

400.17 Employees under civil service — qualifications.

1. Except as otherwise provided in [section 400.7](#), a person shall not be appointed, promoted, or employed in any capacity, including a new classification, in the fire or police department, or any department which is governed by the civil service, until the person has passed a civil service examination as provided in [this chapter](#), and has been certified to the city council as being eligible for the appointment. However, in an emergency in which the peace and order of the city is threatened by reason of fire, flood, storm, or mob violence, making additional protection of life and property necessary, the person having the appointing power may deputize additional persons, without examination, to act as peace officers until the emergency has passed. A person may be appointed to a position subject to successfully completing a civil service medical examination. A person shall not be appointed or employed in any capacity in the fire or police department if the person is unable to meet reasonable physical condition training requirements and reasonable level of experience requirements necessary for the performance of the position; if the person is a habitual criminal; if the person is addicted to narcotics or alcohol and has not been rehabilitated for a period of one year or more, or is not presently undergoing treatment; or if the person has attempted a deception or fraud in connection with a civil service examination.

2. Except as otherwise provided in [this section](#) and [section 400.7](#), a person shall not be appointed or employed in any capacity in any department which is governed by civil service if the person is unable to meet reasonable physical condition training requirements and reasonable level of experience requirements necessary for the performance of the position; if the person is addicted to narcotics or alcohol and has not been rehabilitated for a period of one year or more, or is not presently undergoing treatment; or if the person has attempted a deception or fraud in connection with a civil service examination.

3. *a.* Employees shall not be required to be a resident of the city in which they are employed, but they shall become a resident of the state within two years of such appointment or the date employment begins and shall remain a resident of the state during the remainder of employment. The state residency requirement under this paragraph “*a*” shall not apply to employees of a city that has adopted an ordinance to allow its employees to reside in another state and shall not apply to an employee of a city that later repeals such an ordinance if the employee resides in another state at the time of the repeal.

b. Cities may set a reasonable maximum distance outside of the corporate limits of the city, or a reasonable maximum travel time, that police officers, fire fighters, and other critical city employees may live from their place of employment. An employee subject to a residency requirement based on distance or travel time who does not meet that residency requirement on the date of appointment or on the date employment begins shall take reasonable steps to meet the requirement as soon as practicable, and a city may provide the employee up to one year from the date of appointment or the date employment begins to meet the residency requirement.

4. A person shall not be appointed, denied appointment, promoted, removed, discharged, suspended, or demoted to or from a civil service position or in any other way favored or discriminated against in that position because of political or religious opinions or affiliations, race, national origin, sex, or age, or in retaliation for the exercise of any right enumerated in [this chapter](#). However, the maximum age for a police officer or fire fighter covered by [this chapter](#) and employed for police duty or the duty of fighting fires is sixty-five years of age.

[SS15, §1056-a32; C24, 27, 31, 35, 39, §5701; C46, 50, 54, 58, 62, 66, 71, 73, §365.17; C75, 77, 79, 81, §400.17]

89 Acts, ch 187, §4; 93 Acts, ch 147, §4, 5; 2009 Acts, ch 111, §5; 2016 Acts, ch 1017, §1; 2017 Acts, ch 2, §56, 64

Subsection 4 amended