

H. 3/19/97 Passed on file
H. Rereferred Local Gov't 3-25-97
FILED MAR 5 1997
H. 2/11/98 Amend / Do Pass w/ H8031

SENATE FILE 316
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO SSB 81)

Passed Senate, Date 3-17-97 Passed House, Date 3-23-98 (p. 832)

Vote: Ayes 49 Nays 0 Vote: Ayes 97 Nays 0

Approved April 20, 1998

(p. 1185)

Amend 4-13-98
Vote 46-0

A BILL FOR

1 An Act relating to the probationary period for deputy sheriffs.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 316

1 Section 1. Section 341A.11, unnumbered paragraph 1, Code
2 1997, is amended to read as follows:

3 The tenure of every deputy sheriff holding an office or
4 position of employment under the provisions of this chapter
5 shall be conditional upon a probationary period ~~of not more~~
6 ~~than twelve months, and where such deputy sheriff attends the~~
7 ~~law enforcement academy or a regional training facility~~
8 ~~certified by the director of the Iowa law enforcement academy,~~
9 ~~a probationary period of not more than six months, during~~
10 ~~which time the appointee may be removed or discharged by the~~
11 ~~sheriff. Thereafter~~ If the employee has successfully
12 completed training at the Iowa law enforcement academy or a
13 regional training facility certified by the director of the
14 Iowa law enforcement academy prior to initial appointment as a
15 deputy sheriff, the probationary period shall be for a period
16 of six months and shall commence with the date of initial
17 appointment as a deputy sheriff. If the employee has not
18 successfully completed training at the Iowa law enforcement
19 academy or a regional training facility certified by the
20 director of the Iowa law enforcement academy prior to initial
21 appointment as a deputy sheriff, the probationary period shall
22 commence with the date of initial employment as a deputy
23 sheriff and shall continue for a period of six months
24 following the date of successful completion of training at the
25 Iowa law enforcement academy or a regional training facility
26 certified by the director of the Iowa law enforcement academy.
27 During the probationary period, the appointee may be removed
28 or discharged by the sheriff without the right of appeal to
29 the commission. After the probationary period, the deputy
30 sheriff may be removed or discharged, suspended without pay,
31 demoted, or reduced in rank, or deprived of vacation
32 privileges or other privileges for any of the following
33 reasons:

34 EXPLANATION

35 The bill provides for the extension of the probationary

1 employment period for deputy sheriffs. If a deputy sheriff
2 has successfully completed training at the Iowa law
3 enforcement academy or at a regional training facility
4 certified by the director of the Iowa law enforcement academy,
5 the probationary period is six months from the date of initial
6 appointment. If the employee has not completed training at
7 the Iowa law enforcement academy or other certified regional
8 training facility, the probationary period shall begin with
9 the date of initial appointment and shall continue for six
10 months following the date of successfully completing the
11 training at the Iowa law enforcement academy or other
12 certified regional training facility.

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H-8057

1 Amend the Committee amendment, H-8031, to Senate
2 File 316, as passed by the Senate, as follows:

3 1. Page 1, by striking lines 14 and 15 and
4 inserting the following:

5 "Sec. ____ . Section 400.8, subsections 2 and 3,
6 Code 1997, are amended to read as follows:

7 2. The commission shall establish the guidelines
8 for conducting the examinations under subsection 1 of
9 this section. It may prepare and administer the
10 examinations or may hire persons with expertise to do
11 so if the commission approves the examinations. It
12 may also hire persons with expertise to consult in the
13 preparation of such examinations if the persons so
14 hired are employed to aid personnel of the commission
15 in assuring that a fair examination is conducted. A
16 fair examination shall explore the competence of the
17 applicant in the particular field of examination. A
18 police patrol officer shall enroll at the Iowa law
19 enforcement academy or at another approved training
20 course within twelve months of employment and shall
21 complete the certifying courses of study within one
22 hundred eighty days after enrollment."

23 2. Page 2, by striking lines 8 through 10 and
24 inserting the following:

25 " ____ . Title page, by striking line 1 and
26 inserting the following: "An Act relating to the
27 training and probationary periods for certain law
28 enforcement officers."

