

Withdrawn 4-17
Senate File 720

April 5, 1967
Passed on File

By COMMITTEE ON GOVERNMENTAL
AFFAIRS

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

An Act to establish a merit system of personnel administration for state employees and to repeal acts and parts of acts in conflict therewith.

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

1 Section 1. The general purpose of this Act is to establish
2 for the state of Iowa a system of personnel administration based
3 on the merit principles and scientific methods governing the
4 appointment, promotion, welfare, transfer, lay-off, removal
5 and discipline of its civil employees, and other incidents of
6 state employment. All appointments and promotions to positions
7 in the state service shall be made solely on the basis of merit
8 and fitness, to be ascertained by competitive examinations,
9 except as hereinafter specified.

1 Sec. 2. When used in this Act, unless the context otherwise
2 requires:

3 1. "Department" means the Iowa merit employment department.

4 2. "Director" means the director of the Iowa merit employ-
5 ment department.

6 3. "Commission" means the Iowa merit employment commission.

7 4. "Merit system" means the merit system established under
8 this Act.

1 Sec. 3. The merit system shall apply to all employees of
2 the state and to all positions in the state government now exist-
3 ing or hereafter established except the following:

4 1. The general assembly, employees of the general assembly,

5 other officers elected by popular vote, and persons appointed
6 to fill vacancies in elective offices.

7 2. All board members and commissions whose appointments
8 are otherwise provided for by the statutes of the state of Iowa,
9 and one (1) stenographer or secretary for each member of each
10 board and commission, and one (1) principal assistant or deputy
11 in each department.

12 3. One (1) principal assistant or deputy for each elective
13 official and one (1) stenographer or secretary for each elective
14 official and each principal assistant or deputy thereof.

15 4. All employees in the office of the governor.

16 5. All employees under the supervision of the attorney gen-
17 eral or his assistants.

18 6. All presidents, deans, professors, instructors, research
19 assistants, and other teachers in any of the institutions under
20 the jurisdiction of the state board of regents, and student
21 employees of such institutions.

22 7. Patients or inmates employed in state institutions.

23 8. Persons employed by the commission for the blind and
24 the division of vocational rehabilitation.

25 9. Part-time professional employees who are paid a fee or
26 under contract for service basis and are not engaged in administra-
27 tive duties and whose condition of employment is approved by
28 the commission.

29 10. Officers and enlisted men of the armed services under
30 state jurisdiction.

31 11. All judges and all employees of the courts.

32 Nothing herein shall be construed as precluding the appoint-
33 ing authority from filling any position in the manner in which
34 positions in the merit system are filled.

35 All merit systems now in effect including the present joint
36 merit system in state agencies expending federal funds shall
37 remain in full force and effect so far as it applies to such
38 agencies, until such time as the plan and rules promulgated

39 under the provisions of this Act are approved by the appropriate
40 federal agencies. At that time, such state agencies shall be
41 subject to all provisions of this Act. Any employee who has
42 received appointment under the Iowa merit system shall retain
43 his position or a position of comparable status and pay. At
44 such time as the plan and rules are approved by the federal
45 agency, the Iowa merit system council and all other such systems
46 shall transfer all their records, property, and other material
47 to the Iowa merit employment commission.

48 The state board of regents shall adopt rules and regulations
49 for its employees, which rules and regulations shall not be
50 inconsistent with the objectiveness of this Act, and which shall
51 be subject to approval of the Iowa merit employment commission.
52 If at any time the director determines that the board of regents
53 merit system does not comply with the intent of this Act, he
54 shall have authority to direct correction thereof and the rules
55 and regulations of the board shall not be in compliance until
56 the corrections are made.

1 Sec. 4. There is hereby established a department of merit
2 employment to be known as the "Iowa merit employment department,"
3 the executive head of which shall be the director of merit em-
4 ployment. In the department there shall be a merit employment
5 commission of three (3) members with the powers and duties
6 hereinafter enumerated. The provisions of section eight point
7 twenty-three (8.23) of the Code shall apply to this department.

1 Sec. 5. The merit employment commission shall appoint a
2 director of merit employment who shall be experienced in the
3 field of personnel administration, and who is in known sympathy
4 with the application of merit principles in public employment.
5 The commission shall establish for the class of director, minimum
6 requirements of education and experience which are pertinent
7 to the duties of the position. The restrictions as to political
8 activity of the members of the commission shall likewise apply
9 to the director.

