

See amended version

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House File 572

By COMMITTEE ON STATE GOVERNMENT
AFFAIRS

Passed House, Date 4-5-67 Passed Senate, Date _____
Vote: Ayes 100 Nays 15 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 the
24 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 state
30 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 agency,
45 the Iowa merit system council and all other such systems shall
46 transfer all their records, property, and other material to
47 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 per diem while
31 engaged in their official duties, the same rate as paid members

32 of the general assembly. They shall be paid their actual and
33 necessary travel and other official expenditures necessitated
34 by their official duties.

35 5. The commission shall elect one (1) of its members as chair-
36 man. It shall meet at such time and place as shall be specified
37 by call of the chairman or the director. At least one (1) meet-
38 ing shall be held bi-monthly. All meetings shall be open to
39 the public. Notice of each meeting shall be given in writing
40 to each member by the director at least three (3) days in advance
41 of the meeting. Two (2) commissioners shall constitute a quorum
42 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 been
44 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 the
48 filing of applications therefor, and may be advertised through
49 the communications media. The director may, however, in his
50 discretion, continue to receive applications and examine candidates
51 for a period adequate to assure a sufficient number of eligibles
52 to meet the needs of the system, and may add the names of successful
53 candidates to existing eligible lists in accordance with their
54 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 practicable
58 and in the best interest of the system and shall be by competitive
59 or noncompetitive examination. Such examinations shall be of
60 the same nature and content as those used in establishing competi-
61 tive registers for the class. A promotion means a change in
62 the status of an employee, from a position in one (1) class
63 to a position in another class having a higher entrance salary.

64 5. For the establishment of eligible lists for appointment
65 and promotion, upon which lists shall be placed the names of
66 successful candidates in the order of their relative excellence

67 in the respective examinations. Eligibility for appointment
68 from any such list shall continue for at least one (1) year
69 and not longer than three (3) years.

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

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

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

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

97 10. For provisional employment without competitive examina-
98 tion when there is no appropriate eligible list available. No
99 such provisional employment shall continue longer than one hun-
100 dred eighty (180) calendar days nor shall successive provisional
101 appointments be allowed, except during the first two (2) years

102 after the effective date of this Act in order to avoid stoppage
103 of orderly conduct of the business of the state.

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

112 12. For reinstatement of persons who have attained permanent
113 status and who resign in good standing or who are laid off from
114 their positions without fault or delinquency on their part,
115 within a period equal to the period of their continuous employment
116 with the state but for a period of not longer than two (2) years.

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

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

136 15. For imposition, as a disciplinary measure, of a suspen-

137 sion from the service without pay for not longer than thirty
138 (30) days.

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

157 17. For establishment of a uniform plan for resolving em-
158 ployee grievances and complaints.

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

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

168 20. Notwithstanding any provisions to the contrary, no rule
169 or regulation shall be adopted by the department which would
170 deprive the state of Iowa, or any of its agencies or institu-

171 tions of federal grants or other forms of financial assistance.

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

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

10 the appointing authority as having given satisfactory service
11 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 the
22 effective date of this Act, shall be permitted to apply for
23 the position held or any other position covered by this Act
24 through the qualifying and examining procedure established under
25 this Act, and may be appointed to such position on a non-competitive
26 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, or non-
15 merit reasons, the employee shall be reinstated to his former
16 position without loss of pay for the period of the suspension.
17 In all other cases the merit employment commission shall have
18 jurisdiction to hear and determine the rights of merit system
19 employees and may affirm, modify, or reverse any case on its
20 merits. The determination of the commission shall be final
21 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.

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

9 No person shall use or promise to use, directly or indirectly,
10 any official authority or influence, whether possessed or antici-
11 pated, to secure or attempt to secure for any person an appoint-
12 ment or advantage in appointment to a position in the merit
13 system, or an increase in pay or other advantage in employment
14 in any such position, for the purpose of influencing the vote
15 or political action of any person or for any consideration.

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

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

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

29 Any officer or employee in the merit system who shall become
30 a candidate for any partisan elective office for remuneration

31 shall commencing thirty (30) days prior to the date of the pri-
32 mary or general election and continuing until such person is
33 eliminated as a candidate, either voluntarily or otherwise,
34 automatically receive leave of absence without pay and during
35 such period shall perform no duties connected with the office
36 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
4 be punished therefor. Any person who is convicted of a misde-
5 meanor under this Act shall, for a period of two (2) years,
6 be ineligible for appointment to or employment in a position
7 in the merit system, and if the person is an officer or employee
8 of the state, 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.

EXPLANATION

This bill establishes a merit system for state employees. It requires present and future state employees to take a qualifying examination for their jobs, and requires passage of future tests for promotions. It eliminates the fear of political hirings and firings for most state jobs. Under the administration of a 3-member Iowa Merit Employment Commission, the employees and the taxpayers are adequately protected by realistic provisions which allow inadequate employees to be discharged, suspended, or transferred to a job they can handle. Because both present and future employees must take examinations, there can be no accusations of any political favoritism.

- 1 Amend House File 572 as follows:
 2 1. Amend section sixteen (16), by striking from line ten (10)
 3 the word "effect" and inserting in lieu thereof the word
 "affect".
 4 2. Amend section twenty-five (25), by striking from lines
 5 (2) and three (3) the words and figures "provisions of section
 6 twenty-five (25), of this Act" and inserting in lieu thereof
 7 the words "employment provisions of this Act,".

Filed - *Adopted 4-4*
 March 30, 1967

FISHER of Greene

- 1 Amend House File 572 as follows:
 2 1. Amend Section 6 by striking in lines ten (10)
 3 and nineteen (19) the words "governor shall appoint"
 4 and inserting in lieu thereof the words "members of
 5 the executive council shall select by a majority vote
 6 of the entire membership".
 7 2. Further amend Section 6 by striking in lines
 8 twenty-four (24) and twenty-seven (27) the word
 9 "governor" and inserting in lieu thereof the words
 10 "executive council".
 11 3. Amend Section 7 by striking in lines five (5)
 12 and sixteen (16) the word "governor" and inserting in
 13 lieu thereof the words "executive council".

Filed - *Adopted 4-4*
 April 3, 1967

Motion to reconsider filed 4-4

Prevailed 4-5

Division 1 - Lost 4-5

Remains 2 and 3 - Adopted 4-5

MOWRY of Marshall.
 SULLIVAN of Woodbury.
 FISCHER of Grundy.
 OSSIAN of Adams-Montgomery.
 HARBOR of Fremont-Mills.
 GITTENS of Pottawattamie
 PIERSON of Mahaska.
 CLARK of Crawford.
 PETERSON of Woodbury.
 KOCH of Woodbury.
 FULLERTON of Woodbury.

- 1 Amend Section 18 line 24 by striking the period
 2 after the word "campaigns" and add the following:
 3 ", while on duty in an official capacity for the
 4 State of Iowa during customary working hours."

Filed - *Lost 4-5⁷²*
 April 3, 1967

TAPSCOTT of Polk.

- 1 Amend House File 572 as follows:
 2 1. Amend section thirteen (13), line eight (8), by striking
 3 the period (.) and inserting in lieu thereof the following:
 4 ", and that funds are available for the payment of the persons."

Filed - *Adopted 4-5*
 April 3, 1967

FISHER of Greene.

- 1 Amend House File 572, Section 20, by striking all of said
 2 section after the period in line four (4).

Filed - *Adopted 4-5*
 April 3, 1967

MILLER of Des Moines.

1 Amend House File 572 as follows:

2 1. In section three (3), by inserting after line twenty-one
3 (21) the following new subsection:

4 "7. Members of the professional staff of the department of
5 public instruction, appointed under the provisions of section
6 two hundred fifty-seven point twenty-four (257.24), who possess
7 a current, valid teacher's certificate or who are assigned to
8 vocational activities or programs."

9 2. By renumbering the remaining subsections of section three (3).

10 3. Further amend section three (3), in line fifty (50), by
11 striking the word "objectiveness" and inserting in lieu thereof
12 the word "objectives".

13 4. In section twenty-two, by inserting a period after the word
14 "department" in line four (4), and by striking the rest of that
15 line and all of lines five (5), six (6), seven (7), eight (8),
16 and line nine (9) through the word "department."

Filed - *Adopted 4-4*
April 3, 1967

FISHER of Greene.
GRASSLEY of Butler.

1 Amend House File 572, Section 3, by striking subsection six,
2 (6) and inserting in lieu thereof the following:

3 "6. All presidents, deans, directors, administrative, profes-
4 and scientific personnel, and student employees under the jurisdic-
5 tion of the state board of regents."

Filed - *Last 4-4 motion to reconsider*
April 3, 1967 *Adopted 4-5*

VAN DRIE of Story.

1 Amend House File 572 by inserting after the word
2 "he" in line 53 of sub-section 11 of Section 3 the
3 words: "subject to the approval of the Commission".

Filed - *Adopted 4-4*
April 3, 1967

MALONEY of Polk.

1 Amend Section 18 line 18 by striking the
2 period after the word "party" and adding the following:
3 ", while on duty in an official capacity for the State
4 of Iowa during customary working hours."

Filed - *Last 4-5*
April 3, 1967

TAPSCOTT of Polk.

1 Amend House File 572, Section 12 lines three (3)
2 and four (4) by striking the words "one (1) year"
3 and inserting in lieu thereof the words "three (3)
4 years".