By BRAUNS of Muscatine

H-8057 FILED FEBRUARY 17, 1998

W/d. 2/23/98 (p. 832)

H-8087

1 Amend the committee amendment, H-8031, to Senate
2 File 316, as passed by the Senate, as follows:

3 1. Page 1, by inserting after line 2 the
4 following:

5 " ____ . Page 1, by inserting before line 1 the
6 following:

7 "Section 1. NEW SECTION. 80B.17 CERTIFICATION
8 REQUIRED.

9 The council shall extend the one-year time period
10 in which an officer candidate must become certified
11 for up to one hundred eighty days if the officer
12 candidate is enrolled in training within twelve months
13 of initial appointment."

14 2. Page 2, by striking lines 8 through 10 and
15 inserting the following:

16 " ____ . Title page, by striking line 1 and
17 inserting the following: "An Act relating to the
18 training and probationary periods for certain law
19 enforcement officers."

By BRAUNS of Muscatine

H-8087 FILED FEBRUARY 24, 1998

Adopted 3/23/98 (p. 832)

1 Amend Senate File 316, as passed by the Senate, as
2 follows:

3 1. Page 1, line 16, by striking the word "six"
4 and inserting the following: "up to nine".

5 2. Page 1, line 23, by striking the word "six"
6 and inserting the following: "up to nine".

7 3. Page 1, line 29, by inserting after the word
8 "commission." the following: "Each deputy sheriff who
9 transfers from one jurisdiction to another shall be
10 employed subject to a probationary period of up to
11 nine months."

12 4. Page 1, by inserting after line 33 the
13 following:

14 "Sec. ____ . Section 400.8, subsection 3, Code 1997,
15 is amended to read as follows:

16 3. All appointments to such positions shall be
17 conditional upon a probation period of not to exceed
18 six months, and in the case of ~~police-patrol-officers,~~
19 police dispatchers, and fire fighters a probation
20 period not to exceed twelve months. In the case of
21 police patrol officers, if the employee has
22 successfully completed training at the Iowa law
23 enforcement academy or another training facility
24 certified by the director of the Iowa law enforcement
25 academy before the initial appointment as a police
26 patrol officer, the probationary period shall be for a
27 period of up to nine months and shall commence with
28 the date of initial appointment as a police patrol
29 officer. If the employee has not successfully
30 completed training at the Iowa law enforcement academy
31 or another training facility certified by the director
32 of the law enforcement academy before initial
33 appointment as a police patrol officer, the
34 probationary period shall commence with the date of
35 initial employment as a police patrol officer and
36 shall continue for a period of up to nine months
37 following the date of successful completion of
38 training at the Iowa law enforcement academy or
39 another training facility certified by the director of
40 the Iowa law enforcement academy. A police patrol
41 officer transferring employment from one jurisdiction
42 to another shall be employed subject to a probationary
43 period of up to nine months. However, in cities with
44 a population over one hundred seventy-five thousand,
45 appointments to the position of fire fighter shall be
46 conditional upon a probation period of not to exceed
47 twenty-four months. During the probation period, the
48 appointee may be removed or discharged from such
49 position by the appointing person or body without the
50 right of appeal to the commission. A person removed

H-8031

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H-8031

Page 2

1 or discharged during a probationary period shall, at
2 the time of discharge, be given a notice in writing
3 stating the reason or reasons for the dismissal. A
4 copy of such notice shall be promptly filed with the
5 commission. Continuance in the position after the
6 expiration of such probationary period shall
7 constitute a permanent appointment."

8 5. Title page, line 1, by striking the words
9 "deputy sheriffs" and inserting the following:
10 "certain law enforcement officers".

By COMMITTEE ON LOCAL GOVERNMENT
VANDE HOEF of Osceola, Chairperson

H-8031 FILED FEBRUARY 11, 1998

Adopted as amended 3/23/98 (p. 832)

HOUSE AMENDMENT TO
SENATE FILE 316

S-5299

1 Amend Senate File 316, as passed by the Senate, as
2 follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. NEW SECTION. 80B.17 CERTIFICATION
6 REQUIRED.

7 The council shall extend the one-year time period
8 in which an officer candidate must become certified
9 for up to one hundred eighty days if the officer
10 candidate is enrolled in training within twelve months
11 of initial appointment."

12 2. Page 1, line 16, by striking the word "six"
13 and inserting the following: "up to nine".

14 3. Page 1, line 23, by striking the word "six"
15 and inserting the following: "up to nine".