10 The director of merit employment may be removed by the merit
11 employment commission for cause only after he has been presented
12 in writing with the reasons for his removal. He shall be given
13 the opportunity, not less than fifteen (15) days, to answer
14 any charges either in writing or upon his request to be heard
15 by the commission. The statement of reasons and answer or tran-
16 script of hearing shall be filed with the secretary of state
17 as a public record.

1 Sec. 6. 1. The members of the commission shall be citizens
2 of the United States and residents of Iowa and shall be in sympathy
3 with the application of merit principles to public employment.
4 No member of the commission shall be a member of any local,
5 state, or national committee of a political party or an officer
6 or member of a committee in any partisan political club or organiza-
7 tion, or hold or be a candidate for any paid elective public
8 office. The commission shall be nonpartisan.

9 2. Within thirty (30) days after the effective date of this
10 Act, the governor shall appoint three (3) members of the merit
11 employment commission. Members appointed to the commission
12 shall be subject to approval of two-thirds (2/3) of the members
13 of the senate. The merit employment commission appointed shall
14 hold office in the following manner: one (1) member until July
15 1, 1969, one (1) member until July 1, 1971, and one (1) member
16 until July 1, 1973. Thereafter, each member shall be appointed
17 for a term ending six (6) years from the date of expiration
18 of the term for which his predecessor was appointed. Where a
19 vacancy may exist, the governor shall appoint for the unexpired
20 portion of the term, and if the general assembly is not then
21 in session, the governor shall, upon the convening of the general
22 assembly, promptly report the appointment to the senate for
23 its approval.

24 3. A member of the commission may be removed by the governor
25 only for cause, after being given a copy of charges against
26 him and an opportunity to be heard publicly on such charges

27 before the governor. A copy of the charges and transcript of
28 the record of the hearing shall be filed with the secretary
29 of state.

30 4. Members of the commission shall receive forty (40)
31 dollars per diem while engaged in their official duties, the
32 same rate as paid members of the general assembly. They shall
33 be paid their actual and necessary travel and other official
34 expenditures necessitated by their official duties.

35 5. The commission shall elect one (1) of its members as
36 chairman. It shall meet at such time and place as shall be
37 specified by call of the chairman or the director. At least
38 one (1) meeting shall be held bimonthly. All meetings shall
39 be open to the public. Notice of each meeting shall be given
40 in writing to each member by the director at least three (3)
41 days in advance of the meeting. Two (2) commissioners shall
42 constitute a quorum for the transaction of business.

1 Sec. 7. In addition to the duties expressly set forth else-
2 where in this Act, the commission shall:

3 1. Represent the public interest in the improvement of per-
4 sonnel administration in the state merit system.

5 2. Advise the governor and the director on problems concern-
6 ing personnel administration.

7 3. Foster the interest of institutions of learning and of
8 industrial, civic, professional, and employee organizations
9 in the improvement of personnel standards in the state merit
10 system.

11 4. Make any investigation which it may consider desirable
12 concerning the administration of personnel in the state merit
13 system and make recommendations to the director with respect
14 thereto.

15 5. Make an annual report and special reports and recommenda-
16 tions to the governor.

1 Sec. 8. The director, as executive head of the department,
2 shall direct and supervise all of the administrative and technical

3 activities of the department. In addition to the duties imposed
4 by the director elsewhere in this Act, it shall be his duty:

5 1. To apply and carry out this law and the rules adopted
6 thereunder.

7 2. To attend meetings of the commission and to act as its
8 secretary and keep minutes of its proceedings.

9 3. To establish and maintain a roster of all employees in
10 the state merit system in which there shall be set forth, as
11 to each employee, the class title, pay or status, and other
12 pertinent data.

13 4. To appoint such employees of the department and such
14 experts and special assistants as may be necessary to carry
15 out effectively the provisions of this Act. Staff employees
16 shall be appointed in accordance with the provisions of this
17 Act.

18 5. To foster and develop, in cooperation with appointing
19 authorities and others, programs for the improvement of employee
20 effectiveness, including training, safety, health, counseling,
21 and welfare.

