



CHESTER J. CULVER  
GOVERNOR

## OFFICE OF THE GOVERNOR

PATTY JUDGE  
LT. GOVERNOR

May 18, 2009

The Honorable Michael Mauro  
Secretary of State  
State Capitol Building  
LOCAL

Dear Mr. Secretary:

I hereby transmit:

**House File 420**, an Act concerning civil service commissions, disciplinary procedures, and residency requirements for civil service employees.

The above House File is hereby approved this date.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Culver", written over a large, faint circular stamp.

Chester J. Culver  
Governor

CJC:bdj

cc: Secretary of the Senate  
Chief Clerk of the House





HOUSE FILE 420

AN ACT  
CONCERNING CIVIL SERVICE COMMISSIONS, DISCIPLINARY PROCEDURES,  
AND RESIDENCY REQUIREMENTS FOR CIVIL SERVICE EMPLOYEES.

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

Section 1. Section 400.1, subsection 1, Code 2009, is amended to read as follows:

1. In cities having a population of eight thousand or over and having a paid fire department or a paid police department, the mayor, one year after a regular city election, with the approval of the council, shall appoint three civil service commissioners ~~who~~. The mayor shall publish notice of the names of persons selected for appointment no less than thirty days prior to a vote by the city council. Commissioners shall hold office, one until the first Monday in April of the second year, one until the first Monday in April of the third year, and one until the first Monday in April of the fourth year after such appointment, whose successors shall be appointed for a term of four years. In cities having a population of more than seventy thousand, the city council may establish, by ordinance, the number of civil service commissioners at not less than three.

Sec. 2. Section 400.2, Code 2009, is amended to read as follows:

400.2 QUALIFICATIONS -- ~~CONFLICT-OF-INTEREST~~ PROHIBITED CONTRACTS.

1. The commissioners must be citizens of Iowa, eligible electors as defined in chapter 39, and residents of the city preceding their appointment, and shall serve without compensation. A person, while on the commission, shall not

hold or be a candidate for any office of public trust. However, when a human rights commission has been established by a city, the director of the commission shall ex officio be a member, without vote, of the civil service commission.

2. Civil service commissioners, with respect to the city in which they are commissioners, shall not do any of the following:

a. sell ~~Sell~~ to, or in any manner become parties, directly or indirectly, to any contract to furnish supplies, material, or labor to the city ~~in-which-they-are-commissioners-except-as provided-in-section-362-5.~~

b. Have an interest, direct or indirect, in any contract or job of work or material or the profits thereof or services to be furnished or performed for the city.

3. A contract entered into in violation of subsection 2 is void.

4. A violation of ~~this-conflict-of-interest-provision~~ the provisions contained in subsection 2 is a simple misdemeanor.

Sec. 3. Section 400.9, subsection 2, Code 2009, is amended to read as follows:

2. The commission shall establish guidelines for conducting the examinations under subsection 1. It may prepare and administer the examinations or may hire persons with expertise to do so if the commission approves the examinations and if the examinations apply to the position in the city for which the applicant is taking the examination. It may also hire persons with expertise to consult in the preparation of such examinations if the persons so hired are employed to aid personnel of the commission in assuring that a fair examination is conducted. A fair examination shall explore the competence of the applicant in the particular field of examination. The names of persons approved to administer any examination under this section shall be posted in the city hall at least twenty-four hours prior to the examination.

Sec. 4. Section 400.11, unnumbered paragraph 5, Code 2009, is amended to read as follows:

When there is no such preferred list or certified eligible list, or when the eligible list shall be exhausted, the person or body having the appointing power may temporarily fill a newly created office or other vacancy only until an

examination can be held and the names of qualified persons be certified by the commission, and such temporary appointments are hereby limited to ninety days for any one person in the same vacancy, but such limitation shall not apply to persons temporarily acting in positions regularly held by another. A temporary appointment to a position regularly held by another shall, whenever possible, be made according to the certified eligible list. Any person temporarily filling a vacancy in a position of higher grade for twenty days or more, shall receive the salary paid in such higher grade.

Sec. 5. Section 400.17, unnumbered paragraphs 3 and 4, Code 2009, are amended to read as follows:

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 ~~at-the-time~~ within two years of such appointment or the date employment begins and shall remain a resident of the state during the remainder of employment. ~~Cities~~ However, cities may set a reasonable maximum ~~distances~~ distance outside of the corporate limits of the city, or a reasonable maximum travel time, that police officers, fire fighters, and other critical municipal employees may live from their place of employment. Each employee residing outside the state on the date of appointment or on the date employment begins shall take reasonable steps to become a resident of the state as soon as practicable following appointment or beginning of employment.

A person shall not be appointed, denied appointment, promoted, discharged, 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.

Sec. 6. Section 400.18, Code 2009, is amended to read as follows:

400.18 REMOVAL, DEMOTION, OR SUSPENSION.

1. ~~No~~ A person holding civil service rights as provided in this chapter shall not be removed, demoted, or suspended arbitrarily, except as otherwise provided in this chapter, but

may be removed, demoted, or suspended after a hearing by a majority vote of the civil service commission, for neglect of duty, disobedience, misconduct, or failure to properly perform the person's duties.

2. The party alleging neglect of duty, disobedience, misconduct, or failure to properly perform a duty shall have the burden of proof.

3. A person subject to a hearing has the right to be represented by counsel at the person's expense or by the person's authorized collective bargaining representative.

Sec. 7. Section 400.26, Code 2009, is amended to read as follows:

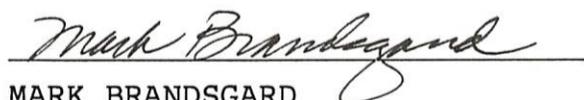
400.26 PUBLIC TRIAL.

The trial of all appeals shall be public, and the parties may be represented by counsel or by the parties' authorized collective bargaining representative.

  
PATRICK J. MURPHY  
Speaker of the House

  
JOHN P. KIBBIE  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 420, Eighty-third General Assembly.

  
MARK BRANDSGARD  
Chief Clerk of the House

Approved May 18<sup>th</sup>, 2009

  
CHESTER J. CULVER  
Governor