16 4. Page 1, line 29, by inserting after the word
17 "commission." the following: "Each deputy sheriff who
18 transfers from one jurisdiction to another shall be
19 employed subject to a probationary period of up to
20 nine months."

21 5. Page 1, by inserting after line 33 the
22 following:

23 "Sec. ____ . Section 400.8, subsection 3, Code 1997,
24 is amended to read as follows:

25 3. All appointments to such positions shall be
26 conditional upon a probation period of not to exceed
27 six months, and in the case of ~~police-patrol-officers,~~
28 ~~police dispatchers,~~ and fire fighters a probation
29 period not to exceed twelve months. In the case of
30 police patrol officers, if the employee has
31 successfully completed training at the Iowa law
32 enforcement academy or another training facility
33 certified by the director of the Iowa law enforcement
34 academy before the initial appointment as a police
35 patrol officer, the probationary period shall be for a
36 period of up to nine months and shall commence with
37 the date of initial appointment as a police patrol
38 officer. If the employee has not successfully
39 completed training at the Iowa law enforcement academy
40 or another training facility certified by the director
41 of the law enforcement academy before initial
42 appointment as a police patrol officer, the
43 probationary period shall commence with the date of
44 initial employment as a police patrol officer and
45 shall continue for a period of up to nine months
46 following the date of successful completion of
47 training at the Iowa law enforcement academy or
48 another training facility certified by the director of
49 the Iowa law enforcement academy. A police patrol
50 officer transferring employment from one jurisdiction

S-5299

S-5299

Page 2

1 to another shall be employed subject to a probationary
2 period of up to nine months. However, in cities with
3 a population over one hundred seventy-five thousand,
4 appointments to the position of fire fighter shall be
5 conditional upon a probation period of not to exceed
6 twenty-four months. During the probation period, the
7 appointee may be removed or discharged from such
8 position by the appointing person or body without the
9 right of appeal to the commission. A person removed
10 or discharged during a probationary period shall, at
11 the time of discharge, be given a notice in writing
12 stating the reason or reasons for the dismissal. A
13 copy of such notice shall be promptly filed with the
14 commission. Continuance in the position after the
15 expiration of such probationary period shall
16 constitute a permanent appointment."

17 6. Title page, by striking line 1 and inserting
18 the following: "An Act relating to the training and
19 probationary periods for certain law enforcement
20 officers."

RECEIVED FROM THE HOUSE

S-5299 FILED MARCH 23, 1998

Senate Concurred
4/13/98
(P.1185)

J. Black Chair

SSB 81

Local Government

D. Black

Succeeded By

Redman

SENATE FILE SP/HF 316

BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL BY
CHAIRPERSON ZIEMAN)

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the probationary period for deputy sheriffs.

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

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1 Section 1. Section 341A.11, unnumbered paragraph 1, Code
2 1997, is amended to read as follows:

3 The tenure of every deputy sheriff holding an office or
4 position of employment under the provisions of this chapter
5 shall be conditional upon a probationary period ~~of not more~~
6 ~~than twelve months, and where such deputy sheriff attends the~~
7 ~~law enforcement academy or a regional training facility~~
8 ~~certified by the director of the Iowa law enforcement academy,~~
9 ~~a probationary period of not more than six months, during~~
10 ~~which time the appointee may be removed or discharged by the~~
11 ~~sheriff. Thereafter~~ If the employee has successfully
12 completed training at the Iowa law enforcement academy or a
13 regional training facility certified by the director of the
14 Iowa law enforcement academy prior to initial appointment as a
15 deputy sheriff, the probationary period shall be for a period
16 of six months and shall commence with the date of initial
17 appointment as a deputy sheriff. If the employee has not
18 successfully completed training at the Iowa law enforcement
19 academy or a regional training facility certified by the
20 director of the Iowa law enforcement academy prior to initial
21 appointment as a deputy sheriff, the probationary period shall
22 commence with the date of initial employment as a deputy
23 sheriff and shall continue for a period of six months
24 following the date of successful completion of training at the
25 Iowa law enforcement academy or a regional training facility
26 certified by the director of the Iowa law enforcement academy.
27 During the probationary period, the appointee may be removed
28 or discharged by the sheriff without the right of appeal to
29 the commission. After the probationary period, the deputy
30 sheriff may be removed or discharged, suspended without pay,
31 demoted, or reduced in rank, or deprived of vacation
32 privileges or other privileges for any of the following
33 reasons:

34 EXPLANATION

35 The bill provides for the extension of the probationary

1 employment period for deputy sheriffs. If a deputy sheriff
 2 has successfully completed training at the Iowa law
 3 enforcement academy or at a regional training facility
 4 certified by the director of the Iowa law enforcement academy,
 5 the probationary period is six months from the date of initial
 6 appointment. If the employee has not completed training at
 7 the Iowa law enforcement academy or other certified regional
 8 training facility, the probationary period shall begin with
 9 the date of initial appointment and shall continue for six
 10 months following the date of successfully completing the
 11 training at the Iowa law enforcement academy or other
 12 certified regional training facility.