22 6. To encourage and exercise leadership in the development
23 of effective personnel administration within the several depart-
24 ments in the state merit system, and to make available the facil-
25 ities of the department of merit employment to this end.

26 7. To investigate the operation and effect of this law and
27 of the rules made thereunder and to report semi-annually his
28 findings and recommendations to the commission.

29 8. To make an annual report to the commission regarding
30 the work of the department and such special reports as he may
31 consider desirable.

32 9. To perform any other lawful acts which he may consider
33 necessary or desirable to carry out the purposes and provisions
34 of this Act.

35 The director shall designate, with the approval of the com-
36 mission, an employee of the department to act for him in his

37 absence or inability from any cause to discharge the powers
38 and duties of this office.

39 The director shall utilize appropriate persons, including
40 officers and employees in the state merit system to assist in
41 the preparation and rating of tests. The director shall confer
42 with agency personnel to assist in preparing examinations for
43 professional and technical classes. An appointing authority
44 may excuse any employee in his division from his regular duties
45 for the time required for his work as an examiner. Such officers
46 and employees shall not be entitled to extra pay for their services
47 as examiners but shall be paid their necessary traveling and
48 other expenses.

1 Sec. 9. The merit employment commission shall adopt and
2 may amend rules for the administration and implementation of
3 this Act in accordance with chapter seventeen A (17A) of the
4 Code. The director shall prepare and submit proposed rules
5 to the commission. The rules shall provide:

6 1. For the preparation, maintenance, and revision of a posi-
7 tion classification plan for all positions in the merit system,
8 based upon duties performed and responsibilities assumed, so
9 that the same qualifications may reasonably be required for
10 and the same schedule of pay may be equitably applied to all
11 positions in the same class, in the same geographical area.
12 After such classification has been approved by the commission,
13 the director shall allocate the position of every employee in
14 the merit system to one of the classes in the plan. Any employee
15 or agency officials affected by the allocation of a position
16 to a class shall, after filing with the director a written request
17 for reconsideration thereof in such manner and form as the director
18 may prescribe, be given a reasonable opportunity to be heard
19 thereon by the director. An appeal may be made to the commission
20 or to a qualified classification committee appointed by the
21 commission.

22 2. For a pay plan for all employees in the merit system,

23 after consultation with appointing authorities and after a public
24 hearing held by the commission. Such pay plan shall become
25 effective only after it has been approved by the executive council
26 after submission from the commission. Review of the pay plan
27 for revisions shall be made in the same manner at the discretion
28 of the director, but not less than annually. Each employee
29 shall be paid at one (1) of the rates set forth in the pay plan
30 for the class of position in which employed and, unless otherwise
31 designated by the commission, shall begin employment at the
32 first step of the established range for his class.

33 3. For open competitive examinations to test the relative
34 fitness of new applicants for the respective positions. Such
35 examinations shall be practical in character and shall relate
36 to such matters as will fairly test the ability of the applicant
37 to discharge the duties of the position to which appointment
38 is sought.

39 Where the Code of Iowa establishes certification, registration
40 and licensing provisions, such documents shall be considered
41 prima facie evidence of basic skills accomplishment and such
42 persons shall be exempt from further basic skills testing.

43 Examinations need not be held until after the rules have
44 been adopted, the service classified, and a pay plan established,
45 but shall be held no later than one (1) year after the effective
46 date of this Act. Such examinations shall be announced publicly
47 at least fifteen (15) days in advance of the date fixed for
48 the filing of applications therefor, and may be advertised
49 through the communications media. The director may, however,
50 in his discretion, continue to receive applications and examine
51 candidates for a period adequate to assure a sufficient number
52 of eligibles to meet the needs of the system, and may add the
53 names of successful candidates to existing eligible lists in
54 accordance with their respective ratings.

55 4. For promotions which shall give appropriate consideration
56 to the applicant's qualifications, record of performance, and

57 conduct. Vacancies shall be filled by promotion whenever
58 practicable and in the best interest of the system and shall
59 be by competitive or noncompetitive examination. Such examina-
60 tions shall be of the same nature and content as those used
61 in establishing competitive registers for the class. A promo-
62 tion means a change in the status of an employee, from a posi-
63 tion in one (1) class to a position in another class having
64 a higher entrance salary.

