shall serve without compensation but shall be reimbursed for
32 necessary expense and mileage incurred in the actual performance
33 of their duties.

1 SEC. 3. NEW SECTION. Any combination of counties in this state
2 may, by resolution of the boards of supervisors in each county, estab-

3 lish a combined civil service system to serve such counties. The spe-
4 cific terms of the agreement regarding the operation of the combined
5 civil service system, including the appointment of qualified commis-
6 sioners, and any other matters pertinent to the operation of such sys-
7 tem shall be contained in the resolutions adopted by the respective
8 boards of supervisors of the participating counties. Counties partici-
9 pating in a combined civil service system need not be contiguous.
10 Appointment of commissioners in combined counties shall be by
11 joint meeting of the boards of supervisors, district court judges, and
12 county attorneys, respectively. Each group meeting jointly shall
13 appoint one commissioner whose term shall be six years, except that
14 initial terms shall be as provided in section two (2) of this Act.

1 SEC. 4. NEW SECTION. If a county or combination of counties
2 has a civil service commission, this commission shall serve as the
3 commission established by this Act and shall have all the powers and
4 duties provided by this Act.

5 If more than one civil service commission exists, the one from the
6 county with the largest population shall serve as the commission
7 under this Act.

1 SEC. 5. NEW SECTION. The commission shall hold an organiza-
2 tional meeting immediately after its establishment and shall elect one
3 of its members as chairman. The commission shall hold regular meet-
4 ings at least once every three months, and may hold such additional
5 meetings as may be required in the fulfillment of its responsibilities.
6 All commission meetings shall be public meetings.

7 The commission shall appoint a personnel director who shall act
8 as its secretary and such other personnel as may be necessary. The
9 personnel director shall keep and preserve all records of the commis-
10 sion, including reports submitted to it and examinations held under
11 its direction, advise the commission in all matters pertaining to the
12 civil service system, and perform such other duties as the commis-
13 sion may prescribe. The commission may add the personnel direc-
14 tor's duties to a presently employed county employee.

1 SEC. 6. NEW SECTION. The commission shall have the following
2 powers and duties:

3 1. To adopt, and amend as necessary, rules and regulations pursu-
4 ant to the provisions of this Act, which shall specify the manner in
5 which examinations are to be held and appointments, promotions,
6 transfers, reinstatements, demotions, suspensions, and discharges are
7 to be made. The rules and regulations may make such other provi-
8 sions regarding personnel administration and practices as are neces-
9 sary or desirable in carrying out the purposes of this Act. The com-
10 mission rules and regulations, and their amendments, shall be printed
11 and made available without cost to the public.

12 2. To administer practical tests designed to determine the ability
13 of persons examined to perform the duties of the position for which
14 they are seeking appointment. Such tests shall be designed and pre-
15 pared by the director of the Iowa law enforcement academy, shall be
16 administered by each commission in a uniform manner prescribed by
17 the director, and shall be consistent with standards established pursu-
18 ant to chapter eighty B (80B) of the Code governing standards for em-

19 ployment of Iowa law enforcement officers. Notice of such tests shall
20 be posted in the office of the sheriff and the office of the board of
21 supervisors not less than thirty days prior to giving such tests.

22 3. To conduct and prepare annual investigations and reports con-
23 cerning the effectiveness of, and compliance with, the provisions of
24 this Act and the rules and regulations adopted by the commission,
25 and pursuant thereto, to inspect all departments, offices, and positions
26 of employment affected by this Act. In making such investigations
27 a commissioner or the personnel director may administer oaths, issue
28 subpoenas and require the attendance of witnesses and the production
29 of books, documents, and accounts pertaining to such investigation,
30 and may also cause the deposition of witnesses to be taken as in
31 civil actions in the district court.

32 4. To conduct informal hearings concerning matters contemplated
33 by this Act. The validity of any such hearing shall not be affected
34 by the manner in which it is conducted, however, a majority of the
35 commissioners shall affirm all orders, rules, and decisions made pur-
36 suant to such hearings.