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SENATE FILE 316

AN ACT

RELATING TO THE TRAINING AND PROBATIONARY PERIODS FOR CERTAIN
LAW ENFORCEMENT OFFICERS.

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

Section 1. NEW SECTION. 80B.17 CERTIFICATION REQUIRED.

The council shall extend the one-year time period in which an officer candidate must become certified for up to one hundred eighty days if the officer candidate is enrolled in training within twelve months of initial appointment.

Sec. 2. Section 341A.11, unnumbered paragraph 1, Code 1997, is amended to read as follows:

The tenure of every deputy sheriff holding an office or position of employment under the provisions of this chapter shall be conditional upon a probationary period of ~~not more than twelve months, and where such deputy sheriff attends the law enforcement academy or a regional training facility certified by the director of the Iowa law enforcement academy a probationary period of not more than six months, during which time the appointee may be removed or discharged by the sheriff.~~ Thereafter if the employee has successfully completed training at the Iowa law enforcement academy or a regional training facility certified by the director of the Iowa law enforcement academy prior to initial appointment as a deputy sheriff, the probationary period shall be for a period of up to nine months and shall commence with the date of initial appointment as a deputy sheriff. If the employee has not successfully completed training at the Iowa law enforcement academy or a regional training facility certified by the director of the Iowa law enforcement academy prior to initial appointment as a deputy sheriff, the probationary period shall commence with the date of initial employment as a deputy sheriff and shall continue for a period of up to nine

months following the date of successful completion of training at the Iowa law enforcement academy or a regional training facility certified by the director of the Iowa law enforcement academy. During the probationary period, the appointee may be removed or discharged by the sheriff without the right of appeal to the commission. Each deputy sheriff who transfers from one jurisdiction to another shall be employed subject to a probationary period of up to nine months. After the probationary period, the deputy sheriff may be removed or discharged, suspended without pay, demoted, or reduced in rank, or deprived of vacation privileges or other privileges for any of the following reasons:

Sec. 3. Section 400.8, subsection 3, Code 1997, is amended to read as follows:

3. All appointments to such positions shall be conditional upon a probation period of not to exceed six months, and in the case of ~~police-patrol-officers, police dispatchers, and fire fighters~~ a probation period not to exceed twelve months. In the case of police patrol officers, if the employee has successfully completed training at the Iowa law enforcement academy or another training facility certified by the director of the Iowa law enforcement academy before the initial appointment as a police patrol officer, the probationary period shall be for a period of up to nine months and shall commence with the date of initial appointment as a police patrol officer. If the employee has not successfully completed training at the Iowa law enforcement academy or another training facility certified by the director of the law enforcement academy before initial appointment as a police patrol officer, the probationary period shall commence with the date of initial employment as a police patrol officer and shall continue for a period of up to nine months following the date of successful completion of training at the Iowa law enforcement academy or another training facility certified by the director of the Iowa law enforcement academy. A police patrol officer transferring employment from one jurisdiction to another shall be employed subject to a probationary period

of up to nine months. However, in cities with a population over one hundred seventy-five thousand, appointments to the position of fire fighter shall be conditional upon a probation period of not to exceed twenty-four months. During the probation period, the appointee may be removed or discharged from such position by the appointing person or body without the right of appeal to the commission. A person removed or discharged during a probationary period shall, at the time of discharge, be given a notice in writing stating the reason or reasons for the dismissal. A copy of such notice shall be promptly filed with the commission. Continuance in the position after the expiration of such probationary period shall constitute a permanent appointment.

MARY E. KRAMER
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 316, Seventy-seventh General Assembly.

MARY PAT GUNDERSON
Secretary of the Senate

Approved April 20, 1998

TERRY E. BRANSTAD
Governor