65 5. For the establishment of eligible lists for appointment
66 and promotion, upon which lists shall be placed the names of
67 successful candidates in the order of their relative excellence
68 in the respective examinations. Eligibility for appointment
69 from any such list shall continue for at least one (1) year and
70 not longer than three (3) years.

71 6. For the rejection of candidates or eligibles who fail
72 to comply with reasonable requirements such as physical condition,
73 training and experience, or who are habitual criminals or alco-
74 holics who have not been rehabilitated from the use of alcohol
75 for a period of six (6) months, or addicted to narcotics, or
76 who have attempted any deception or fraud in connection with
77 an examination.

78 7. For the appointment of a person standing among the highest
79 three (3) on the appropriate eligible list to fill a vacancy.

80 8. For a probation period of one (1) year, excluding edu-
81 cational or training leave, before appointment may be made com-
82 plete, and during which period a probationer may be discharged
83 or reduced in class or rank, or replaced on the eligible list.
84 The appointing authority shall within ten (10) days prior to
85 the expiration of an employee's probation period notify the
86 director in writing whether the services of the employee have
87 been satisfactory or unsatisfactory. If the employee's services
88 are unsatisfactory, he shall be dropped from the payroll on
89 or before the expiration of his probation period. If satisfac-
90 tory, the appointment shall be deemed permanent. The determina-

91 tion of the appointing authority shall be final and conclusive.

92 9. For emergency employment for not more than sixty (60)
93 calendar days in any twelve (12) month period without examina-
94 tion, and for intermittent employment for not more than one
95 hundred eighty (180) calendar days in any twelve (12) month
96 period. For intermittent employment the employee must have
97 had a probationary, permanent, or temporary appointment.

98 10. For provisional employment without competitive examina-
99 tion when there is no appropriate eligible list available. No
100 such provisional employment shall continue longer than one hun-
101 dred eighty (180) calendar days nor shall successive provisional
102 appointments be allowed, except during the first two (2) years
103 after the effective date of this Act in order to avoid stoppage
104 of orderly conduct of the business of the state.

105 11. For transfer from a position in one (1) department to
106 a similar position in another department involving similar qual-
107 ifications, duties, responsibilities, and salary ranges. When-
108 ever an employee transfers or is transferred from one (1) state
109 department or agency to another state department or agency,
110 his seniority rights, any accumulated sick leave, and accumulated
111 vacation time, as provided in the law, shall be transferred
112 to the new place of employment and credited to him.

113 12. For reinstatement of persons who have attained permanent
114 status and who resign in good standing or who are laid off from
115 their positions without fault or delinquency on their part,
116 within a period equal to the period of their continuous employment
117 with the state but for a period of not longer than three (3) years.

118 13. For establishing in cooperation with the appointing
119 authorities a system of service records of all employees in
120 the classified service, which service records shall be considered
121 in determining salary increases provided in the pay plan; as
122 a factor in promotion tests; as a factor in determining the
123 order of layoffs because of lack of funds or work and in rein-
124 statement; as a factor in demotions, discharges or transfers;

125 and for the regular evaluation, at least annually, of the qual-
126 ifications and performance of all employees in the classified
127 service.

128 14. For layoffs by reason of lack of funds or work, or organ-
129 ization, and for reemployment of employees so laid off, giving
130 primary consideration in both layoffs and reemployment to perfor-
131 mance record and secondary consideration to seniority in service.
132 Any employee who has been laid off may keep his name on a pre-
133 ferred employment list for one (1) year, which list shall be
134 exhausted by the agency enforcing the layoff before selection
135 of an employee may be made from the register in his classifica-
136 tion.

137 15. For imposition, as a disciplinary measure, of a suspen-
138 sion from the service without pay for not longer than thirty
139 (30) days.

140 16. For discharge, suspension, or reduction in rank or grade
141 for any of the following causes: failure to perform assigned
142 duties, inadequacy in performing assigned duties, negligence,
143 inefficiency, incompetence, insubordination, unrehabilitated
144 alcoholism or narcotics addiction, dishonesty, any act or conduct
145 which adversely affects the employee's performance or the agency
146 employing him, and any other good cause for discharge, suspension,
147 or reduction. The person discharged, suspended, or reduced
148 shall be given a written statement of the reasons for his dis-
149 charge, suspension, or reduction within twenty-four (24) hours
150 after the discharge, suspension, or reduction. A copy thereof
151 shall be filed with the director. All persons concerned with
152 the administration of this Act shall use their best efforts
153 to insure that this Act and rules hereunder shall not be a means
154 of protecting or retraining unqualified or unsatisfactory em-
155 ployees, and to cause the discharge, suspension, or reduction
156 in rank of all employees who should be discharged, suspended,
157 or reduced for any of the causes stated in this subsection.