37 5. To hear and determine appeals or complaints respecting the allo-
38 cation of positions of employment, rejection of those persons certified
39 to the sheriff for appointment, and such other matters as may be
40 referred to the commission.

41 6. To arrange, compile, and administer competitive tests to deter-
42 mine the relative qualifications of persons seeking employment in
43 any class of position and as a result thereof establish eligible lists
44 for the various classes of positions, and provide that persons dis-
45 charged because of curtailment of expenditures, reduction in force,
46 and for like causes, head the list in the order of their seniority, to the
47 end that they shall be the first to be reemployed. Notice of competi-
48 tive tests to be given shall be published at least two weeks prior to
49 holding the tests in a newspaper of general circulation in the county
50 or counties in which a vacancy exists.

51 7. To certify to the county sheriff when a vacant position is to be
52 filled, on written request, a list of the names of the persons passing
53 the examination.

54 8. To keep such records as may be necessary for the proper ad-
55 ministration of this Act.

56 9. To classify deputy sheriffs and subdivide them into groups ac-
57 cording to rank and grade which shall be based upon the duties and
58 responsibilities of the deputy sheriffs.

59 10. To purchase all necessary supplies, enter into contracts, and
60 do all things necessary to carry out the provisions of this Act.

61 11. To keep records of the service of each employee in the classified
62 service. These records shall contain facts and statements on all mat-
63 ters relating to the character and quality of the work done and the
64 attitude of the individual to his work. All such service records and
65 employee records shall be subject only to the inspection of the com-
66 mission.

1 SEC. 7. NEW SECTION. The classified civil service positions covered
2 by this Act shall include persons actually serving as deputy sher-
3 iffs who are salaried pursuant to section three hundred forty point
4 eight (340.8) of the Code, but do not include a chief deputy sheriff,
5 two second deputy sheriffs in counties with a population of more than

6 one hundred thousand, and four second deputy sheriffs in counties
7 with a population of more than two hundred thousand. A deputy
8 sheriff serving with permanent rank under this Act may be designated
9 chief deputy sheriff or second deputy sheriff and retain such rank dur-
10 ing the period of his service as chief deputy sheriff and shall, upon
11 termination of his duties as chief deputy sheriff, revert to his per-
12 manent rank.

1 SEC. 8. NEW SECTION. All appointments to and promotions to
2 classified civil service positions in the office of county sheriff shall
3 be made solely on merit, efficiency, and fitness, which shall be ascer-
4 tained by open competitive examinations and impartial investiga-
5 tions, and no person in the classified civil service shall be reinstated
6 in or transferred, suspended, or discharged from any such place, posi-
7 tion, or employment contrary to the provisions of this Act.

8 Whenever possible, vacancies shall be filled by promotion. Pro-
9 motion shall be made from among deputy sheriffs qualified by com-
10 petitive examination, training and experience to fill the vacancies
11 and whose length of service entitles them to consideration. The com-
12 mission shall for the purpose of certifying to the sheriff the list of
13 deputy sheriffs eligible for promotion, rate the qualified deputy sher-
14 iffs on the basis of their service record, experience in the work, sen-
15 iority, and military service ratings. Seniority shall be controlling
16 only when other factors are equal. The names of not more than the
17 ten highest on the list of ratings shall be certified. The certified elig-
18 ible list for promotion shall hold preference for promotion until the
19 beginning of a new examination, but in no case shall such preference
20 continue longer than two years following the date of certification,
21 after which said list shall be cancelled and no promotion to such grade
22 shall be made until a new list has been certified eligible for promo-
23 tion. The sheriff shall appoint one of the ten certified persons.