Filed - *Adopted 4-5*
April 3, 1967

MILLEN of Jefferson-Van Buren.
MOWRY of Marshall.

1 Amend Section 3 subsection 3 by striking in line
2 12 the words "one (1) principal assistant or deputy"
3 and inserting in lieu thereof the words "three (3)
4 principal assistants or deputies".

Filed - *Adopted 572 4-4*
April 3, 1967

TAPSCOTT of Polk.

1 Amend House File 572 as follows:

2 1. In Section six (6), line eight (8), by striking the
3 word "nonpartisan" and inserting in lieu thereof the word
4 "bipartisan".

5 2. In Section nine (9), line forty-eight (48), by striking
6 the word "may" and inserting in lieu thereof the word "shall".

7 3. In Section fourteen (14), line fourteen (14), by in-
8 serting after the comma following the word "origin", the words
9 "sex, age".

10 4. In Section eighteen (18), line five (5), after the word
11 "origin" by striking the period and inserting the words "or sex,
12 or age."

Filed - *Adopted 4-4*
April 3, 1967

YODER of Johnson.

1 Amend House File 572, Section 12, by adding at the end of the
2 first paragraph the following:

3 "Any employee of the state who has held a position for more than
4 one year on the effective date of this Act and is separated
5 from employment because of failure to be recommended by the
6 appointing authority or because of inability to pass an exam-
7 ination shall be allowed to make application for refund of all
8 payments plus interest, at the established rate, made by the em-
9 ployee and the employer to the Iowa Public Employees Retirement
10 System."

Filed - *Lost 4-5*
April 4, 1967

CAFFREY of Polk.

1 Amend House File 572, Section 12 line four (4) by inserting
2 after the word "Act" the following: "or a person with one (1)
3 more longevity". step or

Filed - *Adopted 4-5*
April 4, 1967

FREEMAN of Clay-Dickinson.

1 Amend House File 572 by striking all of subsection 21
2 of Section 9 and inserting in lieu thereof the following:
3 "For veterans preference through a provision that honorably
4 separated veterans who served on active duty in the Armed
5 Forces of the United States in any war, campaign or
6 expedition for which a campaign badge or service medal has
7 been authorized by the government of the United States shall
8 have five (5) points added to the grade or score attained
9 in qualifying examinations for appointment to jobs.

10 Veterans who have a service-connected disability or are
11 receiving compensation, disability benefits or pension under
12 laws administered by the Veterans Administration shall have
13 ten (10) points added to the grades attained in qualifying
14 examinations. A veteran who has been awarded the Purple
15 Heart for disabilities incurred in action shall be
16 considered to have a service-connected disability.

Filed - *Adopted 4-5*
April 4, 1967

HARBOR of Fremont-Mills.

1 Amend the amendment to House File 572 filed April 4 by
2 Mowry of Marshall by inserting in line three (3) after the
3 figure (3) the word "consecutive".

Filed - *Adopted*
April 4, 1967

HARBOR of Fremont-Mills.

- 1 Amend House File 572, section four (4), as follows:
2 1. By striking the word "director" in line fifty-two (52) and
3 substituting in lieu thereof the word "commission".
4 2. By striking the word "intent" in line fifty-three (53) and
5 substituting in lieu thereof the word "objectives".
6 3. By striking the word "he" in line fifty-three (53) and
7 substituting the word "they".

Filed
April 4, 1967

DODERER of Johnson.

- 1 Amend House File 572 as follows:
2 Section 3, subsection 9, by striking the words
3 "and whose condition of employment is approved by the
4 commission" in lines twenty-seven (27) and twenty-eight (28).
5 Section 9, subsection 22, by striking the word
6 "recognition" in line one hundred seventy-five (175) and
7 inserting in lieu thereof the word "acceptance".

Filed
April 4, 1967

KLUEVER of Cass.

- 1 Amend the Van Nostrand amendment to House File 572, filed
2 April 4, 1967 by striking lines fifty-two (52), fifty-three (53)
3 four (54), fifty-five (55) and fifty-six (56). fifty-

Filed and ruled out of order
April 4, 1967

VAN DRIE of Story.

Amend House File 572 as follows:

Section 3, subsection 9, by striking the words "and whose condition of employment is approved by the commission" in lines twenty-seven (27) and twenty-eight (28).

Section 9, subsection 22, by striking the word "recognition" in line one hundred seventy-five (175) and inserting in lieu thereof the word "acceptance".

The amendment was adopted.

Kluever of Cass

- 1 Amend House File 572, Section three (3), by inserting immedi-
ately
2 after line fifty-six (56), the following:
3 "Institutions under the board of control of state institutions
4 shall be authorized to qualify and employ applicants under rules
5 adopted by the commission."

Filed - *Adopted 4-5*
April 4, 1967

DEN HERDER of Sioux.
OSSIAN of Adams-Montgomery.

- 1 House File 572 is hereby amended as follows:
2 Amend section three (3) by adding thereto the following
3 new subsection:
4 "All personnel who are directly concerned with diagnosis,
5 treatment, training, education, and rehabilitation of patients
6 and inmates at institutions under the board of control."

Filed - *Last 4-5*
April 4, 1967

DUFFY of Dubuque.

1 Amend House File 572 Section 12 line twenty-one (21) by
2 striking the words "one (1) year" and inserting in lieu
3 thereof the words "three (3) years".

Filed - *Adopted 4-5*
April 4, 1967

MOWRY of Marshall.

1 Amend House File 572, Section 3 by striking lines forty-eight
2 (48) through fifty-six (56) inclusive.

3
Filed and lost
April 4, 1967

VAN NOSTRAND of Pottawattamie.

1. By striking from line 23 in Section 3, subsection 8, the words "the commission
for the blind and."

Filed and lost 4-4-67

Steffen of Chickasaw

1 Amend the Van Drie amendment to House File 572, filed April
2 3, 1967, by inserting in line three (3) after the word "directors,"
3 word "teachers,". the

Filed and adopted
April 4, 1967

VAN DRIE of Story.

1 Amend the Yoder amendment to House File 572, filed April 3,
2 1967, as follows:
3 1. By striking from line nine (9) the word "sex,".
4 2. By striking from line eleven (11) the words "or sex,".

Filed and lost
April 4, 1967

CAFFERY of Polk.

1 Amend the amendment to House File 572 filed April 3 by
2 Millen of Jefferson-Van Buren and Mowry of Marshall by inserting
3 in line three (3) after the figure "(3)" the word "consecutive".

Filed - *Adopted 4-5*
April 4, 1967

HARBOR of Fremont-Mills.

1 Amend House File 572 as follows:
2 1. Section six (6), subsection two (2) in line ten
3 (10) by adding after the word "appoint" the following:
4 ", with the consent of the majority of the executive
5 council,".
6 2. Further amend said section in line nineteen (19)
7 by adding after the word "appoint" the following:
8 ", with the consent of the majority of the executive
9 council,".

Filed and lost
April 5, 1967

SCHROEDER of Pottawattamie.

1 Amend House File 572, Section 12 line twenty-one (21)
2 by inserting after the word "year" the word "immediately".

Filed and adopted
April 5, 1967

MALONEY of Polk.

1 Amend House File 572 Section 18 by striking lines
2 six (6) through thirty-six (36) and substituting in lieu thereof
3 the following:
4 "No person holding a position in the classified service
5 shall, during his working hours or at any time on state
6 property, take part in any way in soliciting any contribution
7 for any political party or any person seeking political office,
8 nor shall the person engage in any political activity that
9 will impair his efficiency during working hours or cause him
10 to be tardy or absent from his work. The provisions of this
11 section do not preclude any employee from holding any
12 office for which no pay is received or any office for which
13 only token pay is received. A violation of the provisions
14 of this section shall be adequate grounds for dismissal."

Filed and adopted
April 5, 1967

ALLEN of Pottawattamie.

1 Amend House File 572 as follows
2 Amend Section 6, sub-section 1, line two by
3 placing a period (.) after the word Iowa and striking
4 the remainder of line two and all of line three.

Filed and lost
April 5, 1967

SULLIVAN of Woodbury.

1 Amend H.F. 572 Section 18, line 22 by striking
2 all after the word "Please" in line 22 and all of
3 line 23 and 24 and insert in lieu thereof the
4 following:
5 "shall take no active part in the management
6 of a political campaign."

Filed and withdrawn
April 5, 1967

TAPSCOTT of Polk.

1 Amend the Miller of Des Moines Amendment of April 3,
2 1967, by adding the following: and substituting in lieu
3 thereof: ", and shall be punished by a fine of not more
4 than one-hundred (100.00) dollars or by imprisonment
5 in the county jail for not more than thirty (30) days."

Filed and adopted 572
April 5, 1967

MILLER of Des Moines.

1 Amend the Tapscott amendment to House File 572, Section 18,
2 filed April 3, 1967, by inserting a period after the word "Iowa"
3 in
3 line four (4) and striking all thereafter.

Filed and lost
April 5, 1967

BEARDSLEY of Polk.

1 Amend the Van Drie amendment, as amended, filed April 3, 1967,
2 by striking from line three (3) the word "administrative".

Filed and adopted 572
April 5, 1967

MALONEY of Polk.

1 Amend House File 572, Section 12 line four (4) by inserting
2 the word "more" the word "immediately".
after

Filed and adopted
April 5, 1967

MALONEY of Polk.

