

400.27 Jurisdiction — attorney — appeal.

1. *a.* The civil service commission has jurisdiction to hear and determine matters involving the rights of civil service employees under [this chapter](#), and may affirm, modify, or reverse any case on its merits.

b. If the commission determines that the city proved the employee committed the charge as specified, the commission shall determine whether the removal, discharge, demotion, or suspension of the employee was with just cause based upon the totality of the circumstances. For the purposes of [this subsection](#), the commission shall consider factors including the nature of the conduct at issue in the circumstances, the proportionality of the punishment to the conduct at issue, the employee's work history, whether the employee reasonably could comply with the policy or rule in the circumstances and whether the employee's conduct was objectively reasonable in the circumstances, the employee's defenses or justifications, any mitigating or aggravating factors, whether the punishment is reasonably calculated to correct the employee's behavior or conduct, if the punishment is necessary to protect the public interest, whether the city, its employees, or the appointing authority acted in accordance with the law, city policies, department rules, or standard operating procedures, or if the policy failed in the circumstances. The commission shall only consider, order, or impose discipline upon the employee for charges proven by the city.

c. The commission shall reverse the city's decision and dismiss a specific charge with prejudice if the city fails to meet its burden of proof as to that charge.

d. The final decision of the commission shall be based upon a majority vote of the commission, shall be made in writing, and shall include findings of fact and conclusions relied upon, and reasoning or rationale for the decision, separately stated. The commission shall render and serve its final decision upon the parties by certified mail within thirty days of the close of the record or trial unless the parties consent to a later date in writing or on the record. The final decision may be served upon an employee by electronic mail with the consent of the employee.

2. *a.* Except as otherwise provided in [this section](#), the city attorney or solicitor shall be the attorney for the commission or when requested by the commission shall present matters concerning civil service employees to the commission, except the commission may hire a counselor or an attorney on a per diem basis to represent it when in the opinion of the commission there is a conflict of interest between the commission and the city council. The counselor or attorney hired by the commission shall not be the city attorney or solicitor.

b. Upon the filing of a notice of appeal pursuant to [section 400.21](#), a city attorney, assistant city attorney, or solicitor who represents or has represented the commission shall not represent the city or its officers or employees in an appeal pending before the commission unless the employee waives the conflict of interest in writing or on the record. If the commission is required to hire a counselor or attorney that is not a city attorney, assistant city attorney, or solicitor as provided in [this subsection](#), the city shall pay the costs incurred by the commission in employing a counselor or attorney under [this section](#), and the commission shall independently seek and retain such an attorney.

c. A counselor or attorney who represents the commission in an appeal before the commission shall be fair and impartial toward the parties. The counselor or attorney representing the commission may provide advice and counsel to the commission on matters before it and assist the commission with its proceedings and trial as may be necessary or requested.

3. The commission shall provide for the production of evidence and exchange of exhibits in advance of trial. The city shall mark its exhibits with numbers. The employee shall mark its exhibits with letters.

4. The city or any civil service employee shall have a right to appeal to the district court from the final ruling or decision of the civil service commission. The appeal shall be taken within thirty days from the service of the formal decision of the commission. The district court of the county in which the city is located shall have full jurisdiction of the appeal. The scope of review for the appeal shall be a trial de novo.

5. The appeal to the district court shall be perfected by filing a notice of appeal with the

clerk of the district court within the time prescribed in [this section](#) and by serving notice of appeal on the clerk of the civil service commission, from whose ruling or decision the appeal is taken.

6. In the event the ruling or decision appealed from is reversed by the district court, the appellant, if it be an employee, shall then be reinstated as of the date of the said suspension, demotion, or discharge and shall be entitled to compensation from the date of such suspension, demotion, or discharge.

7. In addition to any other remedies and relief, upon application, the district court may award reasonable attorney fees, expert fees, and costs to those employees who are defined as an “officer” under [section 80F.1, subsection 1](#), paragraph “f”, and only when such employee meets any of the following criteria:

- a. The employee is fully reinstated from a termination without discipline imposed.
- b. The employee’s suspension has been reduced by over fifty percent.
- c. The employee’s demotion was reversed.

[SS15, §1056-a32; C24, 27, 31, 35, 39, §5711; C46, 50, 54, 58, 62, 66, 71, 73, §365.27; C75, 77, 79, 81, §400.27]

[86 Acts, ch 1138, §9; 91 Acts, ch 55, §2; 2017 Acts, ch 2, §62, 64; 2017 Acts, ch 54, §76; 2018 Acts, ch 1026, §126; 2025 Acts, ch 82, §10 – 12](#)

Referred to in [§400.18](#)

2025 amendments effective August 16, 2025; 2025 Acts, ch 82, §12

Section amended and editorially internally renumbered