

FILED FEB 09 '04

JUDICIARY

SENATE FILE 2090

BY LAMBERTI

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the waiver of physical requirements for peace  
2 officers and civil service employees.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 2090 JUDICIARY

1 Section 1. Section 80B.11, subsection 5, Code Supplement  
2 2003, is amended to read as follows:

3 5. Minimum standards of physical, educational and moral  
4 fitness which shall govern the recruitment, selection, and  
5 appointment of law enforcement officers. The council may  
6 waive any physical requirement upon the request of the  
7 employing department or agency on a showing of good cause.  
8 The council shall waive any physical requirement for the  
9 following:

- 10 a. The chief of a police department.  
11 b. Any person functioning in an administrative capacity.  
12 c. Any person who has, in the last two years, met the  
13 physical requirements for the recruitment, selection, and  
14 appointment of a law enforcement officer in another state.

15 Sec. 2. Section 400.17, Code 2003, is amended to read as  
16 follows:

17 400.17 EMPLOYEES UNDER CIVIL SERVICE -- QUALIFICATIONS.

18 Except as otherwise provided in section 400.7, a person  
19 shall not be appointed, promoted, or employed in any capacity,  
20 including a new classification, in the fire or police  
21 department, or any department which is governed by the civil  
22 service, until the person has passed a civil service  
23 examination as provided in this chapter, and has been  
24 certified to the city council as being eligible for the  
25 appointment. However, in an emergency in which the peace and  
26 order of the city is threatened by reason of fire, flood,  
27 storm, or mob violence, making additional protection of life  
28 and property necessary, the person having the appointing power  
29 may deputize additional persons, without examination, to act  
30 as peace officers until the emergency has passed. A person  
31 may be appointed to a position subject to successfully  
32 completing a civil service medical examination. A person  
33 shall not be appointed or employed in any capacity in the fire  
34 or police department if the person is unable to meet  
35 reasonable physical condition training requirements and

1 reasonable level of experience requirements necessary for the  
2 performance of the position unless those requirements are  
3 specifically waived as provided in this section; if the person  
4 is a habitual criminal; if the person is addicted to narcotics  
5 or alcohol and has not been rehabilitated for a period of one  
6 year or more, or is not presently undergoing treatment; or if  
7 the person has attempted a deception or fraud in connection  
8 with a civil service examination.

9 Except as otherwise provided in this section and section  
10 400.7, a person shall not be appointed or employed in any  
11 capacity in any department which is governed by civil service  
12 if the person is unable to meet reasonable physical condition  
13 training requirements and reasonable level of experience  
14 requirements necessary for the performance of the position; if  
15 the person is addicted to narcotics or alcohol and has not  
16 been rehabilitated for a period of one year or more, or is not  
17 presently undergoing treatment; or if the person has attempted  
18 a deception or fraud in connection with a civil service  
19 examination. A fire or police department, or any department  
20 which is governed by the civil service, may waive the physical  
21 condition training requirements for good cause.

22 Employees shall not be required to be a resident of the  
23 city in which they are employed, but they shall become a  
24 resident of the state at the time such appointment or  
25 employment begins and shall remain a resident of the state  
26 during employment. Cities may set reasonable maximum  
27 distances outside of the corporate limits of the city that  
28 police officers, fire fighters and other critical municipal  
29 employees may live.

30 A person shall not be appointed, promoted, discharged, or  
31 demoted to or from a civil service position or in any other  
32 way favored or discriminated against in that position because  
33 of political or religious opinions or affiliations, race,  
34 national origin, sex, or age. However, the maximum age for a  
35 police officer or fire fighter covered by this chapter and

1 employed for police duty or the duty of fighting fires is  
2 sixty-five years of age.

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EXPLANATION

4 This bill allows the Iowa law enforcement academy council  
5 to waive its physical requirements for certification for good  
6 cause, when requested by a department or agency. The bill  
7 requires the council to grant such a waiver for the chief of a  
8 police department, any person functioning in an administrative  
9 capacity, or any person who has, in the last two years, met  
10 the physical requirements for the recruitment, selection, and  
11 appointment of a law enforcement officer in another state.  
12 The bill also allows local departments to waive physical  
13 condition training requirements for civil service employees  
14 for good cause.

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