158 17. For establishment of a uniform plan for resolving em-

159 ployee grievances and complaints.

160 18. For attendance regulations, and special leaves of absence,
161 with or without pay, or reduced pay in the various classes of
162 positions in the classified service. Annual sick leave and
163 vacation time shall be granted in accordance with section seventy-
164 nine point one (79.1) of the Code.

165 19. For the development and operation of programs to improve
166 the work effectiveness and morale of employees in the merit
167 system, including training, safety, health, welfare, counseling,
168 recreation, and employee relations.

169 20. Notwithstanding any provisions to the contrary, no rule
170 or regulation shall be adopted by the department which would
171 deprive the state of Iowa, or any of its agencies or institu-
172 tions of federal grants or other forms of financial assistance.

173 21. In case of equal status of applicants for employment,
174 a veteran of the armed forces of the United States shall have
175 preference over a nonveteran.

176 22. For recognition of the qualifications, requirements,
177 regulations, and general provisions established under other
178 sections of the Code pertaining to professional registration,
179 certification, and licensing.

1 Sec. 10. All officers and employees of the state and of
2 municipalities and political subdivisions of the state shall
3 allow the department the reasonable use of public buildings
4 under their control, and furnish heat, light, and furniture
5 for any examination, hearing, or investigation authorized by
6 this Act. The department shall pay to a municipality or polit-
7 ical subdivision the reasonable cost of any such facilities
8 furnished.

1 Sec. 11. All officers and employees of the state shall comply
2 with and aid in all proper ways in carrying out the provisions
3 of this Act and the rules, regulations, and orders thereunder.
4 All officers and employees shall furnish any records or infor-
5 mation which the director or the commission may require for

6 any purpose of this Act. The director may institute and maintain
7 any action or proceeding at law or in equity that he considers
8 necessary or appropriate to secure compliance with this Act
9 and the rules and orders thereunder.

1 Sec. 12. An employee holding a position covered by this
2 Act as of the effective date of the Act, and who has held such
3 position or another position covered by this Act for one (1)
4 year or more prior to the effective date of the Act, shall be
5 given permanent appointment as stated in section nine (9), sub-
6 section eight (8) of this Act, provided that:

7 1. The employee has been certified by the director as having
8 met the minimum qualifications established for the classification
9 of the position held, and the employee has been recommended
10 by the appointing authority as having given satisfactory ser-
11 vice during the prior period of employment, or

12 2. The employee who does not meet the minimum qualifications
13 established for the classification of the position held, but
14 has been recommended by the appointing authority as having given
15 satisfactory service during the prior period of service and
16 has been certified by the director as having passed a qualifying
17 examination for the position.

18 An employee holding a position covered by this Act who fails
19 to obtain permanent status by either of the options described
20 in subsections one (1) and two (2) of this section, or who has
21 been employed for a period of less than one (1) year prior to
22 the effective date of this Act, shall be permitted to apply
23 for the position held or any other position covered by this
24 Act through the qualifying and examining procedure established
25 under this Act, and may be appointed to such position on a non-
26 competitive basis.

27 Nothing herein shall preclude the reclassification or realloca-
28 tion as provided by this Act of any position held by any such
29 incumbent. Appointments made subsequent to the effective date
30 of this Act and prior to establishment of an eligible list shall

31 be subject to the provisions of this Act and the rules of the
32 commission concerning provisional appointments.

1 Sec. 13. No state disbursing or auditing officer shall make
2 or approve or take part in making or approving any payment for
3 personal service to any person holding a position in the merit
4 system unless the payroll voucher or account of such pay bears
5 the certification of the director, or of his authorized agent,
6 that the persons named therein have been appointed and employed
7 in accordance with the provisions of this Act and the rules,
8 regulations, and orders thereunder. The director may for proper
9 cause withhold certification from an entire payroll or from
10 any specific item or items thereon. The director may, however,
11 provide that certification of payrolls may be made once every
12 six (6) months, and such certification shall remain in effect
13 except in the case of any officer or employee whose status has
14 changed after the last certification of his payroll. In the
15 latter case no voucher for payment of salary to such employee
16 shall be issued or payment of salary made without further certi-
17 fication by the director.