See Reprint
Governmental Affairs 4-11, Pass 4-11

House File 572

By COMMITTEE ON STATE GOVERNMENT
AFFAIRS
(As Amended and Passed by the House)

Passed House, Date 4-5-67 Passed Senate, Date 4-13-67
Vote: Ayes 100 Nays 15 Vote: Ayes 57 Nays 2
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. Three (3) principal assistants or deputies
13 for each elective
14 official and one (1) stenographer or secretary for each elective
15 official and each principal assistant or deputy thereof.

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

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

19 6. All presidents, deans, directors, teachers, professional
20 and scientific personnel, and student employees under the
21 jurisdiction of the state board of regents.

22 7. Members of the professional staff of the department of
23 public instruction, appointed under the provisions of section
24 two hundred fifty-seven point twenty-four (257.24), who
25 possess a current, valid teacher's certificate or who are
26 assigned to vocational activities or programs.

27 8. Patients or inmates employed in state institutions.

28 9. Persons employed by the commission for the blind and the
29 division of vocational rehabilitation.

30 10. Part-time professional employees who are paid a fee or
31 under contract for service basis and are not engaged in administra-
32 tive duties.

33 11. Officers and enlisted men of the armed services under state
34 jurisdiction.

35 12. All judges and all employees of the courts.

36 Nothing herein shall be construed as precluding the appoint-
37 ing authority from filling any position in the manner in which

38 positions in the merit system are filled.

39 All merit systems now in effect including the present joint
40 merit system in state agencies expending federal funds shall
41 remain in full force and effect so far as it applies to such
42 agencies, until such time as the plan and rules promulgated
43 under the provisions of this Act are approved by the appropriate
44 federal agencies. At that time, such state agencies shall be
45 subject to all provisions of this Act. Any employee who has
46 received appointment under the Iowa merit system shall retain
47 his position or a position of comparable status and pay. At
48 such time as the plan and rules are approved by the federal agency,
49 the Iowa merit system council and all other such systems shall
50 transfer all their records, property, and other material to
51 the Iowa merit employment commission.

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

62 Institutions under the board of control of state institutions
63 shall be authorized to qualify and employ applicants under
64 rules adopted by the commission.

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 bipartisan.

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 executive
council
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 executive council.

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

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

36 5. The commission shall elect one (1) of its members as chair-
37 man. It shall meet at such time and place as shall be specified
38 by call of the chairman or the director. At least one (1) meet-
39 ing shall be held bi-monthly. All meetings shall be open to
40 the public. Notice of each meeting shall be given in writing
41 to each member by the director at least three (3) days in advance
42 of the meeting. Two (2) commissioners shall constitute a quorum
43 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 executive council
6 and the director on problems concern-
7 ing personnel administration.

8 3. Foster the interest of institutions of learning and of

9 industrial, civic, professional, and employee organizations
10 in the improvement of personnel standards in the state merit
11 system.

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

16 5. Make an annual report and special reports and recommenda-
17 tions to the executive council.

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 been
44 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 the
48 filing of applications therefor, and shall be advertised through
49 the communications media. The director may, however, in his
50 discretion, continue to receive applications and examine candidates
51 for a period adequate to assure a sufficient number of eligibles
52 to meet the needs of the system, and may add the names of successful
53 candidates to existing eligible lists in accordance with their
54 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 practicable
58 and in the best interest of the system and shall be by competitive
59 or noncompetitive examination. Such examinations shall be of
60 the same nature and content as those used in establishing competi-
61 tive registers for the class. A promotion means a change in
62 the status of an employee, from a position in one (1) class
63 to a position in another class having a higher entrance salary.

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

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

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

79 8. For a probation period of one (1) year, excluding edu-

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

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

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

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

112 12. For reinstatement of persons who have attained permanent
113 status and who resign in good standing or who are laid off from

114 their positions without fault or delinquency on their part,
115 within a period equal to the period of their continuous employment
116 with the state but for a period of not longer than two (2) years.

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

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

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

139 16. For discharge, suspension, or reduction in rank or grade
140 for any of the following causes: failure to perform assigned
141 duties, inadequacy in performing assigned duties, negligence,
142 inefficiency, incompetence, insubordination, unrehabilitated
143 alcoholism or narcotics addiction, dishonesty, any act or conduct
144 which adversely affects the employee's performance or the agency
145 employing him, and any other good cause for discharge, suspension,
146 or reduction. The person discharged, suspended, or reduced
147 shall be given a written statement of the reasons for his dis-

148 charge, suspension, or reduction within twenty-four (24) hours
149 after the discharge, suspension, or reduction. A copy thereof
150 shall be filed with the director. All persons concerned with
151 the administration of this Act shall use their best efforts
152 to insure that this Act and rules hereunder shall not be a means
153 of protecting or retraining unqualified or unsatisfactory em-
154 ployees, and to cause the discharge, suspension, or reduction
155 in rank of all employees who should be discharged, suspended,
156 or reduced for any of the causes stated in this subsection.

157 17. For establishment of a uniform plan for resolving em-
158 ployee grievances and complaints.

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

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

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

172 21. For veterans preference through a provision that honorably
173 separated veterans who served on active duty in the Armed Forces
174 of the United States in any war, campaign or expedition for which
175 a campaign badge or service medal has been authorized by the
176 government of the United States shall have five (5) points
177 added to the grade or score attained in qualifying examinations
178 for appointment to jobs.

179 Veterans who have a service-connected disability or are
180 receiving compensation, disability benefits or pension under
181 laws administered by the Veterans Administration shall have

182 ten (10) points added to the grades attained in qualifying
183 examinations. A veteran who has been awarded the Purple Heart
184 for disabilities incurred in action shall be considered to have
185 a service-connected disability.

186 22. For acceptance of the qualifications, requirements,
187 regulations, and general provisions established under other
188 sections of the Code pertaining to professional registration,
189 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 other position covered by this Act for three (3)
4 years or more immediately prior to the effective date of the Act
5 or a person with one (1) step or more longevity, shall be
6 given permanent appointment as stated in section nine (9), sub-
7 section eight (8) of this Act, provided that:

8 1. The employee has been certified by the director as having

9 met the minimum qualifications established for the classification
10 of the position held, and the employee has been recommended by
11 the appointing authority as having given satisfactory service
12 during the prior period of employment, or

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

19 An employee holding a position covered by this Act who fails
20 to obtain permanent status by either of the options described
21 in subsections one (1) and two (2) of this section, or who has
22 been employed for a period of less than three (3) consecutive
23 years immediately prior to the
24 effective date of this Act, shall be permitted to apply for
25 the position held or any other position covered by this Act
26 through the qualifying and examining procedure established under
27 this Act, and may be appointed to such position on a non-competitive
28 basis.

29 Nothing herein shall preclude the reclassification or realloca-
30 tion as provided by this Act of any position held by any such
31 incumbent. Appointments made subsequent to the effective date
32 of this Act and prior to establishment of an eligible list shall
33 be subject to the provisions of this Act and the rules of the
34 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, and that funds are

9 available for the payment of the persons.

10 The director may for proper

11 cause withhold certification from an entire payroll or from

12 any specific item or items thereon. The director may, however,

13 provide that certification of payrolls may be made once every

14 six (6) months, and such certification shall remain in effect

15 except in the case of any officer or employee whose status has

16 changed after the last certification of his payroll. In the

17 latter case no voucher for payment of salary to such employee

18 shall be issued or payment of salary made without further certi-

19 fication by the director.

20 Any citizen may maintain a suit to restrain a disbursing

21 officer from making any payment in contravention of any pro-

22 vision of this Act, rule, or order thereunder. Any sum paid

23 contrary to any provision of this Act or any rule, regulation,

24 or order thereunder may be recovered in an action maintained

25 by any citizen, from any officer who made, approved, or author-

26 ized such payment or who signed or countersigned a voucher,

27 payroll, check, or warrant for such payment, or from the sureties

28 on the official bond of any such officer. All moneys recovered

29 in any such action shall be paid into the state treasury.

30 Any person appointed or employed in contravention of any

31 provision of this Act or of any rule, regulation, or order there-

32 under who performs service for which he is not paid, may maintain

33 an action against the officer or officers who purported so to

34 appoint or employ him to recover the agreed pay for such services

35 or the reasonable value thereof if no pay was agreed upon. No

36 officer shall be reimbursed by the state at any time for any

37 sum paid to such person on account of such services.

38 If the director wrongfully withholds certification of the

39 payroll voucher or account of any employee, such employee may

40 maintain a proceeding in the courts to compel the director to

41 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, age
or non-
15 merit reasons, the employee shall be reinstated to his former
16 position without loss of pay for the period of the suspension.
17 In all other cases the merit employment commission shall have
18 jurisdiction to hear and determine the rights of merit system
19 employees and may affirm, modify, or reverse any case on its
20 merits. The determination of the commission shall be final
21 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.

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 or
6 or age. sex,

7 No person holding a position in the classified service
8 shall, during his working hours or at any time on state
9 property, take part in any way in soliciting any contribution
10 for any political party or any person seeking political office,
11 nor shall the person engage in any political activity that will
12 impair his efficiency during working hours or cause him to be
13 tardy or absent from his work. The provisions of this section
14 do not preclude any employee from holding any office for which
15 no pay is received or any office for which only token pay is
16 received. A violation of the provisions of this section shall
17 be adequate grounds for dismissal.

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
4 be punished therefor by a fine of not more than one hundred
5 (100) dollars or by imprisonment in the county jail for
6 not more than thirty (30) days.