1 SEC. 9. NEW SECTION. All persons holding a position on the ef-
2 fective date of this Act which is deemed classified by section seven (7)
3 of this Act are eligible for a permanent appointment under civil serv-
4 ice to the offices or positions currently held if they qualify for appoint-
5 ment pursuant to section eight (8) of this Act, and every such person
6 shall be inducted permanently into civil service in the office or posi-
7 tion of employment which he then holds. The commission shall des-
8 ignate a permanent rank for those persons as chief deputy on the
9 effective date of this Act and such persons shall be inducted perma-
10 nently into civil service in that rank.

1 SEC. 10. NEW SECTION. An applicant for any position under
2 civil service shall be a citizen of the United States who can read and
3 write the English language, and shall meet the minimum requirements
4 of the Iowa law enforcement academy for a law enforcement officer.

1 SEC. 11. NEW SECTION. The tenure of every deputy sheriff hold-
2 ing an office or position of employment under the provisions of this
3 Act shall be conditional upon a probationary period of not more than
4 twelve months, and where such deputy sheriff attends the law-enforce-
5 ment academy or a regional training facility certified by the director
6 of the Iowa law enforcement academy, a probationary period of not
7 more than six months, during which time the appointee may be

8 removed or discharged by the sheriff. Thereafter, he may be re-
9 moved or discharged, suspended without pay, demoted, or reduced in
10 rank, or deprived of vacation privileges or other privileges for any
11 of the following reasons:

12 1. Incompetency, inefficiency, or inattention to or dereliction of
13 duty.

14 2. Dishonesty, intemperance, immoral conduct, insubordination,
15 discourteous treatment of the public or a fellow employee, or any
16 other act of omission or commission tending to injure the public, or
17 any other willful failure to properly conduct himself, or any willful
18 violation of the provisions of this Act or the rules and regulations
19 to be adopted hereunder.

20 3. Mental or physical unfitness for the position held.

21 4. Dishonest, disgraceful, or prejudicial conduct.

22 5. Drunkenness or habitual use of intoxicating liquor, or use of nar-
23 cotics, or any other habit-forming drug, liquid, preparation or con-
24 trolled substance.

25 6. Conviction of a felony or a misdemeanor involving moral turpi-
26 tude.

27 7. Any other act or failure to act or to follow reasonable regula-
28 tions prescribed by the sheriff which in the judgment of the commis-
29 sion is sufficient to show the offender to be unsuitable or unfit for em-
30 ployment.

1 SEC. 12. NEW SECTION. No person in the classified civil service
2 who has been permanently appointed or inducted into civil service
3 under provisions of this Act shall be removed, suspended, or demoted
4 except for cause, and only upon written accusation of the county sher-
5 iff, which shall be served upon the accused, and a duplicate filed with
6 the commission. Any person so removed, suspended, or reduced in
7 rank or grade may, within ten days after presentation to him of the
8 order of removal, suspension or reduction, appeal to the commission
9 from such order. The commission shall, within two weeks from the
10 filing of such appeal, hold a hearing thereon, and fully hear and deter-
11 mine the matter, and either affirm, modify, or revoke such order. The
12 appellant shall be entitled to appeal personally, produce evidence, and
13 to have counsel. The finding and decision of the commission shall be
14 certified to the sheriff, and shall be enforced and followed by him, but
15 under no condition shall the employee who has appealed to the com-
16 mission be permanently removed, suspended, or reduced in rank until
17 such finding and decision of the commission is certified to the sheriff
18 pursuant to the rules of civil procedure.

19 If the order of removal, suspension, or demotion is concurred in by
20 a majority of the commission, the accused may appeal therefrom to
21 the district court of the county where he resides. Such appeal shall
22 be taken by serving upon the commission within thirty days after the
23 entry of its order, a written notice of appeal, stating the grounds
24 thereof, and demanding that a certified transcript of the record and
25 of all papers on file in the office of the commission affecting or relat-
26 ing to its order, be filed by the commission with the court. The com-
27 mission shall, within ten days after the filing of the notice make, cer-
28 tify, and file such transcript with the court. The court shall proceed
29 to hear and determine the appeal in a summary manner. Such hear-
30 ing shall be confined to the determination of whether the order of re-

31 moval, suspension, or demotion made by the commission was made in
32 good faith and for cause, and no appeal shall be taken except upon
33 such grounds. The decision of the district court may be appealed to
34 the supreme court.