18 Any citizen may maintain a suit to restrain a disbursing
19 officer from making any payment in contravention of any pro-
20 vision of this Act, rule, or order thereunder. Any sum paid
21 contrary to any provision of this Act or any rule, regulation,
22 or order thereunder may be recovered in an action maintained
23 by any citizen, from any officer who made, approved, or author-
24 ized such payment or who signed or countersigned a voucher,
25 payroll, check, or warrant for such payment, or from the sureties
26 on the official bond of any such officer. All moneys recovered
27 in any such action shall be paid into the state treasury.

28 Any person appointed or employed in contravention of any
29 provision of this Act or of any rule, regulation, or order there-
30 under who performs service for which he is not paid, may maintain
31 an action against the officer or officers who purported so to
32 appoint or employ him to recover the agreed pay for such services

33 or the reasonable value thereof if no pay was agreed upon. No
34 officer shall be reimbursed by the state at any time for any
35 sum paid to such person on account of such services.

36 If the director wrongfully withholds certification of the
37 payroll voucher or account of any employee, such employee may
38 maintain a proceeding in the courts to compel the director to
39 certify such a payroll voucher or account.

1 Sec. 14. Any employee who is discharged, suspended, or re-
2 duced in rank or grade, except during his probation period,
3 may appeal to the appointing authority and if not satisfied,
4 may, within thirty (30) days after such discharge, reduction,
5 or suspension appeal to the commission for review thereof. Upon
6 such review, both the appealing employee and the appointing
7 authority whose action is reviewed shall, within thirty (30)
8 days following the date of filing of the appeal to the commis-
9 sion, have the right to a hearing closed to the public, unless
10 a public hearing is requested by the employee, and to present
11 evidentiary facts thereat. Technical rules of evidence shall
12 not apply at any hearing so held. If the commission finds that
13 the action complained of was taken by the appointing authority
14 for any political, religious, racial, national origin, sex or
15 age or non-merit reasons, the employee shall be reinstated to
16 his former position without loss of pay for the period of the
17 suspension. In all other cases the merit employment commission
18 shall have jurisdiction to hear and determine the rights of
19 merit system employees and may affirm, modify, or reverse any
20 case on its merits. The determination of the commission shall
21 be final and conclusive.

1 Sec. 15. The records of the department, except personal
2 information in an employee's file if the publication of such
3 information would serve no proper public purpose, shall be public
4 records and shall be open to public inspection, subject to rea-
5 sonable regulations as to the time and manner of inspection
6 which may be prescribed by the director. Each employee shall

7 have access to his personal file at reasonable times.

1 Sec. 16. Subject to the rules approved by the commission,
2 the director may enter into agreements with any municipality
3 or political subdivision of the state to furnish services and
4 facilities of the agency to such municipality or political sub-
5 division in the administration of its personnel on merit prin-
6 ciples. Any such agreement shall provide for the reimburse-
7 ment to the state of the reasonable cost of the services and
8 facilities furnished. All municipalities and political subdi-
9 visions of the state are authorized to enter into such agreements.
10 Nothing in this Act shall effect any municipal civil service
11 programs presently established under and pursuant to the pro-
12 visions of chapter three hundred sixty-five (365) of the Code.

1 Sec. 17. The commission, each member of the commission,
2 and the director shall have power to administer oaths, subpoena
3 witnesses, and compel the production of books and papers perti-
4 nent to any investigation or hearing authorized by this Act.
5 Any person who shall fail to appear in response to a subpoena
6 or produce any books or papers pertinent to any such investiga-
7 tion or hearing or who shall knowingly give false testimony
8 therein shall be guilty of a misdemeanor.

1 Sec. 18. No person shall be appointed or promoted to, or
2 demoted or discharged from, any position in the merit system,
3 or in any way favored or discriminated against with respect
4 to employment in the merit system because of his political or
5 religious opinions or affiliations or race or national origin
6 or sex or age or other non-merit reason.