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.
5 The department is authorized
6 and directed to accept on behalf of the state any grant or con-
7 tribution, federal or otherwise, made to assist in meeting the
8 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 employment
3 provisions 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.

EXPLANATION

This bill establishes a merit system for state employees. It requires present and future state employees to take a qualifying examination for their jobs, and requires passage of future tests for promotions. It eliminates the fear of political hirings and firings for most state jobs. Under the administration of a 3-member Iowa Merit Employment Commission, the employees and the taxpayers are adequately protected by realistic provisions which allow inadequate employees to be discharged, suspended, or transferred to a job they can handle. Because both present and future employees must take examinations, there can be no accusations of any political favoritism.

1 Amend House File 572 as follows:

2 1. Amend section fourteen (14) as follows:

3 a. By striking from lines twenty (20) and twenty-one (21)
4 the words "The determination of the commission shall be final
5 and conclusive."

6 b. By adding the following words after the word "merits."
7 in line twenty (20): "The employee or the commission may
8 obtain judicial review of the commission's decision by
9 commencing an action in the district court in the county of
10 the employee's residence within thirty (30) days after the
11 commission's decision. The rules of civil procedure shall
12 be applicable, and the district court shall hear and decide
13 the matter de novo.

14 An appeal may be taken to the supreme court as in
15 other cases."

Filed and adopted
April 13, 1967

By GLENN

1 Amend House File 572 by inserting the following new
2 paragraph at the end of Section 18:
3 "The commission may adopt rules further restricting
4 political activities of persons holding positions in the
5 classified service, but only to the extent necessary to
6 comply with federal standards in order that the present
7 Iowa merit system council may be absorbed by the Iowa
8 merit employment department. In any event all employees
9 shall retain the right to vote as they please and to
10 express their opinions on all subjects."

Filed and adopted
April 13, 1967

By STANLEY

1 Amend House File 572 as follows:
2 1. Amend section eighteen (18) by inserting in line eight
3 (8) after the word "hours" the words "or when performing his
4 duties or when using state equipment".
5 2. Further amend section eighteen (18) by striking from
6 line eleven (11) the words "the person" and by inserting in
7 lieu thereof the words "such employee".

Filed and adopted
April 13, 1967

By ELY

1 Amend House File 572 by striking in line 5 (five) of
2 Sec. 12 (twelve) the words "or a person with one (1) step
3 or more longevity,".

Filed and adopted
April 13, 1967

By RIGLER

1 Amend House File 572 by striking from Sec. Six (6), line eight
2 (8) the words "The commission shall be bi-partisan".

Filed and withdrawn
April 13, 1967

By O'MALLEY

1 Amend House File 572 Sec. 9 (nine) by striking sub-
2 section 21 (twenty-one) and inserting in lieu thereof
3 the following:
4 "21. In case of equal status of applicants for employ-
5 ment, a veteran of the armed forces of the United States
6 shall have preference over a nonveteran and a disabled
7 veteran shall have preference over both a veteran and non-
8 veteran."

Filed and lost
April 13, 1967

By RIGLER

1 Amend House File 572 as follows:
2 Amend section 3, subsection 6, line 19,
3 by inserting "administrative," after the word
4 "teachers," and before the word "professional."

Filed and lost
April 13, 1967

By DeHART

1 Amend House File 572 as follows:
2 1. In section six (6), subsection two (2) at line twenty-
3 three (23) strike the words "its approval" and insert in
4 lieu thereof the word "confirmation".

Filed and adopted
April 13, 1967

By MILLS

1 Amend House File 572 Sec. 18 (eighteen) by striking lines
2 7 (seven) through 17 (seventeen) and substituting in lieu
3 thereof the following:

4 "No person shall seek or attempt to use any political en-
5 dorsement in connection with any appointment to a position in
6 the merit system.

7 "No person shall use or promise to use, directly or in-
8 directly, any official authority or influence, whether pos-
9 sessed or anticipated, to secure or attempt to secure for any
10 person an appointment or advantage in appointment to a position
11 in the merit system, or an increase in pay or other advantage
12 in employment in any such position, for the purpose of in-
13 fluencing the vote or political action of any person or for
14 any consideration.

15 "No employee in the merit system shall solicit or take any
16 part in soliciting any assessment, subscription or contribu-
17 tion for any political party.

18 "No employee shall use his official authority or influence
19 for the purpose of interfering with an election or affecting
20 the results thereof. All employees, while retaining the right
21 to vote as they please and to express privately their opinions
22 on all political subjects, shall take no active part in polit-
23 ical management or in political campaigns.

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

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

Filed and lost
April 13, 1967

By RIGLER

1 Amend House File 572, Section 18, by striking all of
2 line 16 after the period and all of line 17 and inserting in
3 lieu thereof the following new paragraphs:

4 "No person shall seek or attempt to use any political
5 endorsement in connection with any appointment to a position
6 in the merit system.

7 "No person shall use or promise to use, directly or
8 indirectly, any official authority or influence, whether
9 possessed or anticipated, to secure or attempt to secure
10 for any person an appointment or advantage in appointment to
11 a position in the merit system, or an increase in pay or
12 other advantage in employment in any such position, for the
13 purpose of influencing the vote or political action of any
14 person or for any consideration.

15 "No employee shall use his official authority or
16 influence for the purpose of interfering with an election or,
17 affecting the results thereof.

18 "Any officer or employee in the merit system who violates
19 any of the provisions of this section shall be subject to
20 suspension, dismissal, or demotion subject to the right of
21 appeal herein."

Filed and adopted
April 13, 1967

By STANLEY

March 29, 1967
Placed on Calendar

House File 572

By COMMITTEE ON STATE GOVERNMENT
AFFAIRS
(As Amended and Passed by the Senate)

Passed House, Date 5-18-67 Passed Senate, Date 4-13-67
Vote: Ayes 102 Nays 12 Vote: Ayes 57 Nays 2

*motion.
To reconsider
filed 5-18-67
Provided 5-19
House concurred
in Senate amendment
5-19-67
88-8*

June 20, 1967

*Passed Senate
as amended by
the House 5-25
49-2*

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
3 existing 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. Three (3) principal assistants or deputies
13 for each elective
14 official and one (1) stenographer or secretary for each elective
15 official and each principal assistant or deputy thereof.
- 16 4. The personal staff of the governor.
- 17 5. All employees under the supervision of the attorney gen-
18 eral or his assistants.
- 19 6. All presidents, deans, directors, teachers, professional
20 and scientific personnel, and student employees under the
21 jurisdiction of the state board of regents.
- 22 7. The superintendent of public instruction and members
23 of the professional staff of the department of
24 public instruction, appointed under the provisions of section
25 two hundred fifty-seven point twenty-four (257.24), who
26 possess a current, valid teacher's certificate or who are
27 assigned to vocational activities or programs.
- 28 8. Patients or inmates employed in state institutions.
- 29 9. Persons employed by the commission for the blind and the
30 division of vocational rehabilitation.
- 31 10. Part-time professional employees who are paid a fee or
32 under contract for service basis and are not engaged in administra-
33 tive duties.
- 34 11. Officers and enlisted men of the armed services under state
35 jurisdiction.
- 36 12. All judges and all employees of the courts.
- 37 13. All physicians, psychiatrists, and heads of

38 institutions under the jurisdiction of the board of control of
39 state institutions or its successor.

40 14. All appointments which are by law made by the governor
41 or executive council; one (1) stenographer or secretary for
42 each; and one (1) principal assistant or deputy for each.

43 15. Any other position or positions excluded by law.

44 Nothing in this section shall authorize the employment of
45 any stenographer, secretary, assistant or deputy not otherwise
46 authorized by law.

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

50 All merit systems now in effect including the present joint
51 merit system in state agencies expending federal funds shall
52 remain in full force and effect so far as it applies to such
53 agencies, until such time as the plan and rules promulgated
54 under the provisions of this Act are approved by the appropriate
55 federal agencies. At that time, such state agencies shall be
56 subject to all provisions of this Act. Any employee who has
57 received appointment under the Iowa merit system shall retain
58 his position or a position of comparable status and pay. At
59 such time as the plan and rules are approved by the federal agency,
60 the Iowa merit system council and all other such systems shall
61 transfer all their records, property, and other material to
62 the Iowa merit employment commission.

63 The state board of regents shall adopt rules and regulations
64 for its employees, which rules and regulations shall not be
65 inconsistent with the objectives of this Act, and which shall
66 be subject to approval of the Iowa merit employment commission.
67 If at any time the director determines that the board of regents
68 merit system does not comply with the intent of this Act, he,
69 subject
70 to the approval of the commission,
71 shall have authority to direct correction thereof and the rules
72 and regulations of the board shall not be in compliance until

73 the corrections are made.

74 Institutions under the board of control of state institutions
75 shall be authorized to qualify and employ applicants under
76 rules adopted by the commission.

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 in its scope and
9 function, it being provided, however, that no more than two
10 (2) members thereof shall be from the same political party.

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

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

30 A copy of the charges and transcript of
31 the record of the hearing shall be filed with the secretary
32 of state.

33 4. Members of the commission shall receive per diem while
34 engaged in their official duties, the same rate as paid members
35 of the general assembly. They shall be paid their actual and
36 necessary travel and other official expenditures necessitated
37 by their official duties.