1 SEC. 13. NEW SECTION. Whenever a position in the classified
2 service is to be filled, the sheriff shall notify the commission of that
3 fact, and the commission shall certify the names and addresses of
4 the ten candidates standing highest on the eligibility list for the class
5 or grade for the position to be filled. The sheriff shall appoint one of
6 the ten persons so certified, and the appointment shall be deemed
7 permanent.

1 SEC. 14. NEW SECTION. No treasurer, auditor, or other officer,
2 or employee of any county subject to this Act shall approve the pay-
3 ment of or be in any manner involved in paying, auditing, or approv-
4 ing salary, wage, or other compensation for services to any person
5 subject to the provisions of this Act, unless a payroll, estimate, or
6 account for such salary, wage or other compensation containing the
7 names of the persons to be paid, the amount to be paid to each per-
8 son, the services on account of which same is paid, and any other in-
9 formation which, in the judgment of the civil service commission
10 should be furnished on such payroll, bears the certificate of the civil
11 service commission, or of its personnel director or other duly author-
12 ized agent. The certificate shall state that the persons named therein
13 have been appointed or employed in compliance with the terms of this
14 Act and the rules of the commission, and that the payroll, estimate,
15 or account is, insofar as known to the commission, a true and accurate
16 statement. The commission shall refuse to certify the pay of any pub-
17 lic officer or employee whom it finds to be illegally or improperly ap-
18 pointed, and may further refuse to certify the pay of any public offi-
19 cer or employee who, willfully or through culpable negligence, violates
20 or fails to comply with this Act or with the rules of the commission.

1 SEC. 15. NEW SECTION. Leave of absence, without pay, may be
2 granted by any county sheriff to any person under civil service, how-
3 ever, the sheriff shall give notice of leave to the commission.

1 SEC. 16. NEW SECTION. The commission shall initiate and con-
2 duct all civil suits necessary for the proper enforcement of this Act
3 and the rules of the commission. The commission shall be repre-
4 sented in such suits by the county attorney. In the case of the com-
5 bined counties, any one or more of the county attorneys of such com-
6 bined counties may be selected by the commission to represent it.

1 SEC. 17. NEW SECTION. A commissioner or any other person
2 shall not, by himself or in cooperation with another, deceive or ob-
3 struct any person in respect to his right of examination or registra-
4 tion according to the commission rules, or falsely mark, grade, esti-
5 mate, or report upon the examination or proper standing of any per-
6 son examined, registered, or certified pursuant to this Act, or aid in
7 so doing, or make any false representation concerning the same, or
8 concerning the person examined. A commissioner or other person
9 shall not furnish any person with special or secret information for
10 the purpose of improving or reducing the prospects or chances of any

11 person who is or will be examined, registered, or certified, or persuade
12 any other person, or permit or aid in any manner any other person
13 to impersonate him, in connection with any examination or registra-
14 tion of application or request to be examined or registered. The right
15 of any person to an appointment or promotion shall not be withheld
16 because of sex, color, creed, national origin, political affiliation or be-
17 lief, nor shall any person be dismissed, demoted, or reduced in grade
18 for such reason.

1 SEC. 18. NEW SECTION. A person shall not be appointed or pro-
2 moted to, or demoted or discharged from, any position subject to civil
3 service, or in any way favored or discriminated against with respect
4 to employment in the sheriff's office because of his political or religious
5 opinions or affiliations or race or national origin or sex, or age.