7 No person shall seek or attempt to use any political endorse-
8 ment in connection with any appointment to a position in the
9 merit system.

10 No person shall use or promise to use, directly or indirectly,
11 any official authority or influence, whether possessed or antici-
12 pated, to secure or attempt to secure for any person an appoint-
13 ment or advantage in appointment to a position in the merit

14 system, or an increase in pay or other advantage in employment
15 in any such position, for the purpose of influencing the vote
16 or political action of any person or for any consideration.

17 No employee in the merit system shall solicit or take any
18 part in soliciting any assessment, subscription or contribution
19 for any political party.

20 No employee shall use his official authority or influence
21 for the purpose of interfering with a state or national election
22 or affecting the results thereof. All employees, while retain-
23 ing the right to vote as they please and to express privately
24 their opinions on all political subjects, shall take no active
25 part in political management or in political campaigns.

26 Any officer or employee in the merit system who violates
27 any of the provisions of this section shall be subject to suspen-
28 sion, dismissal, or demotion subject to the rights of appeal
29 herein.

30 Any officer or employee in the merit system who shall become
31 a candidate for any partisan elective office for remuneration
32 shall commencing thirty (30) days prior to the date of the pri-
33 mary or general election and continuing until such person is
34 eliminated as a candidate, either voluntarily or otherwise,
35 automatically receive leave of absence without pay and during
36 such period shall perform no duties connected with the office
37 or position so held.

1 Sec. 19. No person shall make any false statement, certifi-
2 cate, mark, rating, or report with regard to any test, certifi-
3 cation, or appointment made under any provision of this Act
4 or in any manner commit or attempt to commit any fraud preventing
5 the impartial execution of this Act and the rules hereunder.

6 No person shall, directly or indirectly, give, render, pay,
7 offer, solicit, or accept any money, service, or other valuable
8 consideration for or on account of any appointment, proposed
9 appointment, promotion, or proposed promotion to, or any ad-
10 vantage in, a position in the merit system.

11 No employee of the department, examiner, or other person
12 shall defeat, deceive, or obstruct any person in his right to
13 examination, eligibility certification, or appointment under
14 this Act, or furnish to any person any special or secret in-
15 formation for the purpose of affecting the rights or prospects
16 of any person with respect to employment in the merit system.

1 Sec. 20. Any person who willfully violates any provision
2 of this Act or any rules adopted in accordance with this Act
3 shall be guilty of a misdemeanor and upon conviction shall be
4 punished therefor. Any person who is convicted of a misdemeanor
5 under this Act shall, for a period of two (2) years, be ineligible
6 for appointment to or employment in a position in the merit
7 system, and if the person is an officer or employee of the state,
8 shall forfeit his office or position.

1 Sec. 21. If any provision of this Act or of any rule, regu-
2 lation, or order thereunder or the application of such provision
3 to any person or circumstances shall be held invalid, the remainder
4 of this Act and the application of such provision of this Act
5 or of such rule, regulation, or order to persons or circumstances
6 other than those as to which it is held invalid shall not be
7 affected thereby.

1 Sec. 22. Those agencies which are members of the Iowa merit
2 system council shall continue to maintain a merit system council
3 administrative account for the biennium or until absorbed by
4 the Iowa merit employment department, after which pro rata costs
5 shall be paid to the department, but not to exceed the amount
6 of the budget estimate determined by the merit system council
7 for the fiscal year affected, after which each agency shall
8 pay its pro rata share as determined by the director of the
9 Iowa merit system department. The department is authorized
10 and directed to accept on behalf of the state any grant or con-
11 tribution, federal or otherwise, made to assist in meeting the
12 cost of carrying out the purpose of this Act.

1 Sec. 23. Section eight point five (8.5) of the Code is hereby

2 amended by striking therefrom all of subsection six (6).

1 Sec. 24. The employment provisions of this Act shall become
2 effective September 1, 1967.

1 Sec. 25. This Act being deemed of immediate importance shall
2 be in full force and effect, excepting the provisions of section
3 twenty-five (25), of this Act from and after its passage and
4 publication in the Highland Park News, a newspaper published
5 at Des Moines, Iowa, and in The Manchester Press, a newspaper
6 published at Manchester, Iowa.