38 5. The commission shall elect one (1) of its members as chair-
39 man. It shall meet at such time and place as shall be specified
40 by call of the chairman or the director. At least one (1) meet-

41 ing shall be held bi-monthly. All meetings shall be open to
42 the public. Notice of each meeting shall be given in writing
43 to each member by the director at least three (3) days in advance
44 of the meeting. Two (2) commissioners shall constitute a quorum
45 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
6 and the director on problems concern-
7 ing personnel administration.

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

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

16 5. Make an annual report and special reports and recommenda-
17 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 from a schedule by separate depart-
8 ment for each position and type of employment not otherwise
9 provided by law in state government as approved and submitted
10 by the executive council
11 for all positions in the merit system,
12 based upon duties performed and responsibilities assumed, so
13 that the same qualifications may reasonably be required for
14 and the same schedule of pay may be equitably applied to all
15 positions in the same class, in the same geographical area.
16 After such classification has been approved by the commission,
17 the director shall allocate the position of every employee in
18 the merit system to one of the classes in the plan. Any employee
19 or agency officials affected by the allocation of a position
20 to a class shall, after filing with the director a written request
21 for reconsideration thereof in such manner and form as the director
22 may prescribe, be given a reasonable opportunity to be heard
23 thereon by the director. An appeal may be made to the commission
24 or to a qualified classification committee appointed by the
25 commission.

26 2. For a pay plan within the purview of an appropriation made by
27 the general assembly and not otherwise provided by law
28 for all employees in the merit system,
29 after consultation with appointing authorities and after a public
30 hearing held by the commission. Such pay plan shall become
31 effective only after it has been approved by the executive council
32 after submission from the commission. Review of the pay plan
33 for revisions shall be made in the same manner at the discretion
34 of the director, but not less than annually. Each employee

35 shall be paid at one (1) of the rates set forth in the pay plan
36 for the class of position in which employed and, unless otherwise
37 designated by the commission, shall begin employment at the
38 first step of the established range for his class.

39 3. For open competitive examinations to test the relative
40 fitness of new applicants for the respective positions. Such
41 examinations shall be practical in character and shall relate
42 to such matters as will fairly test the ability of the applicant
43 to discharge the duties of the position to which appointment
44 is sought.

45 Where the Code of Iowa establishes certification, registration
46 and licensing provisions, such documents shall be considered
47 prima facie evidence of basic skills accomplishment and such
48 persons shall be exempt from further basic skills testing.

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

61 4. For promotions which shall give appropriate consideration
62 to the applicant's qualifications, record of performance, and
63 conduct. Vacancies shall be filled by promotion whenever practicable
64 and in the best interest of the system and shall be by competitive
65 or noncompetitive examination. Such examinations shall be of
66 the same nature and content as those used in establishing competi-
67 tive registers for the class. A promotion means a change in
68 the status of an employee, from a position in one (1) class
69 to a position in another class having a higher entrance salary.

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

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

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

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

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

103 10. For provisional employment without competitive examina-

104 tion when there is no appropriate eligible list available. No
105 such provisional employment shall continue longer than one hun-
106 dred eighty (180) calendar days nor shall successive provisional
107 appointments be allowed, except during the first two (2) years
108 after the effective date of this Act in order to avoid stoppage
109 of orderly conduct of the business of the state.

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

118 12. For reinstatement of persons who have attained permanent
119 status and who resign in good standing or who are laid off from
120 their positions without fault or delinquency on their part,
121 within a period equal to the period of their continuous employment
122 with the state but for a period of not longer than two (2) years.

123 13. For establishing in cooperation with the appointing
124 authorities a system of service records of all employees in
125 the classified service, which service records shall be considered
126 in determining salary increases provided in the pay plan; as
127 a factor in promotion tests; as a factor in determining the
128 order of layoffs because of lack of funds or work and in rein-
129 statement; as a factor in demotions, discharges or transfers;
130 and for the regular evaluation, at least annually, of the qual-
131 ifications and performance of all employees in the classified
132 service.

133 14. For layoffs by reason of lack of funds or work, or organ-
134 ization, and for reemployment of employees so laid off, giving
135 primary consideration in both layoffs and reemployment to perfor-
136 mance record and secondary consideration to seniority in service.

7 Any employee who has been laid off may keep his name on a pre-

38 ferred employment list for one (1) year, which list shall be
39 exhausted by the agency enforcing the layoff before selection
40 of an employee may be made from the register in his classifica-
41 tion.

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

45 16. For discharge, suspension, or reduction in rank or grade
46 for any of the following causes: failure to perform assigned
47 duties, inadequacy in performing assigned duties, negligence,
48 inefficiency, incompetence, insubordination, unrehabilitated
49 alcoholism or narcotics addiction, dishonesty, any act or conduct
50 which adversely affects the employee's performance or the agency
51 employing him, and any other good cause for discharge, suspension,
52 or reduction. The person discharged, suspended, or reduced
53 shall be given a written statement of the reasons for his dis-
54 charge, suspension, or reduction within twenty-four (24) hours
55 after the discharge, suspension, or reduction. A copy thereof
56 shall be filed with the director. All persons concerned with
57 the administration of this Act shall use their best efforts
58 to insure that this Act and rules hereunder shall not be a means
59 of protecting or retaining unqualified or unsatisfactory em-
60 ployees, and to cause the discharge, suspension, or reduction
61 in rank of all employees who should be discharged, suspended,
62 or reduced for any of the causes stated in this subsection.

63 17. For establishment of a uniform plan for resolving em-
64 ployee grievances and complaints.

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

60 19. For the development and operation of programs to improve
61 the work effectiveness and morale of employees in the merit

172 system, including training, safety, health, welfare, counseling,
173 recreation, and employee relations.

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

178 21. For veterans preference through a provision that honorably
179 separated veterans who served on active duty in the Armed Forces
180 of the United States in any war, campaign or expedition for which
181 a campaign badge or service medal has been authorized by the
182 government of the United States shall have five (5) points
183 added to the grade or score attained in qualifying examinations
184 for appointment to jobs.

185 Veterans who have a service-connected disability or are
186 receiving compensation, disability benefits or pension under
187 laws administered by the Veterans Administration shall have
188 ten (10) points added to the grades attained in qualifying
189 examinations. A veteran who has been awarded the Purple Heart
190 for disabilities incurred in action shall be considered to have
191 a service-connected disability.

192 22. For acceptance of the qualifications, requirements,
193 regulations, and general provisions established under other
194 sections of the Code pertaining to professional registration,
195 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.

10 "The director may, with the approval of the commission, delegate
11 to a person under the merit system in any department, agency, board,
12 commission, or installation thereof, located away from the seat of
13 government the duties herein imposed upon the director."

14 "There shall be in the office of the governor a personnel division
15 under the direction of a supervisor of personnel who shall be
16 by the governor and serve at his pleasure. All appointments to
17 vacancies in state government covered by this Act shall be made as
18 herein provided."

19 "The supervisor of personnel shall prepare a schedule by separate
20 department for each position and type of employment in state
21 not otherwise provided by law and submit it to the executive
22 its approval. Whenever the public interests may require a
23 increase, of employees in any position or type of employment, or
24 creation of or abolishment of any position or type of employment,
25 supervisor of personnel, acting in good faith, shall so notify the
26 Thereafter such position or type of employment shall stand abolished
27 created or the number of employees therein reduced or increased as
28 determined by the supervisor of personnel. Such schedules shall be
29 reviewed at least once each year by the supervisor of personnel and
30 mitted to the executive council for its continuing approval."

31 "All initial applications for employment shall be received by
the
32 supervisor of personnel who shall forthwith file a true copy of
said
33 application with the director. He shall make and promulgate
pursuant
34 to chapter seventeen A (17A), rules and regulations establishing
within
35 the various departments, agencies, boards, and commissions of this
36 state uniform forms for employment applications, personnel records
37 with the approval of the commission, notice of appointment,
promotion,
38 demotion, transfer, separation, and dismissal."

39 "All applicants shall be allowed to review their qualification
test,
40 grade, and evaluation thereof no later than twenty (20) days after
taking
41 such test in the office of the director. Such test, grade, and
evaluation thereof
42 shall not be taken from the director's office by the applicant.
The director
43 shall deliver to the supervisor of personnel all qualification
tests of
44 persons applying for a vacancy in state government selected to
fill such
45 vacancy as herein provided along with the grades and evaluations
thereof.
46 These tests, grades, and evaluations shall remain confidential
and be
47 available only to the director, supervisor of personnel, and the
directors
48 of the various departments, agencies, boards, and commissions
directly
49 concerned."

50 "The test, grade and evaluation thereof, and the employment
51 application of each applicant selected by the commission to fill
a vacancy
52 in any classification shall be forwarded to the head of the
department,
53 agency, board or commission wherein a vacancy exists who, after
con-

54 ducting a personal interview with each applicant selected by the
commission,
55 shall make the final selection and appointment. No appointment
shall
56 become effective until the comptroller has certified that the funds
necessary
57 to pay the salary of the appointee are available in the budget of
the appro-
58 priate department. All tests, grades, and evaluations thereof of
applicants
59 not selected shall be returned to the director by the supervisor
of personnel."

60 "The tests, grades, and evaluations thereof of all persons
appointed
61 to fill a vacancy in state government shall become a part of such
person's
62 personnel record or file. All personnel records shall be kept and
63 maintained in the office of the supervisor of personnel. The
supervisor of
64 personnel may delegate to any department, agency, board, commission
or
65 installation thereof, located away from the seat of government the
duty of
66 receiving employment applications and keeping and maintaining
employment
67 records."