6 A person holding a position subject to civil service shall not, dur-
7 ing his scheduled working hours or when performing his duties or
8 when using county equipment or at any time on county property, take
9 part in any way in soliciting any contribution for any political party
10 or any person seeking political office, nor shall such employee engage
11 in any political activity that will impair his efficiency during work-
12 ing hours or cause him to be tardy or absent from his work. The pro-
13 visions of this section do not preclude any employee from holding any
14 office for which no pay is received or any office for which only token
15 pay is received.

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

19 A person shall not use or promise to use, directly or indirectly, any
20 official authority or influence, whether possessed or anticipated, to se-
21 cure or attempt to secure for any person an appointment or advan-
22 tage in the appointment to a position subject to civil service, or an
23 increase in pay or other advantage in employment in any such posi-
24 tion, for the purpose of influencing the vote or political action of any
25 person or for any consideration.

26 An employee shall not use his official authority or influence for the
27 purpose of interfering with an election or affecting the results there-
28 of.

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

32 All employees shall retain the right to vote as they please and to
33 express their opinions on all subjects.

34 Any officer or employee subject to civil service who shall become a
35 candidate for any partisan elective office for remuneration shall, com-
36 mencing thirty days prior to the date of the primary or general elec-
37 tion and continuing until such person is eliminated as a candidate,
38 either voluntarily or otherwise, automatically receive leave of absence
39 without pay and during such period shall perform no duties connected
40 with the office or position so held.

1 SEC. 19. NEW SECTION. All officers and employees of each county
2 shall aid in carrying out the provisions of this Act. Rules and regu-
3 lations as may, from time to time, be prescribed by the commission
4 shall afford the commission, its members, and employees, all reason-

5 able facilities and assistance in the inspection of books, documents,
6 and accounts applying or in any way pertaining to all offices, places,
7 positions, and employments subject to civil service. All officers and
8 employees of a county shall produce books, documents, and ac-
9 counts, and attend and testify, whenever required to do so by the com-
10 mission or any commissioner.

1 SEC. 20. NEW SECTION. The county board of supervisors of each
2 county shall provide in the county budget for each fiscal year a sum
3 equal to one-half of one percent of the preceding year's total payroll
4 of those included under the jurisdiction and scope of this Act. The
5 funds so provided shall be used for the support of the commission.
6 Any part of the funds not expended for the support of the commis-
7 sion during the fiscal year shall be placed in the general fund of the
8 county, or counties, according to the ratio of contribution, on the first
9 day of January following the end of such fiscal year.

1 SEC. 21. NEW SECTION. Any person who willfully violates any
2 of the provisions of this Act shall be guilty of a misdemeanor, and upon
3 conviction thereof, shall be punished by a fine of not more than one
4 hundred dollars or by imprisonment in the county jail for not longer
5 than thirty days or punished by both such fine and imprisonment. The
6 district court shall have jurisdiction of all such offenses.

1 SEC. 22. Section three hundred sixty-five point six (365.6), sub-
2 section one (1), unnumbered paragraph one (1), Code 1973, is
3 amended to read as follows:

4 1. The provisions of this chapter shall apply to all appointive offi-
5 cers and employees, including former deputy clerks and deputy bailiffs
6 of the municipal court who became deputies of the district court clerks
7 and sheriffs, in cities under any form of government having a popula-
8 tion of more than fifteen thousand except:

Approved July 19, 1973.

This Act was passed by the G. A. before July 1, 1973.

CHAPTER 228

SANITARY DISPOSAL PROJECTS

H. F. 693

AN ACT relating to the issuance of general obligation bonds for sanitary disposal projects.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section three hundred forty-six point twenty-three
2 (346.23), Code 1973, is amended to read as follows:

3 346.23 **General obligation bonds for sanitary disposal.** The boards
4 of supervisors of counties are hereby authorized to contract indebted-
5 ness and to issue general obligation bonds of the county to provide
6 funds to pay the cost of establishing, constructing, acquiring, purchas-
7 ing, equipping, improving, extending, reconstructing and repairing