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 other position covered by this Act for two (2)
consecutive
4 years or more immediately prior to the effective date of the Act
5 , shall be
6 given permanent appointment as stated in section nine (9), sub-
7 section eight (8) of this Act, provided that:

8 1. The employee has been certified by the director as having
9 met the minimum qualifications established for the classification
10 of the position held, and the employee has been recommended by
11 the appointing authority as having given satisfactory service

12 during the prior period of employment, or

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

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

29 Nothing herein shall preclude the reclassification or realloca-
30 tion as provided by this Act of any position held by any such
31 incumbent. Appointments made subsequent to the effective date
32 of this Act and prior to establishment of an eligible list shall
33 be subject to the provisions of this Act and the rules of the
34 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, and that funds are
9 available for the payment of the persons.

10 The director may for proper
11 cause withhold certification from an entire payroll or from

12 any specific item or items thereon. The director may, however,
13 provide that certification of payrolls may be made once every
14 six (6) months, and such certification shall remain in effect
15 except in the case of any officer or employee whose status has
16 changed after the last certification of his payroll. In the
17 latter case no voucher for payment of salary to such employee
18 shall be issued or payment of salary made without further certi-
19 fication by the director.

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

30 Any person appointed or employed in contravention of any
31 provision of this Act or of any rule, regulation, or order there-
32 under who performs service for which he is not paid, may maintain
33 an action against the officer or officers who purported so to
34 appoint or employ him to recover the agreed pay for such services
35 or the reasonable value thereof if no pay was agreed upon. No
36 officer shall be reimbursed by the state at any time for any
37 sum paid to such person on account of such services.

38 If the director wrongfully withholds certification of the
39 payroll voucher or account of any employee, such employee may
40 maintain a proceeding in the courts to compel the director to
41 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, age
 or non-
 15 merit reasons, the employee shall be reinstated to his former
 16 position without loss of pay for the period of the suspension.
 17 In all other cases the merit employment commission shall have
 18 jurisdiction to hear and determine the rights of merit system
 19 employees and may affirm, modify, or reverse any case on its
 20 merits. The employee or the commission may obtain judicial
 21 review of the commission's decision by commencing an action
 22 in the district court in the county of the employee's
 23 residence within thirty (30) days after the commission's
 24 decision. The rules of civil procedure shall be applicable,
 25 and the district court shall hear and decide the matter de novo.

26 An appeal may be taken to the supreme court as in other
 27 cases.

1 Sec. 15. The records of each employee, 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. Each employee shall
 7 have access to his personal file.

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 or
6 or age. sex,

7 No person holding a position in the classified service
8 shall, during his working hours or when performing his
9 duties or when using state equipment or at any time on state
10 property, take part in any way in soliciting any contribution
11 for any political party or any person seeking political office,
12 nor shall such employee engage in any political activity that will
13 impair his efficiency during working hours or cause him to be
14 tardy or absent from his work. The provisions of this section
15 do not preclude any employee from holding any office for which
16 no pay is received or any office for which only token pay is
17 received.

18 "No person shall seek or attempt to use any political
endorsement
19 in connection with any appointment to a position in the merit
system.

20 "No person shall use or promise to use, directly or indirectly,
21 any official authority or influence, whether possessed or
anticipated, to
22 secure or attempt to secure for any person an appointment or
advantage
23 in appointment to a position in the merit system, or an increase
in pay or
24 other advantage in employment in any such position, for the
purpose of
25 influencing the vote or political action of any person or for
any considera-
26 tion.

27 "No employee shall use his official authority or influence for
the
28 purpose of interfering with an election or affecting the results
thereof.

29 "Any officer or employee in the merit system who violates any
of
30 the provisions of this section shall be subject to suspension,
dismissal,
31 or demotion subject to the right of appeal herein.

32 "The commission may adopt rules further restricting political
33 activities of persons holding positions in the classified
service, but only
34 to the extent necessary to comply with federal standards in
order that the
35 present Iowa merit system council may be absorbed by the Iowa
merit
36 employment department. In any event all employees shall retain
the right
37 to vote as they please and to express their opinions on all
subjects."

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
4 be punished therefor by a fine of not more than one hundred
5 (100) dollars or by imprisonment in the county jail for
6 not more than thirty (30) days.

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.

5 The department is authorized
6 and directed to accept on behalf of the state any grant or con-
7 tribution, federal or otherwise, made to assist in meeting the
8 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 employment
3 provisions 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.

EXPLANATION

This bill establishes a merit system for state employees. It requires present and future state employees to take a qualifying examination for their jobs, and requires passage of future tests for promotions. It eliminates the fear of political hirings and firings for most state jobs. Under the administration of a 3-member Iowa Merit Employment Commission, the employees and the taxpayers are adequately protected by realistic provisions which allow inadequate employees to be discharged, suspended, or transferred to a job they can handle. Because both present and future employees must take examinations, there can be no accusations of any political favoritism.

1 Amend House File 572 as follows:

2 1. Amend section three (3) as follows:

3 a. By striking in line sixteen (16) the words, "in the
4 office".

5 b. By striking the word, "members" in line twenty-two (22)
6 and by inserting in lieu thereof the words, "the Superintendent
7 of Public Instruction and members".

8 c. By adding the following new subsection thereto:

9 "All physicians, psychiatrists, and heads of institutions,
10 under the jurisdiction of the board of control of state institu-
11 tions or its successor."

12 "All appointments which are by law made by the governor or
13 executive council; one (1) stenographer or secretary for each;
14 and one (1) principal assistant or deputy for each."

15 "Any other position or positions excluded by law."

16 2. Amend section six (6) as follows:

17 a. By striking in line eight (8) the word, "bi-partisan"
18 and by inserting in lieu thereof the word, "non-partisan".

19 b. By striking in line twenty-four (24) the words, "exec-
20 utive council" and by inserting in lieu thereof the word, "gov-
21 ernor".

22 c. By striking in line twenty-seven (27) the words, "exec-
23 utive council" and by inserting in lieu thereof the word, "gov-
24 ernor".

25 3. Amend section seven (7) as follows:

26 a. By striking in line five (5) the words, "executive
27 council" and by inserting in lieu thereof the word, "governor".

28 b. By striking in line seventeen (17) the words, "exec-
29 utive council" and by inserting in lieu thereof the word, "gov-
30 ernor".

31 4. Amend section nine (9) by inserting in line seven (7)
32 after the word, "plan" the words, "from a schedule by separate
33 department for each position and type of employment not other-
34 wise provided by law in state government as approved and sub-
35 mitted by the executive council".

36 5. Amend section twelve (12) as follows:

37 a. By striking in line three (3) the word and figure,
38 "three (3)" and by inserting in lieu thereof the word and figure,
39 "two (2)".

40 6. Amend section fifteen (15) as follows:

41 a. By striking from line one (1) the words, "the depart-
42 ment" and by inserting in lieu thereof the words, "each employee".

43 b. By striking from line six (6) the words, "by the direc-
44 tor".

45 7. By adding the following new sections thereto:

46 "The director may, with the approval of the commission,
47 delegate to a person under the merit system in any department,
48 agency, board, commission, or installation thereof, located
49 away from the seat of government the duties herein imposed upon
50 the director".

51 "There shall be in the office of the governor a personnel
52 division under the direction of a supervisor of personnel who

53 shall be appointed by the governor and serve at his pleasure.

54 All appointments to fill vacancies in state government covered
55 by this Act shall be made as herein provided."

56 "The supervisor of personnel shall prepare a schedule by
57 separate department for each position and type of employment
58 in state government not otherwise provided by law and submit
59 it to the executive council for its approval. Whenever the
60 public interests may require a diminution or increase, of em-
61 ployees in any position or type of employment, or the creation
62 of or abolishment of any position or type of employment, the
63 supervisor of personnel, acting in good faith, shall so notify
64 the commission. Thereafter such position or type of employ-
65 ment shall stand abolished or created or the number of employ-
66 ees therein reduced or increased as determined by the supervisor
67 of personnel. Such schedules shall be reviewed at least once
68 each year by the supervisor of personnel and submitted to the
69 executive council for its continuing approval."

70 "All initial applications for employment shall be received
71 by the supervisor of personnel. He shall make and promulgate
72 pursuant to Chapter seventeen A (17A), rules and regulations
73 establishing within the various departments, agencies, boards,
74 and commissions of this state uniform forms for employment
75 applications, personnel records with the approval of the com-
76 mission, notice of appointment, promotion, demotion, transfer,
77 separation, and dismissal."

78 "All applicants shall be allowed to review their qualifi-
79 cation test, grade, and evaluation thereof no later than
80 twenty (20) days after taking such test in the office of the
81 director. Such test, grade, and evaluation thereof shall not
82 be taken from the director's office by the applicant. The dir-
83 ector shall deliver to the supervisor of personnel all qualifi-
84 cation tests of persons applying for a vacancy in state govern-
85 ment selected to fill such vacancy as herein provided along with
86 the grades and evaluations thereof. These tests, grades, and
87 evaluations shall remain confidential and be available only to
88 the director, supervisor of personnel, and the directors of the
89 various departments, agencies, boards, and commissions directly
90 concerned."

91 "The test, grade, and evaluation thereof, the employment
92 application of each applicant selected by the commission to fill
93 a vacancy in any classification shall be forwarded to the head
94 of the department, agency, board or commission wherein a vacancy
95 exists who, after conducting a personal interview with each
96 applicant selected by the commission, shall make the final
97 selection and appointment. No appointment shall become ef-
98 fective until the comptroller has certified that the funds
99 necessary to pay the salary of the appointee are available
100 in the budget of the appropriate department. All tests, grades,
101 and evaluations thereof of applicants not selected shall be
102 returned to the director by the supervisor of personnel."

103 "The tests, grades, and evaluations thereof of all persons
104 appointed to fill a vacancy in state government shall become
105 a part of such person's personnel record or file. All personnel
106 records shall be kept and maintained in the office of the super-

107 visor of personnel. The supervisor of personnel may delegate
108 to any department, agency, board, commission or installation
109 thereof, located away from the seat of government the duty of
110 receiving employment applications and keeping and maintaining
111 employment records."

1 Amend the Gaudineer et al amendment to House File 572 by in-
serting
2 in line thirty-nine (39) after the figure '(2)' the words,
"Further
3 amend Section twelve (12) by striking from line twenty-two
(22) the
4 word and figure '(3)' and by inserting in lieu thereof the word
5 and figure 'two (2)'.

Filed and adopted
April 13, 1967

By GAUDINEER

1 Amend the Gaudineer amendment to House File 572 by adding the
2 following new section thereto:
3 "By inserting in line twenty-two (22) of Section nine (9)
4 after the word, "plan" the words, "within the purview of an
5 appropriation made by the General Assembly and not otherwise
6 provided by law".

Filed and adopted
April 13, 1967

By GAUDINEER

1 Amend the Gaudineer et al amendment to House File 572 by in-
2 serting in line ninety-one (91) after the word, "thereof",
3 the word, "and".

Filed and adopted
April 13, 1967

By GAUDINEER

1 Amend the Gaudineer et al amendment to House File 572
2 dated April 12, 1967, by striking everything after the
3 word "non-partisan" in line eighteen (18), and inserting
4 in lieu thereof the following: "in its scope and function,
5 it being provided, however, that no more than two (2)
6 members thereof shall be from the same political party."

Filed and adopted
April 13, 1967

By RILEY

1 Amend the Gaudineer, et al amendment filed April 12, 1967
2 by striking lines three (3) and four (4) and inserting in lieu
3 thereof the following:
4 "a. By striking line sixteen (16) and inserting in lieu
5 thereof the following: '4. The personal staff of the governor.'"

Filed and adopted
April 13, 1967

By RIGLER and STANLEY

1 Amend the Gaudineer et al amendment to House File 572
2 dated April 12, 1967, by striking lines thirty-six (36)
3 through thirty-nine (39), and inserting in lieu thereof
4 "5. Strike section twelve (12)"

Filed and lost
April 13, 1967

By RILEY

1 Amend the Gaudineer et al amendment to House File
2 572 filed April 12, 1967, by adding the following
3 after the word "personnel" in line seventy-one (71):
4 "who shall forthwith file a true copy of said
5 application with the director"

Filed and adopted
April 13, 1967

By RILEY and RIGLER

1 House File 572 as amended and passed by the Senate is
2 hereby amended as follows:
3 1. Amend section three (3) as follows:
4 1. By inserting in line twenty-five (25) after the figure
5 "(257.24)" the words "of the Code".
6 2. By inserting in line thirty (30) after the word
7 "rehabilitation" the words "or any successor thereto".
8 3. By inserting in line thirty-one (31) after the word
9 "or" the words "who are".
10 2. Amend section nine (9) as follows:
11 1. By striking from line nine (9) the words "and submitted".
12 2. By inserting after line twenty-five (25) the following
13 new paragraph:
14 "Whenever the public interest may require a diminution or
15 increase of employees in any position or type of employment
16 not otherwise provided by law, or the creation or abolishment
17 of any such position or type of employment, the governor with
18 the approval of the executive council, acting in good faith,
19 shall so notify the commission. Thereafter such position or
20 type of employment shall stand abolished or created and the
21 number of employees therein reduced or increased. Schedules
22 of positions and type of employment not otherwise provided by
23 law shall be reviewed at least once each year by the governor
24 and submitted to the executive council for continuing
25 approval."
26 3. Amend section eleven (11) as follows:
27 1. By inserting in line thirteen (13) after the word
28 "government" the words "any of".
29 2. By striking therefrom lines fourteen (14) through
30 sixty-seven (67). *5-17-67. Amended 5-18-67 Fisher and Grassley*
31 4. Amend section fifteen (15) as follows:
32 1. By striking from line one (1) the words "each employee"
33 and inserting in lieu thereof the words "the department".
34 2. By inserting in line six (6) after the word "prescribed"
35 the words "by the director".
36 3. By inserting in line seven (7) after the word "file."
37 the following sentence:
38 "Any applicant for a position subject to the provisions of
39 this Act shall be permitted to review, in accordance with such
40 regulations as the director may prescribe, any test, grade,
41 or evaluation resulting from the application for employment."
42 5. Amend section sixteen (16) by striking from line ten (10)
43 the word "effect" and inserting in lieu thereof the word
44 "affect".
45 6. Amend section eighteen (18) as follows:
46 1. By striking line thirty-two (32) and inserting in lieu
47 thereof the following:
48 "The commission shall adopt any rules necessary for
49 further restricting political".
50 2. By striking from line thirty-five (35) the word "may"
51 and inserting in lieu thereof the word "shall".
52 3. By adding thereto the following paragraph:
53 "Any officer or employee in the merit system who shall become
54 a candidate for any partisan elective office for remuneration
55 shall commencing thirty (30) days prior to the date of the pri-
56 mary or general election and continuing until such person is
57 eliminated as a candidate, either voluntarily or otherwise,
58 automatically receive leave of absence without pay and during
59 such period shall perform no duties connected with the office
60 or position so held."

1 Amend House File 572 as amended and passed by the senate
2 by striking lines twenty (20) through twenty-seven (27) of
3 section fourteen (14) and inserting the following:
4 "merits. The employee or the state may obtain judicial
5 review of the commission's decision by writ of certiorari as
6 provided by division fourteen (XIV) of the Rules of Civil
7 Procedure."

Filed - *Adopted 5-19*
May 18, 1967

FISHER of Greene.

1 Amend House File 572 by adding to section two (2) a new
2 subsection as follows:
3 "5. Appointing authority means the chairman or person in
4 charge of divisions of the state government including, but
5 not limited to, boards, bureaus, commissions, departments and
6 other divisions or an employee designated to employ persons
7 by such an appointing authority."
8 Also, by inserting in section nine (9), subsection seven
9 (7), line eighty-three (83) after the word "appointment",
10 the words "by the appointing authority".

Filed - *Adopted 5-19*
May 19, 1967

FISHER of Greene.

1 House amendments to Senate amendments and further amend-
2 ments to House File 572.
3 1. The House has concurred in Senate amendments
4 1, 2 and 3.
5 2. The House has amended Senate amendment 4 to
6 Section 9 by striking from line 4 the words "and
7 submitted" and has concurred in said Senate amendment
8 as amended.
9 3. The House has amended the first Senate amend-
10 ment 5 to Section 11 by inserting in line 4 thereof
11 after the word "government" the words "any of"; also
12 by striking all of said amendment following the first
13 paragraph thereof, and the House has concurred in said
14 amendment as amended.
15 4. The House has concurred in the second Senate
16 amendment 5 to Section 12.
17 5. The House has amended the second part of Senate
18 amendment 6 to Section 14 by striking the words inserted
19 after the word "merits" in line 4 thereof and by inserting
20 in lieu thereof the following: "The employee or the
21 state may obtain judicial review of the commission's
22 decision by writ of certiorari as provided by division
23 fourteen (XIV) of the Rules of Civil Procedure.", and
24 the House has concurred in Senate amendment 6 as thus
25 amended.
26 6. The House has amended Senate amendment 7 to
27 Section 15 by striking all of said amendment.
28 7. The House has amended amendment 8 to Section
29 18 by striking from the last paragraph the words "The
30 commission may adopt rules further restricting political"
31 and inserting in lieu thereof "The commission shall
32 adopt any rules necessary for further restricting
33 political"; also by striking the word "may" from line
34 4 of said paragraph and inserting the word "shall" in

35 lieu thereof, and has concurred in said Senate amend-
36 ment as thus amended.

37 8. The House has further amended House File 572
38 as follows:

39 (1) Amend by adding to Section 2 a new subsection
40 as follows:

41 "5. Appointing authority means the chairman or
42 person in charge of divisions of the state government
43 including, but not limited to, boards, bureaus, commission
44 departments and other divisions or an employee designated
45 to employ persons by such an appointing authority."

46 (2) Amend Section 3 as follows:

47 a. By inserting in line twenty-five (25) after the
48 figure "(257.24)" the words "of the Code".

49 b. By inserting in line 30 after the word "rehabilita-
50 tion" the words "or any successor thereto".

51 c. By inserting in line 31 after the word "or"
52 the words "who are".

53 (3) Amend Section 9 as follows:

54 a. By inserting after line 25 the following new
55 paragraph:

56 "Whenever the public interest may require a
57 diminution or increase of employees in any position or
58 type of employment not otherwise provided by law, or
59 the creation or abolishment of any such position or type
60 of employment, the governor with the approval of the
61 executive council, acting in good faith, shall so notify
62 the commission. Thereafter such position or type of
63 employment shall stand abolished or created and the
64 number of employees therein reduced or increased.
65 Schedules of positions and type of employment not other-
66 wise provided by law shall be reviewed at least once
67 each year by the governor and submitted to the executive
68 council for continuing approval."

69 b. By inserting in subsection 7, line 83, after
70 the word "appointment", the words "by the appointing
71 authority".

72 (4) Amend Section 15 by inserting in line 7 after
73 the word "file." the following sentence:

74 "Any applicant for a position subject to the pro-
75 visions of this Act shall be permitted to review, in
76 accordance with such regulations as the director may
77 prescribe, any test, grade, or evaluation resulting from
78 the application for employment."

79 (5) Amend Section 18 by adding thereto the
80 following new paragraph:

81 "Any officer or employee in the merit system who
82 shall become a candidate for any partisan elective office
83 for remuneration shall commencing 30 days prior to the
84 date of the primary or general election and continuing
85 until such person is eliminated as a candidate, either
86 voluntarily or otherwise, automatically receive leave
87 of absence without pay and during such period shall
88 perform no duties connected with the office or position
89 so held."

AS ADOPTED BY THE HOUSE.

Senate concurred 5-25-67

HOUSE CLIP SHEET

Wednesday, April 19, 1967

SENATE AMENDMENT TO HOUSE FILE 572

1 Amend House File 572 as follows:

2 1. Amend section three (3) by striking line sixteen (16) and
3 in lieu thereof the following: "4. The personal staff of the
4 By striking the word "Members" in line twenty-two (22) of sec-
5 and inserting in lieu thereof the words "The superintendent of
6 instruction and members". By adding to section three (3) the
7 new subsections: "12. All physicians, phychiatrists, and heads
8 institutions under the jurisdiction of the board of control of
9 tions or its successor." "13. All appointments which are by
10 the governor or executive council; one (1) stenographer or secre-
11 each; and one (1) principal assistant or deputy for each." "14.
12 position or positions excluded by law." By adding the following
13 paragraph following line thirty-five (35) of section three (3):
14 in this section shall authorize the employment of any stenographer,
15 secretary, assistant or deputy not otherwise authorized by law."
16 2. Amend section six (6) by striking in line eight (8) the word
17 "bipartisan" and inserting in lieu thereof the words "nonpartisan
18 scope and function, it being provided, however, that no more than
19 members thereof shall be from the same political party". By
20 in line twenty-three (23) of section six (6) the words "its
21 inserting in lieu thereof the word "confirmation". By striking
22 twenty-four (24) of section six (6) the words "executive council"
23 inserting in lieu thereof the word "governor". By striking in
24 twenty-seven (27) the words "executive council" and inserting in
25 thereof the word "governor".

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26 3. Amend section seven by striking in line five (5) the words
27 "executive council" and by inserting in lieu thereof the word
"governor".
28 By striking in line seventeen (17) of section seven (7) the words
"executive
29 council" and inserting in lieu thereof the word "governor".

30 4. Amend section nine (9) by inserting in line seven (7) after
the
31 word "plan" the words "from a schedule by separate department for
each
32 position and type of employment not otherwise provided by law in
state
33 government as approved and submitted by the executive council".
By
34 inserting in line twenty-two (22) of section nine (9) after the
word "plan"
35 the words "within the purview of an appropriation made by the
general
36 assembly and not otherwise provided by law".

37 5. Further amend by adding the following new sections at the
end
38 of section eleven (11).

39 "The director may, with the approval of the commission, delegate
40 to a person under the merit system in any department, agency,
board,
41 commission, or installation thereof, located away from the seat of
42 government the duties herein imposed upon the director."

43 "There shall be in the office of the governor a personnel divi-
sion
44 under the direction of a supervisor of personnel who shall be ap-
pointed
45 by the governor and serve at his pleasure. All appointments to
fill
46 vacancies in state government covered by this Act shall be made as
47 herein provided."

48 "The supervisor of personnel shall prepare a schedule by sepa-
rate
49 department for each position and type of employment in state
government
50 not otherwise provided by law and submit it to the executive coun-
cil for
51 its approval. Whenever the public interests may require a dimin-
ution or
52 increase, of employees in any position or type of employment, or
the
53 creation of or abolishment of any position or type of employment,
the
54 supervisor of personnel, acting in good faith, shall so notify
the commission.
55 Thereafter such position or type of employment shall stand
abolished or
56 created or the number of employees therein reduced or increased as

57 determined by the supervisor of personnel. Such schedules shall
58 reviewed at least once each year by the supervisor of personnel ^{be}
59 mitted to the executive council for its continuing approval." ^{and sub-}
60 "A" initial applications for employment shall be received by ^{said}
61 supervisor of personnel who shall forthwith file a true copy of ^{the}
62 application with the director. He shall make and promulgate pur-
63 to chapter seventeen A (17A), rules and regulations establishing ^{said}
64 the various departments, agencies, boards, and commissions of this ^{within}
65 state uniform forms for employment applications, personnel records
66 with the approval of the commission, notice of appointment, promo-
67 demotion, transfer, separation, and dismissal." ^{tion,}
68 "All applicants shall be allowed to review their qualification
69 grade, and evaluation thereof no later than twenty (20) days after ^{test,}
70 such test in the office of the director. Such test, grade, and ^{taking}
71 shall not be taken from the director's office by the applicant. ^{evaluation thereof}
72 shall deliver to the supervisor of personnel all qualification ^{The director}
73 persons applying for a vacancy in state government selected to ^{tests of}
74 vacancy as herein provided along with the grades and evaluations ^{fill such}
75 These tests, grades, and evaluations shall remain confidential ^{thereof.}
76 available only to the director, supervisor of personnel, and the ^{and be}
77 of the various departments, agencies, boards, and commissions ^{directors}
78 concerned." ^{directly}
79 "The test, grade and evaluation thereof, and the employment
80 application of each applicant selected by the commission to fill ^{a vacancy}
81 in any classification shall be forwarded to the head of the de-
82 agency, board or commission wherein a vacancy exists who, after ^{partment,}
83 ducting a personal interview with each applicant selected by the ^{con-}
84 shall make the final selection and appointment. No appointment ^{commission,}
85 become effective until the comptroller has certified that the ^{shall}
funds necessary

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86 to pay the salary of the appointee are available in the budget
87 priate department. All tests, grades, and evaluations thereof
88 not selected shall be returned to the director by the supervisor
89 of personnel."

90 "The tests, grades, and evaluations thereof of all persons ap-
91 pointed
92 to fill a vacancy in state government shall become a part of
93 such person's
94 personnel record or file. All personnel records shall be kept
95 and
96 maintained in the office of the supervisor of personnel. The
97 supervisor of
98 personnel may delegate to any department, agency, board, commis-
99 sion or
100 installation thereof, located away from the seat of government
101 the duty of
102 receiving employment applications and keeping and maintaining
103 employment
104 records."

105 5. Amend section twelve (12) by striking in line three (3) the
106 word
107 and figure "three (3)" and by inserting the word and figure "two
108 (2)". By
109 striking in line five (5) of section twelve (12) the words "or a
110 person with
111 one (1) step or more longevity". By striking in line twenty-two
112 (22) of
113 section twelve (12) the word and figure "three (3)" and inserting
114 in lieu
115 thereof the word and figure "two (2)".

116 6. Amend section fourteen (14) by striking from lines twenty
117 (20)
118 and twenty-one (21) the words "The determination of the commission
119 shall be final and conclusive." By adding the following words
120 after the
121 word "merits." in line twenty (20) of section fourteen (14): "The
122 employee
123 or the commission may obtain judicial review of the commission's
124 decision
125 by commencing an action in the district court in the county of
126 the employee's
127 residence within thirty (30) days after the commission's
128 decision. The
129 rules of civil procedure shall be applicable, and the district
130 court shall
131 hear and decide the matter de novo.

132 An appeal may be taken to the supreme court as in other cases."

133 7. Amend section fifteen (15) by striking from line one (1) the
134 words "the department" and inserting in lieu thereof the words
135 "each

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115 employee". By striking from line six (6) of section fifteen (15)
the words
116 by the director".
117 8. Amend section eighteen (18) by inserting in line eight (8)
after
118 the word "hours" the words "or when performing his duties or when
119 using state equipment. By striking from line eleven (11) of section
eighteen (18) the words "the person" and by inserting in lieu
thereof
120 the words "such employee". By striking all of line 16 of section
eighteen (18)
121 after the period and all of line seventeen (17) and inserting in
lieu thereof
122 the following new paragraphs:
123 "No person shall seek or attempt to use any political endorsement
124 in connection with any appointment to a position in the merit
125 system.
126 "No person shall use or promise to use, directly or indirectly,
127 any official authority or influence, whether possessed or anticipated, to
128 secure or attempt to secure for any person an appointment or advantage
129 in appointment to a position in the merit system, or an increase
in pay or
130 other advantage in employment in any such position, for the purpose of
131 influencing the vote or political action of any person or for any
considera-
132 tion.
133 "No employee shall use his official authority or influence for
the
134 purpose of interfering with an election or affecting the results
thereof.
135 "Any officer or employee in the merit system who violates any of
136 the provisions of this section shall be subject to suspension,
dismissal,
137 or demotion subject to the right of appeal herein.
138 "The commission may adopt rules further restricting political
139 activities of persons holding positions in the classified service,
but only
140 to the extent necessary to comply with federal standards in order
that the
141 present Iowa merit system council may be absorbed by the Iowa merit
142 employment department. In any event all employees shall retain
the right
143 to vote as they please and to express their opinions on all sub-
jects."

Adopted by the Senate

*House concurred
5-18-67*